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NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W.
WASHINGTON 6, D. C.

NATIONAL ASSOCIATION OF BROADCASTERS
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NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON, D. C. Vol. 11, No. 1, January 1, 1943

Broadcast Advertising

RETAIL PROMOTION COMMITTEE PLAN

If you have not already pledged the financial support of your station to the Retail Promotion Committee Plan, be sure to read the letter you received last week from Chairman Paul W. Morency of WTIC. It will bring you up to date on this project—the success of which is now assured.

You will find a list of the stations that have already pledged their support; you will learn more about the purpose of the plan—what it is, who will prepare it and what it is designed to do; you will read, too, in their own words, what outstanding leaders in the broadcasting industry think of the project.

While participation in the Retail Promotion Committee Plan is open to every radio station, the enthusiastic and unanimous endorsement given it by the NAB Board suggests the great desirability of every NAB member station putting the full weight of its support behind the plan.

After you have read this material, fill out your pledge blank and send it to the Retail Promotion Committee at 535 Fifth Avenue, New York, N. Y.

Additional Member of Retail Promotion Committee

John Nell, Retail Specialist of WOR, has accepted appointment to the Retail Promotion Committee, according to an announcement by Chairman Morency in New York.

Promote Esquire Maybe Make Money

Many member stations have forwarded letters from the sales manager of "Esquire" Magazine, offering radio stations the magnanimous opportunity of selling 1943 Varga Girl Desk Calendars on a per-inquiry basis. Imagine "Esquire" accepting advertising on the same basis! That ought to be enough to dissuade any broadcasting station from promoting this item in partly paid-for time.

Liberty Mutual and the "7th Column"

Undoubtedly the current "Smash the 7th Column" campaign for the Liberty Mutual Insurance Company is one of the cleverest and most timely activities of its type that has been launched since the outbreak of the war. About two months ago, Editorial Services of the Institute of Public Relations sent many member stations five-minute transcriptions, dealing with the "7th Column" and containing an integral reference to the Liberty Mutual Insurance Company.

After a careful investigation of the situation and a study of the transcription, we are convinced that this does not differ in any essential respect from numerous other free-time requests.

The theme of the campaign is the copyrighted property of the advertiser. It is being promoted in full-page space in a large list of magazines and has appeared as a paid advertisement in at least 17 daily newspapers.

While the campaign is obviously designed to reduce accidents in industrial plants and the home, it has a very definite and distinctive tie-up with the business of an advertiser.

Let's work together to try to get this campaign on the air on a commercial basis. The theme certainly deserves wider exploitation and what medium is better suited for the purpose than broadcasting.

OWI MEETING

A three-day session was held in Washington, Monday, Tuesday and Wednesday, December 28-30, under the auspices of the Office of War Information. William B. Lewis, Chief of the Radio Bureau of OWI, summoned all regional radio consultants and the various district OWI directors and a full attendance turned out.

Mr. Lewis stated that as a result of the meetings they had gained a much better understanding of the program, as well as the manpower, problems of the radio stations and felt that they are now in a better position to gear their own effort in light of the stations' situation, as well as to be of assistance in the manpower problem.

It was officially stated that the station announcement plan will go into effect on January 18. The plan has been thoroughly tested throughout the month of December in Philadelphia and some of the "kinks" have been ironed out. The station transcription plan is due to become effective on February 1. The delay of the effective date of these plans in no way indicates any lack of interest or enthusiasm on the part of the OWI officials, but is entirely due to a feeling on their part that the later date will enable them to start the plan off more effectively.

NAB joined with CBS and NBC in entertaining the delegates at a cocktail party Monday afternoon at the Washington Hotel. In addition to those attending the meeting, members of the FCC were invited and many, including Chairman James Lawrence Fly, were present.

CIVIL SERVICE COMMISSION THANKS RADIO INDUSTRY

Neville Miller has received the following letter from Harry R. Mitchell, chairman of the Civil Service Commission, thanking radio for its manpower announcements:

"As you know, commencing the first of the year the Office of War Information will issue all Government spot radio notices. This week will see the last of the Manpower Announcements which for nearly two and one-half years we have issued through the generous cooperation of the National Association of Broadcasters.

(Continued on page 2)

NAB Reports
THE NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Lewis H. Avery, *Director of Broadcast Advertising;* Howard Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Arthur C. Stringer, *Director of Promotion.*

CIVIL SERVICE COMMISSION THANKS RADIO INDUSTRY

(Continued from page 1)

"Perhaps it may seem superfluous for me to again express our gratification and thanks for the unprecedented cooperation which your Association has given us during these critical times, but I could not close the record without again expressing to you my own personal appreciation to yourself, to Mr. Stringer, and to your staff. Mr. Stringer has not only been most helpful but has continued throughout the almost two and one-half years of our association to make our contacts most pleasant at all times.

"The problems of these war times necessarily make changes, as will the problems that follow the end of the war. It is highly possible that NAB and the Commission can again cooperate in meeting some of the problems. It is most gratifying to feel that we would again have your friendly help if it becomes necessary. I hope that you will convey to every member of your organization, and to the nonmember stations, through your bulletins, the sincere thanks and appreciation of this Government agency charged with the problem of recruiting and placing Federal personnel where it will be most effective in the war program."

200 MARINES GO HOME VIA RADIO

Credit for an outstanding Christmas broadcast, especially tailored for a station's service area, goes to WROK, Rockford.

Appearing on the 1:30-3:30 p. m. Christmas day broadcast, via transcription, were 200 northern Illinois and southern Wisconsin youths stationed at the U. S. Marine Corps base at San Diego.

Knowing that Christmas furloughs would be out of the question for the detachment, WROK decided, early in December, that the staff should arrange to reunite the young Marines with folks back home.

With the OK from General Manager Walter M. Koessler, Bill Traum, promotion director, went to San Diego. With enthusiastic Marine Corps cooperation all along the line he arranged the Christmas show.

Partners in the undertaking were 326 Rockford business firms. Credits to these firms were given during the two weeks before Christmas in (1) advance announcements (2) listing in double truck ad and (3) individual Christmas greetings. The Christmas program, itself, was entirely void of commercials.

The San Diego Marine Corps Base Band furnished the music. Betty Rhodes, Paramount star, and former Rockford girl, was guest.

According to the Marine Corps the 200 young Leathernecks comprised the largest contingent ever enlisted in one group from a sub-station.

The Rockford *Morning Star*, December 26, commented: "The broadcast offered an equal share of humor and pathos. Every greeting was a drama in itself—a personal message from the Marine to his loved ones—and for a few seconds, it brought 'John,' 'Bill' and 'Charles' across 2,500 miles into the home of relatives and friends."

"FIGHTING DOLLARS" ON PITTSBURGH STATIONS

All Pittsburgh stations combined facilities for the "Victory Fund" broadcast, 7 p. m., December 26. Script, dramatizing how "fighting dollars" saved America in past conflicts, was written by Victoria Corey, KDKA coordinator of war programs, and was produced by Claude Morris.

Walter Sickles, program director, WWSW, and Paul Shannon, KDKA announcer, did narration. Musical portion of the program was provided by Bernie Armstrong's orchestra and singers, Mary Martha Briney and Bob Carter.

ROCKFORD GRADUATES TECHNICIANS

Four ESMWT-NAB classes in the Fundamentals of Radio graduated in Rockford, Ill., during Christmas week.

During the first week of 1943, WROK will assist the University of Illinois Extension Division in recruiting new classes.

Men and women trained in the fundamentals of radio are wanted in large numbers.

TAKE IT TO YOUR SERVICEMAN

To change habits of long standing is a job. One way to do it without resentment is by "infiltration," the process broadcasters are following with their one-a-day announcements telling listeners to bring radio sets needing repairs to the serviceman.

More stations reporting the scheduling of such announcements include:

WELL—Battle Creek; WCHS—Charleston, W. Va.; WHK—Cleveland; WCLE—Cleveland; WCED—Dubois; WDNC—Durham; WBHP—Huntsville; WMOB—Mobile; WROK—Rockford; WMAS—Springfield, Mass.

RECEIVER TUBES

A rule requiring owners of radio sets to turn in their old tubes when they buy new ones is being worked out by the War Production Board and will probably go into effect early in 1943.

Announcement of plans for the new year affecting civilian radio was made by the Radio Division to enable those who might object to voice objections before new rules become effective.

WAGE AND HOUR ACT

The U. S. Circuit Court of Appeals (Eighth Circuit) in *White, etc., v. Witwer Grocer Co.*, decided December 11, considerably broadened the Supreme Court's *Belo* decision. The court upheld an employer's right to reduce an hourly rate to take care of overtime payments, with or without any agreement other than the employee's tacit acceptance by continuing to work. Section 18 of the Wage and Hour Act, the court said, apparently was just a warning to employers that the Act was not designed to reduce hourly rates.

Listener Activities

1. San Francisco Radio Council

   The Planning Committee for the new Radio Council in San Francisco is as follows:

   Joseph Henry Jackson, San Francisco Chronicle
   Marie Weller, Instructor in Radio, San Francisco Jr. College
   Margaret V. Girdner, San Francisco Public Schools
   Mrs. L. P. Boyce, Representing patriotic groups
   Geneve A. Shaffer, Radio Chairman, California Federation of Women's Clubs
   Rabbi Irving Reichert, Temple Emanu-El
   Mrs. George Beanston, Jr., President, San Francisco Parent-Teachers Association

   The Committee met on December 8 to set up a skeleton organization and to select one project for immediate activity. Rabbi Irving Reichert will act as temporary chairman.

2. Wichita Radio Council

   Dr. Forrest Whan of Wichita University is acting chairman of the new Council in Wichita. The proposed constitution and by-laws for the Council have just been received by the Listener Activity Division of NAB.

   The Council has as its purpose the interpretation of the wishes of the listeners to the broadcasters; the interpretation of the problems of the industry to the public; the establishment of a meeting ground for the industry, lay participants in radio, and the listening public in the promotion of good-will and understanding; and the furthering of those local benefits that the radio medium offers.

   One of their first activities will probably be an evaluation project and the issuance of a guide to good listening.

FEDERAL COMMUNICATIONS COMMISSION

FCC RULE AMENDED

The FCC has amended Section 1.366 of its Rules of Practice and Procedure in order to make it apply to special service authorizations for radio stations generally, instead of applying only to standard broadcast stations. The amended Section reads:

"Sec. 1.366 *Special service authorizations.* Special service authority may be issued to the licensee of a radio station for a service other or beyond that authorized in its existing license for a period not exceeding that of its existing license upon proper application therefor,[2] and satisfactory showing in regard to the following, among others:

(a) That the requested operation may not be granted on a regular basis under the existing rules governing the operation of the class of stations to which the applicant station belongs;

(b) That in the event the application is on behalf of a standard broadcast station, that experimental operation is not involved as provided for by Section 3.32 of the Rules and Regulations;

(c) That public interest, convenience, and necessity will be served by granting the authorization requested."

At the same time the Commission adopted an Order designed to extend the normal license period of an international broadcast station. The Order states:

"1. The license term for every international broadcast station, either licensed at this date or licensed hereafter, shall end at the earlier of the following dates:

(a) November 1, 1945, or

(b) The first day after October 31, 1943, on which its operations are not controlled, by agreement or otherwise, by the Office of War Information or the Coordinator of Inter-American Affairs;

"2. The portion of Section 4.3 of the Rules and Regulations, which established for international broadcast stations a normal license term of one year, is hereby suspended until further order of the Commission."

FCC OPERATOR EXAMINATIONS

Examinations for operators' licenses are held regularly at FCC district offices throughout the country. In addition, examination points have been established at convenient cities to expedite the granting of new licenses. The cities and the tentative dates on which examinations will be given for commercial operator licenses of all grades are as follows:

Albuquerque, N. M.—March 26, September 24.
Bangor, Maine—March 20, September 18.
Billings, Mont.—May 13 & 14, November 11 & 12.
Birmingham, Ala.—January 15, April 16, July 16, October 15.
Bismarck, N. D.—April 1 (date to be announced), October (date to be announced).
Boise, Idaho—April 24, October 23.
Butte, Mont.—May 10 & 11, November 8 & 9.
Charleston, W. Va.—3rd week-March, 3rd week-June, 3rd week-September, 3rd week-December.
Cincinnati, Ohio—1st week-February, 1st week-May, 1st week-August, 1st week-November.
Columbus, Ohio—3rd week-January, 3rd week-April, 3rd week-July, 3rd week-October.
Corpus Christi, Texas—June (date to be announced), December (date to be announced).
Cumberland, Md.—April 14, October 14.
Davenport, Iowa—January, April, July, October (dates to be announced).
Des Moines, Iowa—January 8, April 9, July 9, October 8.
Fort Wayne, Ind.—February, May, August, November (dates to be announced).
Fresno, Calif.—March 11, June 15, September 15, December 14.
Grand Rapids, Mich.—1st week-January, 1st week-April, 1st week-July, 1st week-October.
Hartford, Conn.—April 15, October 14.
Hilo, T. H.—January 25, August 17.
Huron, S. D.—March, June, September, December (dates to be announced).
Indianapolis, Ind.—February, May, August, November (dates to be announced).
Jacksonville, Fla.—May 8, November 6.
Kaunakakai, T. H.—August 3.
Lanai City, T. H.—August 4.
Lihue, T. H.—February 8, August 24.
Little Rock, Ark.—January 12, April 13, July 13, October 5.
Memphis, Tenn.—February 23, August 24.
Milwaukee, Wis.—January, April, July, October (dates to be announced).
Mobile, Ala.—May 25, November 18.
Nashville, Tenn.—February 19, May 21, August 20, November 19.
Oklahoma City, Okla.—January 22, April 23, July 23, October 22.
Omaha, Nebr.—April 2, October 1.
Phoenix, Ariz.—April 29, May 1, October 28 & 29.
Pittsburgh, Pa.—February, May, August, November (dates to be announced).
Portland, Me.—March 24, September 22.

"[2] Applications for authorizations to use frequencies assigned to the international broadcast service may be made on an informal basis: formal application must be made for other authorizations."

Reno, Nev.—April 13, October 14.
Roanoke, Va.—April 3, October 2.
Salt Lake City, Utah—March 27 & 28, September 25 & 26.
San Antonio, Texas—February 19, May 21, August 20, November 19.
Schenectady, N. Y.—March 15, June 15, September 15, December 15.
Spokane, Washington—May 6 & 7, November 4 & 5.
St. Louis, Missouri—February 12, May 7, August 13, November 12.
Syracuse, N. Y.—January, April, July, October (dates to be announced).
Wailuku, T. H.—August 5.
Wichita, Kan.—March 19, September 17.
Williamsport, Pa.—May, November (dates to be announced).
Winston-Salem, N. C.—February 6, May 1, August 7, November 6.

Applicants desiring further information regarding examinations should correspond with the nearest FCC district office listed below.

FEDERAL COMMUNICATIONS COMMISSION DISTRICT OFFICES

Atlanta, Georgia—411 Federal Annex
Baltimore, Md.—508 Old Town Bank Bldg.—Gay and Fallsway Streets
Beaumont, Texas—Sub Off. 9—329 Post Office Bldg.—P. O. Box 1527
Boston, Mass.—Customhouse, 7th Floor
Buffalo, New York—328 Federal Building
Chicago, Illinois—246 U. S. Courthouse Bldg.
Cleveland, Ohio—Sub Off. 19—541 Old P. O. Building
Dallas, Texas—500 U. S. Terminal Annex—P. O. Box 5238
Denver, Colorado—504 Customhouse
Detroit, Michigan—New Federal Building
Galveston, Texas—404 Federal Building
Honolulu, T. H.—609 Stangenwald Building
Juneau, Alaska—7-8 Shattuck Building—P. O. Box 1421
Kansas City, Missouri—809 U. S. Courthouse
Los Angeles, Calif.—539 U. S. P. O. & CT. Hse. Bldg.
Miami, Florida—Room 312, Federal Building—P. O. Box 150
New Orleans, La.—308 Customhouse
New York, New York—748 Federal Building—641 Washington Street
Norfolk, Virginia—Room 402, New P. O. Building
Philadelphia, Pennsylvania—Room 1200, Customhouse—2nd & Chestnut Streets
Portland, Oregon—805 Terminal Sales Building
San Diego, Calif.—Sub Off. 11—307 Customhouse & Ct. Hse. Bldg.—Union & F St.
San Francisco, Calif.—328 Customhouse—Washington & Battery Sts.
San Juan, Puerto Rico—322 Federal Building—P. O. Box 2987
Savannah, Ga.—Sub Off. 6—208 Post Office Building—P. O. Box 77
Seattle, Washington—808 Federal Office Building
St. Paul, Minnesota—208 Uptown P. O. & Fed. Cts. Bldg.—5th & Washington Streets
Tampa, Florida—Sub Off. 7—203 Post Office Building

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, January 4. They are subject to change.

Tuesday, January 5

Further Consolidated Hearing

WTNJ—WOAX, Incorporated, Trenton, N. J.—Renewal of license, **1310 kc.**, 500 watts, SH-WCAM and WCAP.

WTNJ—WOAX, Incorporated, Trenton, N. J.—Modification of license, **1310 kc.**, 500 watts, unlimited, request facilities of WCAM and WCAP.

WCAM—City of Camden, Camden, N. J.—Renewal of license, **1310 kc.**, 500 watts, SH-WTNJ and WCAP.

WCAM—City of Camden, Camden, N. J.—Modification of license, **1310 kc.**, 500 watts, SH-WCAP; request facilities of WTNJ.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Renewal of license, **1310 kc.**, 500 watts, SH-WTNJ and WCAM.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Modification of license, **1310 kc.**, 500 watts, SH-WCAM; request facilities of WTNJ.

Wednesday, January 6

KVOE—The Voice of The Orange Empire, Inc., Ltd., Santa Ana, Calif.—C. P., **1480 kc.**, 1 KW, unlimited.

Thursday, January 7

WQBC—Delta Broadcasting Company, Inc., Vicksburg, Miss.—Modification of license, **1470 kc.**, 500 watts night, 1 KW day, unlimited.

Friday, January 8

WLW—The Crosley Corporation, Cincinnati, Ohio.—Modification of license, **700 kc.**, 50 KW night, 500 KW day, unlimited, using W8XO transmitter.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WBAL—The WBAL Broadcasting Co. (assignor), Hearst Radio, Inc. (assignee), Baltimore, Md.—Granted consent to voluntary assignment of license of Station WBAL from The WBAL Broadcasting Co., to Hearst Radio, Inc., the sole stockholder of The WBAL Broadcasting Co. The assignment of license was requested as a step toward simplification of the Hearst Corporate set-up (B1-AL-360).

WATR—The WATR Company, Inc. (assignor), Harold Thomas (assignee), Waterbury, Conn.—Granted consent to voluntary assignment of license of Station WATR from the corporate licensee, The WATR Co., Inc., to Harold Thomas (B1-AL-356).

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted modification (B4-MP-1680) of construction permit (B4-P-2477 as modified) for change in daytime directional antenna pattern and extension of completion date.

DESIGNATED FOR HEARING

KARM—The George Harm Station, Fresno, Calif.—Designated for hearing application (B5-ML-1122) for modification of license to change operating assignment from **1430 kc.** with 5 KW power, unlimited time, using a directional antenna, to **1030 kc.**; and denied application for Special Service Authorization (B5-SSA-43) to operate on **1030 kc.**, using a directional antenna as proposed in above modification of license application.

MISCELLANEOUS

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Granted modification of construction permit as modified, which authorized increase in power, installation of new equipment and directional antenna for day and night use, for extension of completion date from December 11, 1942, to June 11, 1943 (B1-MP-1681).

W9XMB—The Moody Bible Institute of Chicago, Ill.—Granted modification of construction permit as modified, which authorized new ST broadcast station, for extension of completion date from November 16, 1942, to February 16, 1943 (B4-MPST-10).

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Granted modification of construction permit as modified, which authorized installation of new equipment and directional antenna for day and night use, change of frequency, increase in power and move of transmitter, for extension of completion date from December 22, 1942, to March 22, 1943 (B3-MP-1683).

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Further extended temporary license (B2-R-378 and B2-L-1542) from midnight December 31, 1942, to midnight March 31, 1943.

W8XO—The Crosley Corp., Cincinnati, Ohio.—Denied petition for rehearing directed against the Commission's decision and Order of November 30, 1942, denying the application (B2-PEX-38) for construction permit; and dismissed application of corporation for renewal of station license (B2-REX-3).

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted petition for leave to intervene in the hearing on application of WBNY, Buffalo, N. Y., for modification of license.

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Granted petition for leave to intervene in the hearing on application of WQBC for modification of license.

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Granted petition for leave to intervene in the hearing on application of WQBC for modification of license.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted motion for continuance of hearing on modification of license, from January 7 to February 15.

KYA—Palo Alto Radio Station, Inc., San Francisco, Cal.—Granted motion to dismiss without prejudice application (B5-ML-1127) for modification of license to move studio from San Francisco to Palo Alto, Calif.

APPLICATIONS FILED AT FCC

610 Kilocycles

KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Special Service Authorization to make changes in equipment, change frequency from **610 kc.** to **660 kc.**, increase power from 5 KW to 10 KW, for period ending 6-1-44.

640 Kilocycles

WHKC—United Broadcasting Co., Columbus, Ohio.—Construction permit to change frequency from **640 kc.** to **610 kc.**, increase power and hours from 500 watts limited to 1 KW, unlimited, directional antenna night and move. Amended: to make changes in directional antenna system.

930 Kilocycles

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Modification of construction permit (B3-P-3113 as modified for directional antenna night, move and increase power) for extension of completion date from 1-20-43 to 7-20-43.

940 Kilocycles

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—License to cover construction permit (B3-P-3043 as modified for change of frequency, increase in power, directional antenna for day and night and move transmitter.

1240 Kilocycles

WJRM—Allegheny Broadcasting Corp., Elkins, W. Va.—Modification of construction permit (B2-P-3328 as modified for new station) for extension of commencement and completion dates from 12-14-42 and 6-14-43 to 2-14-43 and 8-14-43 respectively.

1400 Kilocycles

WCBI—Birney Imes, Columbus, Miss.—Modification of license to change frequency from **1400 kc.** to **1340 kc.**

1440 Kilocycles

KGNC—Plains Radio Broadcasting Co., Amarillo, Teaxs.—Modification of license to change frequency from **1440 kc.** to **860 kc.** and decrease power from 1 KW night, 5 KW day to 500 watts night, 5 KW day.

1450 Kilocycles

KFMB—Worcester Broadcasting Corp., San Diego, Calif.—Construction permit to make changes in transmitting equipment.

1490 Kilocycles

WOSH—Howard H. Wilson, Oshkosh, Wis.—Authority to determine operating power by direct measurement of antenna power.

TELEVISION APPLICATION

W2XMT—Metropolitan Television, Inc., New York, N. Y.—Modification of construction permit (B1-PVB-40 as modified which authorized new television station) for extension of completion date from 1-1-43 to 3-31-43 and for reduction of power of visual and aural transmitters from 250 watts to 50 watts, and for changes in visual and aural equipment.

MISCELLANEOUS APPLICATION

WENL—The Liberty Life Insurance Company, Area Columbia, S. C.—Modification of license to change name of licensee from The Liberty Life Insurance Company to Surety Life Insurance Company.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission this week issued no complaints.

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Bonat & Bonat, Inc., 395 Fourth Avenue, New York, selling and distributing supplies for use in giving permanent waves consisting of various solutions and pads sold under the names "Padol Machineless Permanent Wave" and "Lifeoil Machine Permanent Wave" and a shampoo designated "Dio Dane No. 100," has stipulated to cease and desist from representing that the Padol Machineless Permanent Wave nourishes the hair or gives the hair a deeper wave; that Lifeoil Machine Permanent Wave pads contain lanoline; or that Dio Dane No. 100 nourishes the hair or is not a soap. (03083)

Lipscomb Grain & Seed Co., Inc., Springfield, Mo., selling and distributing livestock and poultry feeds designated "Lipscomb's 21% Protein Breeder Egg Mash," "Lipscomb's Sungold 36% Protein Hog Supplement," "Lipscomb's Sungold Special Wormer Mash," "Lipscomb's Sungold Egg Mash," and "Lipscomb's Sungold Chick Starter with Worm-X," has stipulated to cease and desist from representing that there has been discovered on the Lipscomb research farm, or added to any of its products, a new or secret ingredient; that Lipscomb's Sungold Special Wormer Mash permits the raising of worm-free chickens; combats tape worms in the lumen of the intestines, or the larvae of worms (except where specifically limited to round worms); is an eggicide; attacks worm eggs in the intestines of fowls or in the walls or lumen of the intestines, or prevents worms; that it is a complete wormer or a complete feed, or that eggs from hens fed on Lipscomb's Sungold Egg Mash contain an increased amount of iodine or that the consumption of such eggs will prevent goiter in man. (03082)

Valligny Products, Inc., 254 West 31st St., New York, selling and distributing a coal tar hair dye product designated "Shampo-Kolor," has stipulated to cease and desist from disseminating any advertisements which fail conspicuously to reveal therein the following: "Caution: This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness." The stipulation provides, however, that such advertisement need contain only the statement: "Caution: Use only as directed on the label," if such label bears the first described caution conspicuously and the accompanying labeling bears adequate directions for such preliminary testing before each application. (03084)

CEASE AND DESIST ORDERS

No cease and desist orders were issued this week by the Commission.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON, D. C. Vol. 11, No. 2, January 8, 1943

PETRILLO PROBE STARTS

James C. Petrillo, president of the American Federation of Musicians, will be the first witness next Tuesday (January 12) when a Senate Interstate Commerce subcommittee starts hearing on Mr. Petrillo's recording ban.

Mr. Clark, chairman of the subcommittee, said that he would seek approval of his bill to bring the musicians' union within the scope of the anti-trust laws to subject it to possible injunctions preventing the enforcement of the prohibition against musicians playing for recorded music.

"If we can't get anywhere with this bill, which I plan to re-offer in the new Congress, then I'll appeal directly to the President," Senator Clark added.

"He has authority to take over plants where production has been halted by strikes. I am sure he has wartime power to curb the power of Petrillo to deny popular music to millions of Americans, including troops at home and abroad.

"So far as I know, Petrillo has not offered any concrete proposal as a compromise to either the broadcasting stations, the record and transcription manufacturers or others involved.

"This matter goes far beyond any labor dispute. Elmer Davis, director of the Office of War Information, told our committee recently that a continuance of the ban would force the closing of many small radio stations essential to our wartime communications.

"He also said, and he spoke for the War and Navy Departments, that the withdrawal of popular music from the radio stations and 'juke boxes' would seriously endanger wartime morale on the home front as well as that of our troops on the battlefront.

"Quite a few stations have already closed or sold out for nominal sums."

COX ASKS FCC INVESTIGATION

Representative Cox (D-Ga.) on Wednesday, opening day of the new session of Congress, introduced a resolution calling for an investigation of FCC. During former Congresses, Mr. Cox has introduced similar resolutions, and while hearings have been held, no further action has been taken on them. The Cox resolution was introduced as follows:

"Resolved, That there is hereby created a select committee to be composed of five Members of the House to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

"The committee is authorized and directed to conduct a study and investigation of the organization, personnel, and activities of the Federal Communications Commission with a view to determining whether or not such Commission in its organization, in the selection of personnel, and in the conduct of its activities, has been, and is, acting in accordance with law and the public interest.

"The committee shall report to the House (or to the Clerk of the House if the House is not in session) at the earliest practicable date during the present Congress the results of its investigations, together with such recommendations as it deems desirable.

"For the purposes of this resolution the committee is authorized to sit and act during the present Congress at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any member designated by him, and may be served by any person designated by such chairman or member."

Discussing his resolution, Mr. Cox said, "I have reintroduced Resolution for House Investigation of the Federal Communications Commission, which, I am confident, will be adopted by the House at some early date.

"The story of the operations of the Commission under the Chairmanship of Mr. Fly will prove shocking. It has almost completely established terroristic control of all media of communications. It maintains a gestappo, the equal of which has never been seen in free government, and has developed the smear business into a fine art. Of all abuse of power by bureaucrats, nothing approaches the record of this Commission."

GAS REGULATIONS AMENDED

An amendment, effective January 2, 1943, to the Mileage Rationing: Gasoline Regulations (Ration Order 5C, Amendment 8) affects broadcasters. Under the amendment, the only employees of radio stations eligible for "preferred mileage" (Class C coupon books) are engineers and technicians for necessary transportation between home or lodgings and a radio broadcasting transmission station or between such station and other permanent facilities for radio broadcasting, for purposes necessary to the operation of such station, but only if such station, because of its power, is located in a rural or suburban area.

The amended Regulation appears as Section 1394.7706 (n).

Section 1394.7706 (o) (2), previously covering "preferred mileage" for broadcasting (See NAB Reports, November 13, 1942, p. 647), has been amended to exclude radio broadcasting.

NAB is seeking relaxation of the regulation to include "preferred mileage" for temporary remotes.

The "rationale" accompanying the amendment, issued by OPA, follows:

"Present Regulations

"Eligibility for Preferred Mileage is provided for a "worker", including an executive, technician or office worker * * * for necessary travel to, from, within or between * * * telephone, telegraph, radio, or communication systems.

"Newspaper facilities are not included in the present provisions, and no ration is allowable for driving to, from,

(Continued on page 8)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Lewis H. Avery, *Director of Broadcast Advertising;* Howard Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Arthur C. Stringer, *Director of Promotion.*

GAS REGULATIONS AMENDED

(Continued from page 7)

within, or between such facilities in excess of 470 miles of occupational driving per month.

Proposed Change

"A distinction is to be made between radio-telephone or radio-telegraph facilities, which are actually communication systems in the same sense as telephone and telegraph systems, and radio broadcasting facilities.

"The present provisions insofar as they allow Preferred Mileage for necessary travel to, from, within or between radio-telephone or radio-telegraph facilities shall be retained.

"Preferred Mileage shall not be allowed with respect to radio broadcasting facilities except for travel between home or lodgings and radio broadcasting transmission station, or between such stations and other permanent facilities for radio broadcasting, by engineers or technicians whose work is essential to the physical operation of the station, and only where the station because of its power, is located in a rural or suburban area. No Preferred Mileage shall be allowed for any travel between a radio broadcasting transmission station and temporary radio broadcasting facilities.

"This change shall be effective upon the issuance of new rations or upon renewal of rations.

Reasons for Change

"It has been claimed by representatives of various newspapers that the present Regulations give an advantage to employees of radio broadcasting facilities as against employees of newspapers. The same considerations governing the exclusion from Preferred Mileage of travel with respect to newspaper establishments should govern the exclusion of travel with respect to radio broadcasting facilities since both perform similar functions.

"A distinction can be made with respect to the necessary travel of engineers and technicians to and from radio broadcasting transmission stations, because of the physical requirements of broadcasting. The Federal Communications Commission has recommended that high-powered transmitters be erected at some distance from cities in order to obtain more effective range of transmission. Approximately one third of all stations are located at distances of between 10 and 15 miles from the center of municipalities. Unless Preferred Mileage is allowed for travel to such transmission stations by engineers and technicians essential to their operation, they will be forced to close.

"Newspaper establishments, on the other hand, are located in municipalities, and their operations can be continued with the mileage allowed in "B" books, without the necessity of granting eligibility for Preferred Mileage."

DEFERMENT MATERIAL COMING

The NAB yesterday sent to all stations by fourth class mail material to help them in securing occupational deferment of radio repairmen. Be on the lookout for it.

Engineering

WPB BATTERY LIMITATIONS

Recent WPB limitations on the manufacture of dry cell "B" batteries, in smaller sizes, brings another wartime problem to many broadcasters. Batteries of this type have been used extensively for the power supply of field amplifiers used for broadcasts originating outside the studios.

Throughout the industry there are many different types of field amplifiers in general use. Some are 100% A.C. operated and others employ 100% dry batteries. Six volt storage batteries are again coming into use as the stocks of dry batteries disappear. Of the recommendations noted here probably no one selection will be applicable for all cases; however, it should be possible to select a supply which will fulfill the requirements of any particular type of portable amplifiers.

The conversion of 100% dry battery portable equipment to 100% A.C. operation is not recommended as this seriously limits the scope of operation. Such conversions also generally require extensive modification of the amplifier circuits and the substitution of heater type tubes.

The following types of power supplies have been recommended for consideration by NBC engineer George McElrath.

1. *100% Dry Battery Operation*—This recommendation presupposes that the number of types of batteries heretofore available may be reduced in number to three, namely: 4FH, #6 cell, and heavy duty "B." Fibre or plywood carrying cases to accommodate the #6 cells and 10308 "B" batteries can be constructed. They should be divided into three separate units to distribute the weight. They can be carried from pickup to pickup or left on the job where recurring programs originate. The two "B" battery cases may be plugged into the "A" case and the "A" and "B" voltages carried by a cord to the amplifier. Standard 3-way straight or twist lock plugs can be used.
2. *Combination Dry Battery and A.C. Operation*—Employ dry batteries for filaments but limit the quantity used by equipping all amplifiers with an A.C. operated plate supply. In this manner, the total number of batteries used will be greatly reduced. This method will not reduce the number of filament batteries; however, the supply of 1½ volt batteries (#6 cell and 4FH) does not appear to be critical at this time, and information received from the manufacturers indicate that there will be an ample supply of single cell batteries available.
3. *Combination Dry Battery (Filament) and Storage Battery Operation (Plate)*—Employ dry batteries for the filament supply and vibrator packs for the B supply. This method has the advantage over the previous recommendation in that it makes possible operation under any and all conditions. The Mallory Type VP551 vibropack, or similar type, with synchronous rectifier external filter and a small 6-volt motorcycle storage battery can be made into a reasonably light weight supply of this type. If difficulty is encountered in securing new parts for this purpose it may be possible to modify the "B" power supply of an automobile receiver for this purpose.
4. *100% Storage Battery Operation with Vibrator*—This type of power supply is applicable only to those amplifiers employing heater tubes. The storage battery used to operate the vibrator for plate supply would also serve as the heater power source for the filaments. If the vibrator interference is objectionable it may be possible to overcome this difficulty through the use of filter circuits or, in extreme cases, the use of separate storage batteries for A and B supply.

NAB Engineering Department invites correspondence from station engineers who have other helpful suggestions or may be experiencing difficulty in solving problems in connection with the modification of field amplifiers.

1000 CYCLE AUTOMATIC ALARM

A simple, yet effective automatic alarm receiver, which sounds an alarm and raises the receiver gain upon receiving a constant 1000 cycle modulated tone is described in the December 1942 issue of *Communications.*

The design and construction is fully outlined by C. H. Topmiller, Chief Engineer of WCKY. Most of the materials required to build the device will be found around the average station.

The use of this alarm should greatly increase the reliability of contact with key stations and eliminate the necessity of monitoring two programs simultaneously.

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RADIO FIXED CAPACITORS

WPB has announced that the exemption from price control of radio fixed capacitors for military use was extended from January 1 to April 1, 1943.

Capacitors, known also as condensers, are essential parts of radio apparatus. Production for military uses has expanded at a rapid rate but the program has not reached the desired point of stability for the purposes of price regulation, OPA announced.

During the additional exemption period it is believed the industry will complete its expansion program and in the meanwhile responsibility over prices of fixed radio capacitors remains with the Army and Navy.

The extension of the exemption from price control was affected through the issuance of Amendment No. 64 to Maximum Price Regulation No. 136 (Machines and Parts and Machinery Services) effective January 1.

PEABODY AWARD MEETING

To make a preliminary digest of this year's entries for the George Foster Peabody Radio Awards, a special University of Georgia faculty committee has been appointed, according to Dean John E. Drewry of the Henry W. Grady School of Journalism, which, in conjunction with the National Association of Broadcasters, administers these awards.

Members of this committee are Tyus Butler, journalism, chairman; Hugh Hodgson, music; Carolyn Vance, radio and speech; L. M. Ballew, drama; B. O. Williams, sociology; and Warren Jones, journalism, clerk.

This committee's report will be considered by the advisory board which makes final selections, and which will meet in New York January 15. The board report is not expected to be ready before March. Members of this board are: Bruce Barton, Advertising, New York; John H. Benson, Advertising, New York; Dr. Ralph Casey, University of Minnesota; Jonathan Daniels, Raleigh *News and Observer;* Mark Ethridge, Louisville *Courier-Journal* and *Times;* Joseph Henry Jackson, San Francisco *Chronicle;* Waldemar Kaempffert, New York *Times;* Alfred A. Knopf, Publisher, New York; Mrs. Beatrice Sawyer Rossell, Chicago; Dr. I. Keith Tyler, Ohio State University; Mrs. Marjorie Peabody Waite, daughter of George Foster Peabody; Edward Weeks, *Atlantic Monthly,* Boston; S. V. Sanford, Chancellor, University System of Georgia; and Earl J. Glade, Chairman, NAB Code Compliance Committee.

FTC ON RADIO ADVERTISING

The Federal Trade Commission in its annual report made public this week, discussing radio advertising, said that in its systematic review of radio advertising, it issues calls to individual stations, generally at the rate of four times yearly for each station. Discussing this further the Commission says:

"National and regional networks respond on a continuous weekly basis, submitting copies of commercial continuities for all programs wherein linked hook-ups are used involving two or more stations. Producers of electrical transcription recordings each month submit typed copies of the commercial portions of all recordings produced by them for radio broadcast. This material is supplemented by periodic reports from individual stations listing the programs of recorded commercial transcriptions and other data.

"During the fiscal year the Commission received copies of 1,053,875 commercial radio broadcast continuities and examined 1,001,450 such continuities. The continuities received amounted to 2,032,417 pages of typewritten script and those examined totaled 1,912,725 pages, consisting of 483,000 pages of network script, 1,416,606 pages of individual station script, and 13,119 pages of script representing the built-in commercial portions of transcription recording productions destined for radio broadcast through distribution of multiple pressings of such recordings to individual stations. An average of 6,230 pages of radio script was read each working day. From this material, 17,925 commercial broadcasts were marked for further study as containing representations that might be false or misleading.

"In general, the Commission has received the cooperation of the three nation-wide network chains, 20 regional network groups, and transcription producers engaged in preparing commercial radio recordings, in addition to that of 841 commercial radio stations, 491 newspaper publishers, and 535 publishers of magazines, farm journals, and trade publications, and has observed a desire on the part of these broadcasters and publishers to aid in the elimination of false and misleading advertising.

"During the fiscal year, 86.5 per cent of the radio and periodical cases resulted from the routine survey of advertising material as described above and 13.5 per cent result from complaints by or information received from other Government agencies, competitors, and other members of the public.

"An analysis of the questioned advertisements. which were assembled by cases and given legal review, discloses that they pertained to 2,638 commodities in the proportions indicated below:

CLASSIFICATION OF PRODUCTS

Commodity	*Per cent*	
Food, drugs, devices, and cosmetics:		
Food (human)	10.6	
Food (animal)	2.9	
Drugs	44.3	
Cosmetics	15.4	
Devices	2.4	
		75.6
Other products:		
Specialty and novelty goods	5.4	
Automobile, radio, refrigerator, and other equipment	1.3	
Home study courses	1.6	
Tobacco products	1.0	
Gasoline and lubricants	.9	
Poultry and livestock supplies and equipment	.2	
Miscellaneous, including apparel, fuels, house furnishings, and building materials	14.0	
		24.4
Total		100.0

"The Commission during the fiscal year sent questionnaires to advertisers in 432 cases and to advertising agencies in 36 cases, and accepted 219 stipulations involving radio and periodical advertising, of which 27 were amended, substitute or supplemental stipulations.

"A total of 451 cases was disposed of by the various methods of procedure. Of this number, 207 cases were considered settled upon receipt of reports showing compliance with previously negotiated stipulations. In 17 cases the Commission waived compliance reports. Of the remaining 227 cases, 208 were closed without prejudice to the right of the Commission to reopen if warranted by the facts: 99 of them for lack of jurisdiction or lack of evidence sufficient to establish a violation of law, 94 because of discontinued business and practices or insufficient public interest, 15 because corrective action by the Post Office Department made further action by the Commission unnecessary, and 19 supplemental investigations were filed without action for various reasons.

"In addition, the Commission in 42 cases directed issuance of complaints, 31 because advertisers failed to stipulate and 11 because of violations of previous stipulations. Field investigations were ordered in 28 cases.

"Seven hundred seventy-nine radio and periodical cases were pending on July 1, 1941, as against 726 on June 30, 1942.

"If it appears to the Commission that a published or broadcast advertisement may be misleading, a questionnaire is sent to the advertiser and request is made for a sample of the product advertised, if this is practicable, and the quantitative formula, if the product is a compound. Copies of all advertisements published or commercial continuities broadcast during a specific period are also requested, together with copies of all booklets, folders, circulars, form letters, and other advertising literature used.

"Upon receipt of these data, the sample and formula are referred to the Medical Advisory Division of the Commission or to an appropriate technical agency of the Government for a scientific opinion. Upon receipt of the opinion, a list of such claims as then appear to be false or misleading is sent to the advertiser, along with pertinent portions of the opinion. The advertiser is extended the privilege of submitting evidence in support of his claims. He may answer by letter or, upon request, may confer with the Radio and Periodical Division in person or through counsel.

"If, after a consideration of all available evidence at hand, including that furnished by the advertiser, the questioned claims appear to be justified, the division reports the matter to the Commission with the recommendation that the case be closed. If it appears from the weight of the evidence that the advertising is false or misleading, the matter is referred to the Commission with recommendation either that complaint issue or that the case be stipulated, provided it is one appropriate for stipulation procedure and the advertiser desires to dispose of it by such voluntary agreement to cease and desist from the use of the acts and practices involved.

"If the Commission so authorizes, a stipulation is prepared and forwarded to the advertiser for execution. Should he object to any of its provisions, he may discuss them by mail or in person. If and when he agrees to the terms of the stipulation and signs and returns it, the matter is again reported to the Commission with recommendation that the stipulation be accepted and the case closed without prejudice to the right of the Commission to reopen the matter at any time the facts so warrant. If the Commission accepts and approves the stipulation, the advertiser is required to submit within 60 days from the date of acceptance a report in writing showing the manner and form in which he is complying with the provisions of his agreement."

MANPOWER PROGRAM

(This resume of the manpower program is presented to you for background. It is a summing up of developments that have been announced previously.)

The overall program for meeting the nation's labor supply program—both on a local and a national level—is now taking definite form after two and a half years of war production.

A many-angled program of supplying the necessary manpower to run the war plants throughout the nation has been undergoing evolutionary change since June 1940, when President Roosevelt set up the National Defense Advisory Council.

Today the various programs of the War Manpower Commission form a pattern which make it possible to see how the problem will be met.

All over the country today, workers and their employers are listening to a new term—job control, or job stabilization—and are wondering how it will affect them. Some have heard it described as "job freezing" and are apprehensive.

Job control, or stabilization, is a new term and a new problem in a nation used to having plenty of workers.

It is a device to enable each war plant and community to make the fullest use of its labor—potential as well as present working force.

It is based upon policies the National Management-Labor Policy Committee of the War Manpower Commission has recommended. It is implemented locally only after thorough consultation with management and labor in area war manpower committees.

In recent months, the United States has streamlined its manpower program to such an extent that now, after a year at war, it has the plans for seeing that every man and every woman is enabled to do the most personally to help win this war. The demands of our war production, added to the demands of our armed forces, have made it necessary to harness the abilities of the American men and women in the most efficient way.

Intensive review of the operation of these plans is now under way by the Management-Labor Committee and the War Manpower Commission. Labor, management and government will confer early in January to study the operations of the first plan which has applied to the lumber and non-ferrous metal mining industries. Detailed plans which will then be announced will be based on solid experience.

Within three months, it is estimated, some plan of manpower control will be in effect in every major industrial community in the United States. There are 270 such areas. War labor shortages have developed in 102 of these and are anticipated soon in 77 more. Only 91 have enough labor to meet current war production schedules, and future war contracts will be channeled to these "labor surplus areas" in larger numbers now under new War Production Board policies.

The purposes of manpower control are:

1. To protect war production from the disruption caused by employers pirating skilled workers from each other or by workers leaving one job to seek the higher wages offered by another, while at the same time providing means by which workers can change jobs if the change will help the war effort.
2. To enable each war plant to make the best use of the workers available and to enable workers to use their highest skills.
3. To stop needless influxes of workers to areas where transportation, housing and health facilities are already taxed to the breaking point.
4. To provide adequate recruiting, training and upgrading programs for workers in every area.

Here is how it works:

The first step in each community would be the appointment of an area director to represent the commission. This director would then organize a committee of recognized leaders of labor and industry in the community. This Area War Manpower Committee would meet and draw up a program for stabilizing employment according to the peculiar local needs.

Such a program will control the transfer of workers from one job to another in the 35 industries or activities which the War Manpower Commission has already designated as essential. There may be exceptions to this. In Louisville, for example, only certain highly skilled workers are stabilized. In some communities, such as Baltimore, the first such area established, the job control covers all occupations in the area. In general, however, the list of 35 industries will be used as the basis for determining the extent of job control.

No worker, under such job control, may transfer from one job to another without the approval of his employer or of the United States Employment Service. This is not, however, a job freeze. Actually, the program encourages workers to change jobs when the change will aid the war effort. Each program provides circumstances under which an employe may transfer. Although each program will be adapted to the local situation, almost all will permit a man to transfer if:

1. The worker is competent to perform higher skilled work than his employer can provide.
2. When the worker is employed for a substantial period for at less than full time.
3. When the distance between the worker's home and his job is unreasonably great and when the prospective new job is much closer or more accessible.
4. When the worker has compelling personal reasons for making the change. Some plans prevent the hiring of workers from outside the areas.

Also, in some plants, as in Detroit, a worker who leaves a plant where he can perform a greater service to the war effort will retain his seniority at his first and regular job.

In most communities where manpower control is now in effect, the employe may get a signed okay from his employer which will be accepted by the new employer to whom he applied for a job, thereby eliminating his going to the USES. Should the employer refuse to grant such a release, a worker may then appeal to the USES if he feels that the employer's action was unfair.

Any disputes as to the application of the program may be appealed to the area manpower committee.

Where agreements stabilizing employment in a community or area have already been worked out by employers without WMC participation or supervision, such agreements will not be recognized by the War Manpower Commission and participants will be told that continuance of such agreements is contrary to war manpower policy.

The WMC employment stabilization, or job control plan, is designed to enable local citizens to work out the manpower controls for each area, in much the same way as local citizens, sitting on Selective Service boards, now direct inductions of all local men into the armed forces.

The WMC area committee—on which both the employe and employer has his representatives—works out a solution to the problems facing the community and provides a place where disagreements can be worked out.

But this job control program is only a phase of an overall program with which the War Manpower Commission intends to get the working force to turn out the munitions which will enable our men at the fronts to crush the enemy.

The commission will make a survey of the number of workers in non-essential industries who possess skills needed by war plants. These workers will be urged to transfer to war work. President Roosevelt has urged employers to keep the seniority right of such employes intact so that after victory has been achieved they may wherever possible return to their former jobs with their former rights, as will those who left to go into the armed forces.

In addition, training courses are available for everyone from the housewife who wants to become a welder to the technician who wants to become a plant manager.

Preemployment training outside of war plants is now being provided free to 160,000 persons throughout the country and 320,000 to 500,000 more should be taking these courses today to meet the labor needs of the war plants. Employers prefer workers with such training, and thousands of those who have completed the courses now are making a greater contribution to the war effort and receiving higher wages. Then, too, more than 6 million workers in 6500 plants are receiving in plant training "on the job."

These training programs will be expanded.

Manning tables have been developed which enable the Government to take inventory of the number and types of workers as well as the number and types of jobs in each plant. This helps to make it possible for each employer to use every worker in such a way that the employe is using his highest skills. It also provides a way of determining what training must be provided to fit workers for jobs that will be available in the future.

These manning tables, and the supplementary replacement schedules, enable the employer and the Selective Service Bureau of the Commission to plan inductions of employes in such a way and at such a rate that production is not disrupted and so that replacements can be adequately trained. They also provide a fair basis for deferring workers.

Once the manning tables are in full effect, industrial specialists—similar to the labor utilization inspectors of England—will make analyses of war plants and report to the WMC area directors whether they are putting the workers to the most efficient use. The WMC plans to hire one or more such specialists in each war industry area.

The Office of Defense Health and Welfare is assisting the states in the promotion of child care and other programs in these areas.

The War Manpower Commission now has authority over the induction of men into the armed forces. This civilian commission has the authority to determine which group of workers are most needed on their jobs and which can best serve at the fighting fronts. It has determined that essential farmers shall remain on the farm so that the nation—and the world—may eat. It has plans to keep students with special aptitudes in college so that the nation may continue to get a supply of doctors, chemists and technicians.

Its program is to get and keep each person in the job where he or she can best serve.

That is the program. The manpower problem is essentially a series of local problems and it is being met on that basis by the local people in a way which gives everyone concerned a voice in the program.

FEDERAL COMMUNICATIONS COMMISSION

GROSS TO NAVY

Gerald C. Gross, Assistant Chief Engineer in charge of the Common Carrier Division since December, 1941, has received a leave of absence for the duration of the war from the Federal Communications Commission to become a Lieutenant Commander in the Navy. He has held a commission in the Naval Reserve since 1932.

CALL LETTER RULE ACTION

The FCC has adopted Section 2.65 relative to the announcement of call letters which reads as follows:

Adopted Section 2.65, relative to the announcement of call letters, which reads as follows:

> "Section 2.65. Station Identification. When not required to identify itself by some other provision or provisions of the Rules and Regulations, every radio station shall identify itself by its regularly designated call letters as follows:
>
> "1. Every station operating in the broadcast service shall transmit its call letters at the beginning and end of each period of operation, and, during operation, at least once every hour.
>
> "2. Every station used for other than broadcast service shall transmit its call letters at the end of each transmission, and at least once every fifteen minutes during an exchange of communications."

The Commission also adopted Sections 4.27 and 4.38 providing for station identification by relay and ST (studio transmitter) broadcast stations, as follows:

> "Section 4.27. Station Identification. Each relay broadcast station shall announce its call letters at the beginning and end of each period of operation, and during operation, at least once every hour it either shall announce its call letters or shall make an announcement which will permit it to be identified.
>
> "Section 4.38. Station Identification. Each ST broadcast station shall announce its call letters at the beginning and end of each period of operation, and during operation, at least once every hour it either shall announce its call letters or shall make an announcement which will permit it to be identified."

918 STATIONS

During the month of November, 1942, the FCC granted no permits for the construction of new stations, and no operating licenses were issued. One station was deleted. A comparative table by month follows:

	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1
Operating	882	887	891	893	897	899	906	906	905	905	907	909	908
Construction	37	36	32	31	27	25	18	19	16	15	12	10	10
	919	923	923	924	924	924	924	925	921	920	919	919	918

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, January 11. They are subject to change.

Monday, January 11

WISH—Capitol Broadcasting Corporation, Indianapolis, Ind.—C. P., **1310 kc.**, 5 KW, unlimited, DA-night.

Consolidated Hearing

WALB—Herald Publishing Company, Albany, Ga.—Renewal of license, **1590 kc.**, 1 KW, DA-night, unlimited.

WALB—Herald Publishing Co. (Assignor), Albany Herald Broadcasting Co. (Assignee), Albany, Ga.—Voluntary assignment of license, Station WALB; **1590 kc.**, 1 KW, DA-night, unlimited.

WALB—Herald Publishing Co., Albany, Ga.—C. P., **1550 kc.**, 1 KW, DA-night, unlimited.

Tuesday, January 12

KMTR—KMTR Radio Corporation, Los Angeles, Calif.—Renewal of license, **570 kc.**, 1 KW, unlimited.

Wednesday, January 13

NEW—Eastern Broadcasting Company, Inc., Long Island, New York—C. P., **1520 kc.**, 1 KW, limited to WKBW, Buffalo, New York.

Thursday, January 14

WBRB—Monmouth Broadcasting Company, Red Bank, N. J.—C. P., **1240 kc.**, 100 watts, SH-WGBB & WFAS.

WBRB—Monmouth Broadcasting Company, Red Bank, N. J.—Renewal of license, **1240 kc.**, 100 watts, SH-WGBB & WFAS.

Friday, January 15

NEW—The Fort Hamilton Broadcasting Co., Hamilton, Ohio—C. P., **1450 kc.**, 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATION GRANTED

W49FW—Westinghouse Radio Stations, Inc., Ft. Wayne, Ind.—Granted license (B4-LH-29) to cover construction permit, in part, for high frequency broadcast station, using temporary antenna.

FINAL ORDER

The Commission has adopted an order making final its Proposed Findings of Fact and Conclusions (B-157) denying the application of West Allis Broadcasting Company, Inc., for a construction permit to establish a new standard broadcast station at West Allis, Wisconsin, to operate on **1480 kc.**, 250 watts, daytime only.

YANKEE NETWORK DECISION

The Commission en banc approved the transfer of control of The Yankee Network, Inc., licensee of four standard broadcast stations, four relay stations, two experimental stations, and two high frequency stations, through the sale of the capital stock of The Winter Street Corporation (which owns 100 per cent control of The Yankee Network), from John Shepard, 3rd, and George R. Blodgett, trustees, to The General Tire and Rubber Company, Akron, Ohio. Commissioners Walker and Durr dissented.

The sum of $1,240,000 will be paid, plus an additional amount to be determined on the date of the transfer equal to 94 per cent of the aggregate net quick assets of the seller over $100,000.

There is also being sold to The General Tire and Rubber Company, as a part of the same transaction, all of the capital stock of The Colonial Network, Inc., which is owned 50 per cent by John Shepard, 3rd, and 50 per cent by his brother, Robert F. Shepard. Colonial is not a licensee of a broadcast station, its income being derived principally from the sale of station time and wired transcription service to subscribers.

In addition to its position of licensee, The Yankee Network, Inc., is engaged in the operation of a network broadcast system employing as outlets the four broadcast stations licensed to it and 17 contract outlets or affiliated stations located in the States of Maine, Massachusetts, Connecticut, New Hampshire and Vermont.

Commissioner Walker set forth the following views in connection with his dissent:

> "The application should be set for hearing. A finding that a transfer shall be in the public interest is mandatory. The application herein does not show on its face, or contain therein, convincing facts that the public interest world be served by the proposed transfer. A public hearing would, therefore, seem advisable.
>
> "The application should, in any event, be set for hearing on the issue of transferring broadcast stations to another industry. The instant application involves not only the control of certain broadcast stations but also of The Yankee Network, Inc.
>
> "Broadcasting is of such public interest and importance that an effort should be made to keep it separate from other businesses. If a transfer of chain broadcasting interests, as herein proposed, may be granted to a tire and rubber company, may it not likewise be granted to a motor company or to a public utility? The precedent having once been established of transferring licenses controlling a network to other interests, where can the line be drawn? Chain broadcasting is of such vital public consequence and public interest that it should be a business in and of itself, and disassociated from any other business."

STATEMENT OF COMMISSIONER DURR

I think the application should be set for hearing.

First, a question of absentee ownership and control is presented. The stations involved in the transfer are all located in New England. The control is now in the hands of people who are residents of New England and familiar with its problems and needs. Transferee is an Ohio corporation with its principal place of business in Akron. Its officers and directors are residents of Ohio with the exception of one who resides in Florida. With the exception of two brokerage houses in New York City, all stockholders owning 1% or more of the outstanding capital stock are residents of Ohio. Nor does the application show that the transferee and those controlling it have a familiarity with or interest in the problems of the New England area. Accordingly, I do not believe that sufficient showing has been made to warrant a finding that the transfer of control would be in the public interest.

Second, the transferee is a large manufacturing concern whose products have a nationwide distribution. By this transfer it will acquire, as an adjunct to its private business operations, a number of broadcasting stations which together serve a major portion of the New England states. With the networks to be acquired as a part of the same transaction, it will have access by radio to virtually the entire New England area.

The issue presented here is not whether interests engaged in other lines of business should be prevented from owning any broadcasting stations, but rather the extent to which they should be permitted to go in the acquisition of such stations. Unless some limitation is imposed, they may embark upon a program of station acquisition which will force their competitors, and even concerns in entirely different lines of business, to follow the same course in order to survive. Such a course would tend to make radio broadcasting an adjunct of private commercial enterprise instead of the independent medium of entertainment and expression which it must be if it is really to serve the public interest. Moreover, the war has greatly accelerated the tendency toward bigness in industrial concerns which has long been under way. Will it be in the public interest to consolidate under a common control the economic power of large business establishments and the power to mold public opinion which is inherent in the operation of broadcasting stations?

These are questions which I believe should be carefully investigated before the application is granted.

MISCELLANEOUS

WFTL—Ralph A. Horton, Fort Lauderdale, Fla.—Granted modification (B3-MP-1682) of construction permit (B3-P-3355) for extension of completion date from 1-5-43 to 3-5-43.

WSBT—The South Bend Tribune, South Bend, Ind.—Granted license (B4-L-1742) to use present licensed auxiliary transmitter as main transmitter. Also granted license (B4-L-1743) to use present licensed main transmitter as auxiliary transmitter.

WAAB—The Yankee Network, Inc., Worcester, Mass.—Granted license (B1-L-1734) to cover construction permit (B1-P-3194) for increase in power to 5 KW, installation of new transmitter and DA for day and night use, and move transmitter and studio; also granted authority to determine operating power by direct measurement (B1-Z-1476).

WTMA—Atlantic Coast Broadcasting Co., Charleston, S. C.—Granted license (B3-L-1668) to cover construction permit (B3-P-2985) to install new transmitter, directional antenna for night use, change frequency to **1250 kc.**, increase power to 1 KW and move transmitter. Also authority to determine operating power by direct measurement (B3-Z-1401).

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Granted license (B3-L-1738) to cover construction permit (B3-P-2966) for change of frequency to **1480 kc.**, increase in power to 5 KW, installation of new equipment and DA for night use, and move of transmitter. Also authority to determine operating power by direct measurement (B3-Z-1480).

KTKN—Edwin A. Kraft, Ketchikan, Alaska.—Granted authority to install new automatic frequency control equipment (B-F-252). Also authority to determine operating power by direct measurement (B-Z-1486).

WGST—Georgia School of Technology, Atlanta, Ga.—Granted authority to determine operating power by direct measurement (B3-Z-1441).

WHAZ—Rensselaer Polytechnic Inst., Troy, N. Y.—Granted authority to determine operating power by direct measurement (B1-Z-1484).

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted modification (B2-MP-1679) of construction permit (B2-MP-1679) for extension of completion date from 12-31-42 to 3-1-43.

WLAB—Larus & Brother Co., Inc., Richmond, Va.—Granted license (B2-LRE-424) to cover construction permit (B2-PRE-418) for new relay station to be used with applicant's standard broadcast station WRVA; frequencies **31,620, 35,260, 37,340, 39,620 kc.**, 30 watts.

WAAD—Ralph A. Horton, Portable-Mobile, Area of Ft. Lauderdale, Fla.—Granted license (B3-LRY-288) to cover construction permit (B3-PRY-259) for new relay broadcast station to be used with applicant's standard station WFTL; **1646, 2090, 2190, 2830 kc.**, 100 watts.

KBTB—Red River Broadcasting Co., Inc., Duluth, Minn.—Granted license (B4-LRY-289) to cover construction permit (B4-PRY-289) which authorized move of transmitter to Front St. and 63rd Ave. West, Duluth.

W6XDU—Don Lee Broadcasting System, Portable-Mobile, Area of Los Angeles.—Granted modification (B5-MPVB-90) of construction permit (B5-PVB-83), for extension of completion date of television relay station from 12-1-42 to 4-1-43.

KBTB—Red River Broadcasting Co., Inc., Duluth, Minn.—Granted renewal of relay broadcast station license for the period ending October 1, 1944.

KGBK—Helen Townsley, Area of Great Bend, Kans.—Present license for relay broadcast station was further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending February 1, 1943.

WAEA—W. A. Patterson, Area of Chattanooga, Tenn.—Present license for relay broadcast station was further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending February 1, 1943.

The Metropolis Co., Ocala, Fla.—Granted motion to dismiss without prejudice application (B3-L-1382) for license to operate on **1490 kc.**, 100 watts, unlimited time; facilities of WTMC.

Bay County Publishers, Inc., Panama City, Fla.—Granted motion to dismiss without prejudice application (B3-L-1383) for license for new station to operate on **1230 kc.**, 100 watts night, 250 watts day; unlimited; facilities of WDLP.

WISH—Capitol Broadcasting Corp., Indianapolis, Ind.—Granted petition to dismiss without prejudice application (B4-P-3496) for construction permit to operate on **1310 kc.**, 5 KW, unlimited, DA-night.

WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted petition to withdraw without prejudice to refiling, and cancellation of hearing on application (B1-P-3337) for construction permit to operate on **1240 kc.**, 100 watts; S-WGBB and WFAS; and application (B1-R-185) for renewal of license.

Gloria Dalton—Granted petition to intervene in the hearing on application of KMTR, Los Angeles, for renewal of license; continued hearing from January 12 to March 1; dismissed without prejudice request for transfer of hearing to Los Angeles.

APPLICATIONS FILED AT FCC

920 Kilocycles

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Modification of construction permit (B2-P-2913 as modified which authorized changes in directional system and increase in power) for extension of completion date from 2-3-43 to 5-4-43.

1140 Kilocycles

KGDM—E. F. Peffer, Stockton, Calif.—Modification of construction permit (B5-P-3199 as modified which authorized change in frequency, hours of operation, increase in power, directional antenna for night use and new transmitter) for extension of completion date from 1-20-43 to 2-20-43.

1240 Kilocycles

KMAC—W. W. McAllister and Howard W. Davis d/b as The Walmac Co., San Antonio, Texas.—Voluntary assignment of license to Howard W. Davis tr/as The Walmac Company.

1340 Kilocycles

WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—Voluntary assignment of license to Glenn D. Roberts, Melva F. Roberts, Wellwood Nesbit, Robert M. La Follette, Jr., Evalyn H. Dolph, Hope D. Pettey, Leo T. Crowley and James E. Markham, co-partners d/b as the Milwaukee Broadcasting Company.

1450 Kilocycles

KVAK—Carl Latenser, Atchison, Kansas.—Voluntary assignment of license from Carl Latenser to S. H. Patterson.

MISCELLANEOUS APPLICATION

KICA—Hugh DeWitt Landis, Clovis, New Mexico.—Authority to determine operating power by direct measurement of antenna power.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Allied News-Photo Service Corp., also trading under the names Allied News Photographic Service, Shelburne Studios, Shelburne Company, Miniature Gallery of New York, and Globe Press-Photo Service, 439 Madison Ave., New York, engaged in making and distributing photographs and "Goldtone Miniatures," are charged in a complaint with misrepresentation. (4884)

Booth Fisheries Corporation, with its principal offices in Chicago, is charged in a complaint with violation of the provisions of the Robinson-Patman Act by discriminating in price among its customers. (4883)

Commonwealth Training Institute, 120 Front St., Worcester, Mass., selling and distributing courses of study and instruction intended for preparing students for examinations for certain Civil Service positions, is charged in a complaint with misrepresentation. (4880)

Loomis Manufacturing Co., 1417 West Jackson Boulevard, Chicago, is charged in a complaint with the use of lottery methods in connection with the sale of cigarette chests. (4879)

Rhode Island Plush Mills, Inc.—Misbranding of textile fabrics, in violation of the Wool Products Labeling Act and the Federal Trade Commission Act, is alleged in a complaint issued against Rhode Island Plush Mills, Inc., Woonsocket, R. I. (4881)

C. H. Stemmons Manufacturing Co., 1024 McGee St., Kansas City, Mo., manufacturing and distributing arch supports designated "AirFlow Arch-Ezurs," is charged in a complaint with misrepresentation. (4882)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Amorskin Corporation, 64 Wall St., New York, selling and distributing a cosmetic preparation designated "Amor Skin" for use on the skin, has stipulated in connection with the advertising of the preparation or any other preparation of substantially the same ingredients, whether sold under such name or any other name, to cease and desist from representing that the preparation will feed or nourish the skin or that its use will improve the structure or tissue of the skin or have any effect upon the contour of the elbows. (3593)

Advance Aluminum Castings Corp., 2742 West 36th Place, Chicago, entered into a stipulation to cease and desist from the use in its advertising and sales promotional literature of certain misrepresentations in connection with the sale of aluminum alloy cooking utensils, including a pressure cooker known as "Minit-maid" and pans, roasters and similar utensils designated "Miracle Maid," all designed for use in the so-called waterless method of cooking. (3588)

Craig Institute, 256 First Avenue North, Minneapolis, Minn., selling courses of instruction by mail designed to prepare students for field service examinations and positions, has stipulated to cease and desist from use of the word "Institute" as part of the trade name under which he carries on his business and from use of such word either alone or in connection with other words so as to convey the belief that the business conducted by him is that of an organization for the promotion of learning, philosophy, the arts or sciences. (3590)

Fenton United Cleaning and Dyeing Co., Inc., 2243 Gilbert Ave., Cincinnati, engaged in the cleaning, dyeing and storing business, has stipulated to cease and desist from use of the words "U. S. Approved Storage" or from representing directly or inferentially that either its storage facilities or its method of storage has received approval, endorsement or recommendation of the United States Government, or any agency or department thereof. (3586)

Free State Oil Co. and Bernard J. Rogers, trading as Free State Oil Co., 2100 West Baltimore Ave., Baltimore, selling and distributing motor lubricating oils, have entered into a stipulation in which they agree to cease and desist from the use of the hyphenated word "Pen-Pep" as part of the trade or brand name under which to sell motor lubricating oils that are not composed of Pennsylvania oil and from use of the word "Pen," or any abbreviation of the word "Pennsylvania," whether alone or in connection with other words, so as to convey the belief that the product referred to is composed of Pennsylvania oil, when in fact it contains oil other than Pennsylvania oil; from use of the phrase "2000 Mile Oil" to designate a motor lubricant which would not, in fact, efficiently lubricate a motor throughout the indicated mileage or any other phrase as purportedly indicative of the mileage competency of a motor lubricating oil; and from failing to clearly and unequivocally disclose the fact that each of the aforesaid brands of lubricating oils is composed of or contain, as the case may be, used or reclaimed oil, in all invoices and on the printed and advertising matter, sales promotional descriptions or representations thereof, however disseminated or published. (3584)

Gerson Bedding Co., 40 Warren St., Lowell, Mass., manufacturing and selling mattresses and studio couches, has stipulated to cease and desist from use of the word "doctor" or the abbreviation "Dr." either alone or in connection with a name so as to convey the belief that its products have been made in accordance with the design or under the supervision of a medical practitioner or that the products contain special scientific or health measures which are the result of medical determination or the services of a doctor of medicine; provided, however, if the name "Dr. Coleman" is used in connection with the marking, branding, or labeling of mattresses made in accordance with the directions of or under the supervision of the named person, it shall be immediately accompanied by some other word or words such as "Osteopath," "Osteopathic Physician," or "Doctor of Osteopathy" so as to clearly indicate that the named person is other than a medical practitioner; and from use of the word "health" either alone or in connection with any other words as descriptive of mattresses so as to convey the belief that the products have therapeutic qualities which would be of value in connection with the cure or prevention of diseases or that they are of such nature as would guarantee or assure health to or the maintenance of health by their users. (3587)

Halex Co., Sappington, Mo., selling a medicinal preparation designated "Halex," has stipulated to cease representing that the preparation is of value for hay fever, asthma, catarrh, migraine, sinusitis, toothache, cold sores, drowsiness, fainting spells, lung colds, influenza or sore throat; or that prospective agents, salesmen, distributors or other representatives can make profits or earnings within a specified period of time which are in excess of the average net profits or earnings which have heretofore customarily been made in like periods of time by his active full-time agents, salesmen, distributors, dealers or other representatives in the ordinary and usual course of business and under normal conditions and circumstances. (03085)

Inter-Communication System of America, Inc., and Milton Meyer and Joseph Meyer, trading as Monarch Products Co., 2249 South Calumet Ave., Chicago, selling and distributing intercommunicative systems designated "Flash-A-Call," have stipulated to cease and desist from use of the word "free" or other term or expression of like meaning to describe or refer to products which are not given as a gratuity, and the recipient is required either to pay the purchase price or purchase some other article or to render some service to obtain the same; representing by use of the words "New Invention," "Utterly new product" or other words of like meaning that such products are representative of some new invention or are innovations that have not been heretofore used; representing that the products are non-competitive or that no competition will be encountered in their sale, that no selling effort is required in order to effect sales; that 99 out of 100 persons contacted or any specified number of persons can be depended upon to purchase the products, or that exclusive sales territory is allotted to agents or sales representatives; representing by means of statements such as "Men earning high as $150 week," or in any manner, that sales representatives generally engaged in the sale of such products earn $150 per week or any amount in excess of their actual earnings; or representing as earnings or profits which may be made during any specified period of time from the sale of the products any amounts in excess of the usual and customary amounts which actually have been earned by sales representatives generally, under usual and normal conditions. (3591)

Moffett Studio, Inc., 30 South Michigan Ave., Chicago, and Sidney M. Barton, who through due legal process has had his name changed from Seymour M. Blaufarb to Sidney M. Barton, trading as Continental Galleries, 250 East 43rd St., New York, both selling and distributing photographs, have stipulated to cease and desist from representing that any miniature or photograph not actually prepared for and displayed at an exhibit has been prepared for exhibition purposes or displayed at an exhibition, and from use of the phrase "the extremely low price of $12.50" or any other words of similar implication in connection with the sale of "Gold Tone Miniatures" or any representation tending to convey the belief to the purchasing public that the usual price at which a product is sold in the ordinary course of business is a special price or is less than the usual or customary price. (3583)

Premier Pillow Corp., 121 North 11th St., Brooklyn, manufacturing and selling pillows, has entered into a stipulation in which it agrees to cease and desist from use of the term "100% Goose Down" as descriptive of the filling of its products which are not so filled and from use of the word "down" either alone or in connection with the word "goose" or with any other words so as to convey the belief that the products are filled entirely with down or that they do not contain any material or substance other than down. (3589)

Scranton Broadcasters, Inc., operating radio station WGBI, Scranton, Pa., engaged in selling the use of its radio transmittal facilities and power, has stipulated to cease and desist from representing that WGBI is the only radio station heard in the Scranton-Wilkes-Barre market area; that outside radio stations are not heard in that area; that WGBI is the only regional or clear channel station serving the Scranton-Wilkes-Barre market area; that the station covers the entire area of Northeastern Pennsylvania, or that a survey shows that 98 per cent of the daytime listeners or 96 per cent of the nighttime listeners in Scanton's home county of Lackawanna regularly listen to WGBI, or from misrepresenting in any manner the station's audience or coverage as shown by surveys or otherwise. (03086)

Three Palms Pharmacy, First and Main Streets, Los Angeles, selling and distributing medicinal preparations designated "Vitamalt," and "Natura Calcium Compound and Vitameal," has stipulated to cease and desist from representing that either of the preparations has any reducing action or that any weight loss resulting from following the directions for their use is other than such as would naturally result from a starvation diet or abstinence from food; that the preparations or the diet prescribed therewith can be depended upon to effect weight reduction of ten pounds in five days or that such diet will effectuate any weight reduction in excess of that actually resulting therefrom; that the diet prescribed with Vitamalt will not cause or result in weakness or hunger; that the use of either preparation with rich food has any building tendency or any practical significance from the standpoint of caloric intake; that either of the preparations will give new life and freshness to the skin or free it from pimples or blotches, keep the glands or nerves functioning or nourished, have any beneficial effect upon the body metabolism, "vitalize" the system, cause the pains of rheumatism, arthritis or lumbago to disappear or provide a competent treatment for nervousness, rheumatism, stomach trouble or constipation; or that use of the preparations as directed will effectuate a weight reduction safely without lowering resistance to disease or otherwise endangering the health. (3585)

Variety Hat Co., Inc., 1597 Hudson Boulevard, Jersey City, N. J., manufacturing and selling hats for women, has stipulated that it will cease and desist from representing that hats made in whole or in part from used or second-hand materials or manufacturers seconds or imperfects are composed of new materials, by failure to stamp on the exposed surface of the sweat bands, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that the products are composed of second-hand, used, or manufacturers' seconds, as the case may be, provided that if sweat bands are not affixed to such hats then the stamping must appear on the bodies of such hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating the bodies; and from representing in any manner that hats made in whole or in part from old, used or second-hand material or from manufacturers' seconds or imperfects, are new or are composed of new materials. (3592)

Bernhard Ulmann Co., Inc., 107 Grand St., New York, selling and distributing knitting yarn, has stipulated to cease and desist from use of the word "Cassimere" or any term or word connoting Cashmere to describe any product not composed entirely of the hair of the Cashmere goat; from use of the word "Shetland" or any similar word to describe a product not composed entirely of the wool of Shetland sheep raised on the Shetland Islands or the contiguous mainland of Scotland, and from use of the word "Angora" to denote any product not composed entirely of the hair of the Angora goat; provided, however, that in each case, if the product is composed in part of the hair of the animals designated and in part of other fibers or materials, such words may be used as descriptive of the fiber content if there is used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials. (3582)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Copper Roofs Corp., 161 West Wisconsin Ave., Milwaukee, has been ordered to cease and desist from certain misrepresentations in the sale of copper roofing material. (4561)

United States Maltsters Association, Chicago, and its 18 member manufacturers have been ordered to cease and desist from entering into or maintaining any combination or conspiracy to fix uniform prices for malt, a product sold principally to brewers for making beer, ale, porter, and other malt beverages. (3555)

FTC CLOSES CASE

La Vida Bottling Co., Inc., Placentia, Calif., and its officers, have entered into a stipulation with the Federal Trade Commission to cease and desist from misrepresentation in the sale of mineral water.

Upon acceptance of the stipulation the Commission closed without prejudice the case growing out of the complaint it had issued against the corporation and its officers, Paul G. Hausman, president; William N. Miller, vice president, and Alfred D. Mitchell, secretary.

Under the stipulation, the respondents agree to discontinue disseminating any advertisement which represents that the products designated "La Vida Mineral Water" and "La Vida Blue Label" have any therapeutic effect other than that afforded by their sodium bicarbonate content or that they are competent remedies or effective treatments for kidney and gall stones, diabetes, neuritis, rheumatism, stomach ailments, liver and bladder troubles caused by excess acid, or the condition resulting from excessive indulgence in alcohol; or that the products attack any ailment at its very foundation or add any minerals to the system in adequate quantity.

They also agree to stop representing that the usual or ordinary diet is "highly acid-forming"; that cooking destroys the alkaline content of foods, or that the respondents' products can be depended upon to restore alkaline balance.

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NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON, D. C. Vol. 11, No. 3, January 15, 1943

NAB PROTESTS NEW GAS REGULATIONS TO OPA

NAB has protested to OPA the Amendment No. 8 to the Gas Rationing Regulations which denies preferred mileage to workers in the broadcasting industry other than engineers and technicians employed by stations whose transmitters are remotely located, and which would bar preferred mileage to engineers on temporary remotes. No reply has been received as yet but NAB will follow the matter up.

The letter is as follows:

January 8, 1943

Mr. Leon Henderson, Administrator
Office of Price Administration
Washington, D. C.

Dear Mr. Henderson:

On behalf of the radio broadcasting industry, I desire to request relief from that portion of Amendment 8 to the Mileage Rationing: Gasoline Regulations (Radio Order 5c) which makes workers in this industry ineligible for "preferred mileage", except for engineers and technicians under certain conditions. The Amendment seems to me unduly restrictive and a serious impediment to the effective use of radio in wartime.

That radio broadcasting is considered essential in support of the war effort is attested by letters from numerous government agencies, copies of which are attached. The Selective Service System has designated radio broadcasting as essential in Local Board Release No. 115, as amended July 15, 1942, copy of which is also attached.

Of particular concern is the new regulation which prohibits the issuance of "preferred mileage" to engineers and technicians for necessary travel to and from temporary installations. For sometime prior to Pearl Harbor, and ever since then, the War Department has been actively interested for reasons of morale in the broadcasting of shows from Army camps, maneuvers in the field, and other such remote pickups which can only be done through the use of temporary installations, and which in many instances require gasoline for the transportation of the engineers and their equipment in their own automobiles.

I am entirely in sympathy with the rationing program, and realize the difficulties your office is faced with. However, for the reasons indicated, I respectfully request that the Amendment be stricken, in so far as it relates to radio broadcasting.

Sincerely,
NEVILLE MILLER.

NM/mmr

"A CALL TO WORSHIP"

Several NAB member stations have written to headquarters asking for information upon which to base a decision with respect to the request received from the Le Tourneau Foundation to broadcast a transcribed announcement entitled, "A Call To Worship."

The Le Tourneau Foundation was immediately contacted and we are advised that the purposes and objectives of this organization are: "To teach, promulgate and disseminate the Gospel of Jesus Christ throughout the world and also to unite in Christian fellowship the large number of consecrated Christians in the various evangelical churches; and for such purpose, to appoint and engage ministers, evangelists, missionaries and others to actively pursue and accomplish the foregoing purposes."

The Foundation further advises that it has not and does not contemplate participating in any paid publicity campaign in any medium. They disclaim any intention to secure any promotion or advantage from including the credit reference for the suggestion contained upon the transcriptions.

It may be mentioned, incidentally, that Mr. Le Tourneau, the president and chief benefactor of the Foundation, is the owner of two radio stations, WRLC, Toccoa, Georgia, and WHEB, Portsmouth, New Hampshire, both of which are members of NAB.

The inquiring members have been advised of these facts. The question of whether or not any stations broadcast the announcements is, of course, entirely within the discretion of the management.

Broadcast Advertising

For three days, from Sunday evening, December 13, 1942, to 1:00 AM on Thursday morning, December 17, 1942, twelve New York City newspapers ceased publication while the members of the newspaper delivery unions were on strike.

Heavy schedules of planned newspaper advertising couldn't be published. Some retailers turned to radio advertising; others sat tight, expecting the strike to end momentarily.

To the credit of broadcasting, no New York City station tried to capitalize unduly on the misfortune of another medium. Where good time and good features were available, stations offered them for sale. Where time was at a premium, with only early morning or late evening open, stations declined to have broadcast advertising judged on the basis of such availabilities.

WHAT HAPPENED?

Department stores' sales boomed along as though nothing had happened. Here are the actual figures from the Weekly Federal Reserve Index of Department Stores' Value of sales:

	Week Ending December 19
Increase for New York City	4%
Increase for Entire District	4%

And the entire Federal Reserve district includes such war-busy markets as: Buffalo, Rochester, Syracuse, Utica, Albany, Troy, N. Y. and Newark, N. J. Despite the vastly expanded buying power in the rest of the district, New York City stores held their own against the field.

(Continued on page 18)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Lewis H. Avery, *Director of Broadcast Advertising;* Howard Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Arthur C. Stringer, *Director of Promotion.*

BROADCAST ADVERTISING

(Continued from page 17)

But radio can not nor does it seek to claim credit for holding sales at such a high level in the face of very adverse shopping weather. The total volume of retail radio advertising actually increased but little.

WHAT HELD SALES UP?

The answer to that question can be debated by academic students of advertising and merchandising for years to come. Probably the effect does deserve psychological probing.

But three facts do stand out: Christmas shopping was not a new idea this year; it might be termed an established American custom. Furthermore, newspapers and radio had featured Christmas merchandise, built up the urge to buy for weeks before the newspapers ceased publication temporarily. Many New York City radio stations were carrying a substantial volume of retail advertising and that continued unabated during the period.

Actually, broadcasters cooperated with newspapers during the trying days. Almost all radio stations increased the number of their newscasts. Newspapers cooperated to increase the local news coverage of radio stations. Radio did not try to profit unnaturally from the predicament of the newspapers. One of the leading newspapers had already contracted for time over one of the leading radio stations to tell its readers what the newspaper would contain when it resumed publication. Then the strike was called off. But one newspaper, nearly a thousand miles away, decided the history of advertising during the strike should be reviewed.

THE RETORT DISCOURTEOUS

Totally unaffected by the strike in any way, shape or manner, the *Chicago Daily News* carried a story by its financial editor, Royal F. Munger, that seemed totally unnecessary and definitely unfounded. Said Mr. Munger in the course of his article, after pointing out that buying held up on Monday, began to thin out on Tuesday:

> "By Wednesday, a buying slump was in full blast, and people who had forgotten to go shopping were beginning to say, 'Oh, well, it's a war Christmas anyway.'
>
> "The Crowds had fallen off, and the attempts to use radio in place of the missing advertising were getting nowhere rapidly. In fact, even through their anguish, the newspaper advertising men grinned at the job radio didn't do."

Unfortunately, Mr. Munger's article has been reprinted as a news story in many newspapers; as a house advertisement in others.

Apparently neither he nor those who reprinted his article have seen the Federal Reserve figures for department store sales during the week ending December 19, 1942.

Of course radio could answer this unprovoked and unjustified claim, but radio has more important things to do. Broadcasting as an industry has embarked, under the NAB Retail Promotion Committee, on a study of retailing and radio that should furnish concrete, factual evidence of the power of radio to help retailers solve some of the problems they face today. More reason why every radio station should subscribe to the Retail Promotion Committee Plan.

Bickering between media is the worst thing that could happen to advertising today. All media have a job to do today—the magnitude of which they have never previously faced. First and foremost, they must help to win the war and win it quickly. Then they must help manufacturers, distributors and retailers to meet utterly new problems; chart sales and institutional courses over unknown seas.

Perhaps this opportunity for inter-media cooperation is nowhere better expressed than it was on the "Inside Washington" page of *Printers' Ink* for January 1, 1943:

> "Food Administrator Wickard and OWI's Elmer Davis did an admirable job of building up for their last Sunday nights' broadcast (December 27, 1942) announcing that around 200 food products would be strictly rationed beginning sometime next February. First the Sunday morning newspapers carried top-head to the general effect that something big was cooking in Mr. Wickard's department—probably having to do with rationing—and that the double-barreled broadcast would reveal the whole plot. Then throughout the day, the forthcoming event was ballyhooed at intervals by the various broadcasting systems. Thus the interest of *hoi polloi* was really stirred up and they did not mind too much being deprived of their usual Charlie McCarthy half hour and other Sunday evening features. The execution was good, too. The dignified preliminary roundup by Mr. Davis and the forthright speech by Mr. Wickard covered the subject adequately and effectively. . . . There was not a thing wrong with the technique employed. Mr. Wickard's reminder that "your Monday morning newspaper will contain an interesting detailed announcement in this connection" was an effective stroke. The two mediums, newspaper and radio, were thus effectively hooked.

Consider that important announcement and the manner of its release. Broadcasting was used to condition the minds of the people—to prepare them for more drastic sacrifices necessary to win the war. To newspapers were left the details of how that program would be implemented.

Some of the ablest men from broadcasting and newspapers are on the staff of OWI. When they agree on such a technique, doesn't that suggest the tremendous importance of broadcasting as the prime means of communication?

Don't let your retail accounts be misled by the misinformation that has unfortunately been published in connection with the strike of the New York City newspaper delivery unions. The statements set forth in this report are verifiable facts. Use them wherever and whenever necessary to spike fraudulent claims.

But don't forget: broadcasting will progress and grow, as it has in the past, through constructive selling on your part and the part of everyone else connected with the industry.

SELL A BOOK TO SELL STAMPS

One of the most offensive attempts to tie a commercial campaign into the war effort is the recent letter of Farrar & Rinehart, Inc., book publishers of New York City, urging stations to follow "The Treasury Star Parade" programs with an announcement plugging a book of the same name containing the scripts of these programs. And the reason why you should do this? If people buy the book containing the scripts, they will be stimulated to buy more War Bonds and Stamps. It would be much more effective to broadcast "The Treasury Star Parade" twice and so make a direct appeal. We hope no NAB member station will succumb to this appeal. Let the publishing house pay card rates for the announcements following these programs.

MORE P-I INSURANCE

Many member stations have forwarded letters from the Charles Edson Rose Company of Chicago, Ill., offering advertising of several types of insurance policies on a graduated P-I basis. The continuity is described as "snappy." We hope all NAB member stations will therefore bounce the continuity back to the agency with an urge to buy on a standard rate-card basis.

WINNER LEFT AT THE POST

Described as a "winner," the "Record of Service" wall certificate offered to radio stations by the Midwest Advertising Company of Springfield, Ill. should be left at the post by all NAB member stations. Try to get the business on a straight rate-card basis. If the deal is as good as the agency says it is, they certainly ought to buy and quickly.

COVERAGE CLAIMS

A recent FTC case, wherein a radio station stipulated to desist from making certain claims as to its coverage, serves as a warning to stations. Extreme care should be taken to insure that no coverage claims are made that cannot be substantiated by reliable evidence. Statements made in brochures and direct mail constitute advertising just as much as advertisements in the trade papers.

Programs for Victory

OUTSTANDING LOCAL PROMOTION

Edgar Bill's WMBD (Peoria) sends word of a one-hour program under the title "Forward Peoria" which gained much local attention. The program was designed to congratulate and honor the organizations and the men who had been principally engaged in the local war effort. These men reported the results of their activity. Music for the program was furnished by the Municipal Band through the courtesy of the Peoria Musicians Union.

Those reporting were the chairman of the war bond campaign; of the Advertising and Selling Club, the Defense Council, War Price and Rationing Board, the Junior Chamber of Commerce, the CIO Publicity and Educational Director, American Legion, Association of Commerce, Selective Service Board and the Local Committee for Economic Development. It was an outstanding success and the idea may be of interest to other stations.

HAVENS PRESENTS BOND IN TITLE CONTEST

WMBG, Richmond, Va., had a half hour program of song and wit known as "The Show Without a Name." It's now known as "Everything Goes."

Station President, Wilbur M. Havens, recently presented Miss Carrie Moore with a $25 war bond for suggesting the new title which more accurately describes the program.

CLIPP WRITES REGIONAL DIRECTOR OF OPA

Roger W. Clipp, General Manager, WFIL, recently wrote to the Regional Director of the Office of Price Administration regarding a practice which they have inaugurated to aid OPA in its effort to cut down pleasure driving. Says Mr. Clipp in his letter:

"Feeling that many folk are often undecided whether or not to go out of an evening, we are advising them to stay home, thereby saving gas, tires and transportation facilities. The suggestion is made additionally attractive by pointing out three or four of the top comedy, musical, dramatic and news programs available for their listening pleasure over WFIL for the current evening."

"We believe," says Mr. Clipp, further, "that the theme, 'Stay home tonight—save gas and tires—listen to WFIL,' will have a noticeable effect on civilian habits."

We pass this suggestion on to other stations for what use they may want to make of it.

THANKS FOR COOPERATION

Sincere thanks to the following stations for their cooperation in acquainting the public with the reasons why radio sets needing repairs should be taken to the radio repairman instead of asking him to call:

WADC—Akron; WHMA—Anniston; KMPC—Beverly Hills; WOPI—Bristol; KFVS—Cape Girardeau; KELA—Centralia; WGKV—Charleston, W. Va.; WBT—Charlotte; WAAF—Chicago; WCBI—Columbus, Miss.; KRIS—Corpus Christi; WDAN—Danville, Ill.; WHIO—Dayton; KPOF—Denver; WKBB & KDTH—Dubuque; KROD & KTSM—El Paso; KTSW—Emporia; WFNC—Fayetteville; KORN—Fremont; WHAI—Greenfield; WHP—Harrisburg; WDRC—Hartford; WJAX—Jacksonville; WCLO—Janesville; WJAC—Johnstown; WCLS—Joliet; KFUN—Las Vegas; WCOU—Lewiston; KFOR—Long View; WHAS—Louisville; KYSM—Mankato; WMAM—Marinette; KMYC—Marysville; WMC & WMPS—Memphis; WQAM—Miami; KVOX—Moorhead; WAJR—Morgantown; WISE—Nashville; WTAR—Norfolk; KLO—Ogden; KPDN—Pampa; WPAR—Parkersburg; WFIL—Philadelphia; KDKA—Pittsburgh; KWOC—Poplar Bluff; KBPS—Portland; WKIP—Poughkeepsie; WEXL—Royal Oak; KGLU—Safford; KJBS—San Francisco; KVEC—San Luis Obispo; WSNY—Schenectady; WHBL—Sheboygan; KGH—Sidney; WSPA—Spartanburg; KFIO—Spokane; WSPR—Springfield, Mass.; KFAM—St. Cloud; WFLA—Tampa; WIBW—Topeka; KVOO—Tulsa; KSUD—Vermillion; WACO—Waco; WAIR—Winston Salem; WFHR—Wisconsin Rapids; WSBA—York; WHIZ—Zanesville.

NEW SOLDIER MAIL RULES

Lt. Col. Edward M. Kirby, Chief of the Radio Branch of the Bureau of Public Relations of the War Department, has recently communicated to all networks with reference to the matter of mail to soldiers overseas. The problem is becoming an extremely acute one. The following press release from the War Department outlines the situation which will be of interest to all engaged in broadcasting which encourages the sending of mail to soldiers abroad.

A recent survey of conditions obtaining in the shipment of mail to our soldiers overseas revealed that more than eight times as much cargo space per man was utilized in November, 1942, for mail than in November, 1918, the War Department announced today.

The mail forwarded in November, 1942, consumed cargo space equivalent to the total capacity of three 11,000-ton ships of the "Liberty" class—ships that are vitally needed to provide food, ammunition, and the countless items of supply that are the raw material of victory. With the steady expansion of our forces overseas, this presents a problem of pressing and ever-growing importance.

Insofar as the overseas mail consists of letters to soldiers by their families and personal friends, it has been welcomed by the Army, and will continue to be welcomed. However, it is clear that waste must be eliminated in the interest of military efficiency.

The enormous amount of space consumed by packages, and the fact that they so frequently contain objects that are already supplied by the Army in compact bulk shipments, have impelled the War Department, in cooperation with the Post Office Department, to issue new regulations. Effective January 15, no package may be sent to a soldier overseas unless it contains an article that has been requested by the soldier, and the request has been approved by the commander of the battalion or similar unit. The package will not be accepted by the post office unless the written request, bearing the commanding officer's approval, is presented.

These packages will be limited in weight to five pounds, and may not be more than 15 inches in length, and 36 inches in length and girth combined.

Under the new regulations, magazines and newspapers may be mailed to a soldier only by the publisher and only if the soldier is the subscriber. However, the soldier will be free to subscribe to any newspaper or magazine he wishes, and will not require special permission to do so.

The mailing to soldiers overseas of single copies of magazines and newspapers will be discontinued.

In this connection, it should be borne in mind that copies of many current publications are provided by the Special Service Division of the Army, and are available to the soldiers.

The only exception to these rules will be in the case of soldiers who have been sent overseas while packages, addressed to them at a station in the United States, were in transit. Such packages will be forwarded overseas.

Experience indicates that the new restrictions on packages will work no hardship. In the main, these rules will operate merely to prevent the duplication of items of foodstuffs, clothing, and other articles already adequately supplied by the Army. Every effort is made by the Special Service Division and the Army Exchange Service to provide items that are in general demand.

There is an obvious necessity for conserving the cargo space of airplanes as well as ships, and the V-Mail system was devised to meet this problem. V-Mail represents a saving of 98 per cent in cargo space as opposed to ordinary mail. Therefore, in loading planes bound for those overseas areas where facilities exist for the reproduction of V-Mail, air mail stamps on ordinary letters will be disregarded. The V-Mail letter will be the only type of letter bound for these destinations that will be assured of overseas transportation by air. The points at which reproduction installations for V-Mail are now available are the British Isles, Iceland, Greenland, Australia, the Near East, the Southwest Pacific, the Hawaiian Islands, and India. They will be available within the near future in North Africa.

V-Mail is quick—it goes to its overseas destination by air. It is safe—the negative from which it has been reproduced is never destroyed until the letter has reached its destination. One argument that has been advanced against it is its lack of privacy. This objection is a bit naive, since every letter sent out of the country in wartime whether by V-Mail, air mail or ordinary post, is subject to censorship.

To date, 15,000,000 V-Mail letters have been sent from and to the United States without the loss of a single one. However, the total volume of overseas mail handled by the Army has been as high as 15,000,000 a week. Army mail going overseas now exceeds the peak volume of foreign mail dispatched by the civil postal system in peace time.

The Army Postal Service, with the cooperation of the United States Post Office Department, has handled its tremendous job faithfully and well, although in the nature of things it will never be exempt from criticism. For example, when a man receives a letter dated December 15 and later gets one dated December 10, he is apt to think that somebody slipped. However, the enormous mass of mail must be handled as it comes, and the facilities available at a later date may turn out to be more expeditious.

The problems of the Army Postal Service, and an important problem of the Army as a whole, will be greatly lightened when all citizens act on the request that they write only to those soldiers with whom they are personally acquainted. Experience shows that letters from the best-intentioned of strangers mean nothing at all to the average soldier. To the Army they mean, at best, the waste of cargo space that is needed for food and war materials.

MORE ABOUT 1,000 CYCLE ALARM

The article on page nine of NAB Reports for January 8 was not intended to convey the impression that stations using an automatic alarm device would not need to maintain a continuous listening watch. Audible electronic control devices may be used *only* to supplement the continuous listening watch and not as a substitute. Prior to the construction and installation of the device described in the December 1942 issue of COMMUNICATIONS or similar devices, it is suggested that Restricted Order No. 2 of the Federal Communications Commission dated September 1, 1942 be reviewed.

MAINTAINING HOME SETS

The National Association of Broadcasters is fully aware of the necessity for maintaining home radio receivers as the most effective means of mass communication. Despite the lack of specific published information, some of which can be classified as military secrets, we are confident that home radio receivers will be maintained in efficient operation throughout the duration of the war.

Materials Problem

The availability of replacement tubes and repair parts for home radio receivers is best summed up in a statement issued December 28, 1942, by Frank H. McIntosh, Chief, Civilian Radio Section, WPB Radio and Radar Division:

"The Victory line of tubes and parts will play a part to conserve material and the programs of distribution now in effect and planned for the near future will insure the necessary items of maintenance for the radios of this country. This to the extent that at least one set per home will be insured, and that the corresponding broadcasting needs will continue to be met on the basis of the conservation measures already in force or about to be put in force."

The essential service of broadcasting during war time is succinctly described in a letter written to the NAB on October 6, 1942, by William B. Lewis, Chief, Radio Bureau, OWI:

"The OWI has a direct and vital concern with the maintenance of radio coverage in this country. It is one of the most important media for the conveyance of war information in general to the people, and may become of still greater importance when there is occasion for emergency messages from the national leadership."

Personnel Problem

Sufficient personnel to install radio parts and tubes is not a serious problem at the present time. To assist in preventing it ever becoming a serious problem, NAB has been working for some time with government training agencies, other groups and associations within the radio industry and with individual manufacturers. Prevention involves a training problem at the vocational level for men not acceptable for military service and for women. It will also involve the streamlining of service technique and its institution wherever indicated.

For some months NAB worked with the Manpower Commission to secure the recognition of the occupation

"Radio Repairman" as an essential occupation. Approved by War Manpower, the definition was forwarded through channels to Selective Service. On December 22, 1942, Selective Service issued Occupational Bulletin No. 42 and Radio Repairman was included among occupations which local boards should consider for deferment.

Philco Goes to Bat

Philco Corporation, manufacturers of home radio receivers, notified NAB this week that it is prepared to launch a nation wide plan to do its part in maintaining home radios throughout the emergency. A philco official is expected to visit headquarters next week.

Decision to implement the plan now rather than six months hence will be regarded with approval and enthusiasm throughout the radio industry. It is much easier to control a situation by locking the door before the horse escapes.

BATTERY SETS

Battery-run radios—particularly those used on farms—should be operated on the basis of obtaining at the very most only a single set of replacement batteries a year, the WPB Consumer Durable Goods Division said today.

Pointing out that production of farm radio batteries has been cut due to restrictions on zinc and to other factors, the Division urged radio owners to follow simple conservation rules for assuring maximum service from their present supply.

Wholehearted observance of the rules, it was stated, will go far towards keeping farm radios in operation despite wartime restrictions on production of batteries and will assist farm families to keep abreast of developments on the war fronts both at home and abroad.

The rules are:

1. Don't waste your batteries. Operate your radio only when there are programs that you particularly want to hear.
2. Avoid long, continuous radio operation. Break up your reception into a number of short periods.
3. Keep batteries away from heat.
4. Have the tubes checked regularly as insurance against battery wastage.
5. Disconnect the batteries from the radio when not in operation. This will be a double-check against the radio being left on accidentally. It is also a guard against young children in the family operating the radio unnecessarily.

The shortage of batteries, which has been experienced generally throughout the country for the past several months, is due to military requirements as well as to the zinc shortage, and has developed at a time when the war news and transportation restrictions have naturally resulted in greatly increased use of radios.

Last July 24, Order M-11-b (zinc) cut the use of zinc in all types of dry cell batteries fifty percent below 1941 consumption. In an effort to alleviate this situation, Order B-71 was issued on October 2 eliminating entirely production of batteries for portable radios and establishing specific quotas for production of farm radio batteries, flashlight batteries and other types for industrial and occupational use. The effect of this action was to limit the use of available zinc to the most essential batteries, in which were included radio batteries.

Most recent models of portable radios can be operated on household electric current; the remainder will have to be stored away for the duration once present stocks of batteries are exhausted.

Officials of the Consumer Durable Goods Division declared that WPB is fully cognizant of the need for maintaining farm radios in operation, both as a means of keeping America's farm population informed on the progress of the war effort, and also as a source of entertainment to replace drastically curtailed peacetime recreational facilities. To attain that objective, more than half of the zinc allocated for civilian batteries is now used for production of farm radio batteries, but until military requirements are fully met there is little possibility of any additional allocations.

Also, the available supply of batteries has been allocated to various parts of the country on as equitable a basis as possible. Purchasers are urged to go only to their regular sources for replacements. No priority rating is granted or needed for purchase of radio batteries by consumers.

WSAV TRAINING COURSE

In cooperation with Dr. R. L. Sweigert of the Georgia School of Technology, State Director of the Engineering Science Management War Training Program for Georgia, Radio Station WSAV has organized a training course in Savannah under the direction of its Chief Engineer, Meredith E. Thompson. Upon not being able to make any satisfactory arrangement with established educational institutions, Dr. Sweigert appealed to WSAV for assistance, and was immediately tendered the necessary facilities for establishment of the courses in Savannah. The class includes numerous women who are preparing for enlistment in the WAAC's and WAVE's.

"THE RAPE OF RADIO"

The attention of the NAB has been called to the fact that Rodin Publishing Company, Inc., is circulating a book entitled "The Rape of Radio," written by Robert West in a jacket which quotes "Melville Miller, Pres., National Association of Broadcasters" as saying "The most revealing book on radio since the advent of broadcasting."

Mr. Miller has never read this book, or made any such statement about it. The Rodin press admits that not only the purported quotation of Mr. Miller, but of other persons whose names appear on the book jacket, are due to "an egregious blunder."

Members coming across this book are warned with respect to the false quotation, and asked to call the attention of the NAB to any places offering it for sale in the jacket which falsely quotes Mr. Miller.

QUICK ACTION SAVES CORN FROM FLOOD

When rapidly-rising waters threatened to destroy much corn in the Ohio and Wabash river bottoms, Manager Clarence Leich of WGBF-WEOA, Evansville, Indiana, called Indiana's Governor, Henry F. Schricker. He suggested that permission be secured from the War Department to have soldiers from Ft. Breckinridge, across the river from Evansville, assist in the salvaging of the corn. The appeal was successful and several hundred soldiers saved thousands of bushels of corn in the bottomlands.

PREDICTS MORE WOMEN IN RADIO

In thanking Major Edney Ridge, Managing Director, WBIG, Greensboro, N. C., for recruiting results, Waldo Porter, manager of the Greensboro office USES, added a worth while comment regarding the employment of women.

Said Mr. Porter: "I have noticed recently the addition of two lady announcers to your staff. I want to congratulate you on this move, as I think it is good business on your part. The time is fast approaching when women are going to replace men in many occupations, and it is the smart thing to make this change while qualified women are still available. I might add that the young lady announcers are doing a fine job."

TEACHERS LIKE MATERIAL

Max U. Bildersee, radio supervisor, The University of the State of New York, The State Education Department, Albany, wrote last week:

"I want to thank you for sending me the publications you did for distribution at the annual conference of the New York State Association of Elementary Principals.

"You will be interested to know that the materials were well received and that the discussion of educational broadcasting brought forth many questions."

WHEB STILL GROWING

Mrs. Rosemary Bolles, new to radio, has joined the continuity department of WHEB, Portsmouth, N. H., and Brenda Caswell, also new to radio, the sales department. Elvy C. Scull, formerly of the Merchant Marine, is employed in the engineering department.

FLENNIKEN AND BOYLSON CHANGE

James M. Flenniken, formerly general manager, WBRW, Welch, W. Va., has joined WBLK, Clarksburg, W. Va.

New general manager of WBRW is Vernon Boylson, formerly sales manager, WRAK, Lafayette, Ind.

RECRUITS 91 RADIO STUDENTS

Three courses in Fundamentals of Radio, with approximately 91 students, are expected to get under way in Rockford, Ill., this week. They were recruited by WROK in cooperation with the University of Illinois.

Approximately 200 other students were recruited for classes in other wartime subjects, according to Bill Traum, promotion manager. Most of the radio students will be available for work within the industry.

William C. Gillespie

William C. Gillespie, General Manager, KTUL, Tulsa, died at 9:20 a.m. on Tuesday (January 12). His death resulted from a fractured skull sustained in a fall at his home. Bill Gillespie had been one of the outstanding broadcasters in his area and has taken an active and constructive part in general industry affairs. At the time of his death he was serving as a member of the Retail Promotion Committee and had been active in other general industry matters. All in broadcasting mourn his passing and extend sincere sympathy to his family and to those who were associated at the station with him.

Listener Activities

MINNEAPOLIS COUNCIL ACTIVE

Mrs. George B. Palmer, Regional Director of Listener Activity, reports that two series are being broadcast devoted to war interests. One, over WCCO, called "Woman Wanted" is a series using some of the outstanding leaders in educational and civic life of the Northwest. "Woman Wanted" is designed to meet the questions of the housewife on a number of fronts—the personal, the social, the educational, the civic and the psychological. The program is produced by the Minnesota Federation of Women's Clubs in cooperation with the Minnesota Library Association and the University of Minnesota.

The sceond series is called "Wartime Living" and is broadcast each week over KSTP, starting Wednesday, January 13th—sponsored by the Minnesota Federation of Women's Clubs in cooperation with the Office of War Information. Such subjects as "Loose Talk," "Wartime Health," "Inflation," "Consumer Interests," etc. Experts in their respective fields will discuss the subjects. Mrs. L. R. Upham, Chairman of the Women's Service Section of the State Civilian Defense, will serve as permanent chairman of the round-table discussions.

* * *

Miss Millicent Pooley, Chairman of District No. 9 for the Association of Women Directors of NAB, has resigned as Woman Director of WHBF to join the WAVES.

CHILDREN'S PROGRAMS

Miss Bernice W. Foley of WSAI, Cincinnati, formerly of WKRC, is producing a children's newscast every day at 5:00 p.m. The Cincinnati Board of Education is giving splendid cooperation.

Miss Foley states that she finds that children do listen to newscasts but that most of them are beyond their comprehension. She gives a round-up of news and supplements that with stories about the countries discussed, stressing geography and history.

HUMAN INTEREST SPORTS

A member recently mislaid an offer of a nightly sports human interest story. He wonders if anyone received a similar offer. If so, please communicate with Mr. Arney at NAB.

SALARY STABILIZATION

Wage increase agreements which violate the stabilization policy cannot be approved by the National War Labor Board even where the increase was agreed upon mutually by management and union, the National War Labor Board reiterated this week in an opinion written by Dean Wayne L. Morse, Public member of the Board, in connection with the Board's unanimous decision in a Los Angeles building employees' case.

The National War Labor Board's established wage policies "will break down completely unless wage increases set forth in prior agreements and collective bargaining contracts are to be subordinated to the national wage stabilization program," Dean Morse stated in the opinion.

FEDERAL LEGISLATION

HOUSE RESOLUTION

H. Res. 21 (Cox, D-Georgia) INVESTIGATION OF FCC—Authorizing an investigation of the organization, personnel, and activities of the Federal Communications Commission. Referred to the Committee on Rules.

HOUSE

H. R. 80 (Keough, D-N. Y.) COPYRIGHT—To amend section 25 of the Act entitled "An Act to amend and consolidate the Acts respecting copyright", approved March 4, 1909, as amended. Referred to the Committee on Patents.

H. R. 816 (Cellar, D-N. Y.) ADMINISTRATIVE PROCEDURE—To revise the administrative procedure of Federal agencies; to establish the Office of Federal Administrative Procedure; to provide for hearing commissioners; to authorize declaratory rulings by administrative agencies; and for other purposes. Referred to the Committee on the Judiciary.

SENATE

S. 149 (Clark, D-Idaho) RECORDINGS—To prohibit certain contracts, agreements, conspiracies, and combinations which prevent the making of recordations for use by radio broadcasting stations and coin-operated phonographs. Referred to Committee on Interstate Commerce.

STATE LEGISLATION

CALIFORNIA:

A. 195 (Wollenberg) FOREIGN LANGUAGE BROADCASTS—Provides radio broadcasts in foreign language must be repeated in English. Referred to Committee on Judiciary 1/12/43.

MARYLAND:

S. 18 (Brice) RADIO ADVERTISING LOANS—To amend Sec. 14 of Art. 58A of the Code, relating to advertising small loans by radio broadcasts. Referred to Committee on Judicial Proceedings 1/7/43.

NEW YORK:

S. 72 (Quinn) FOOD & DRUGS—Creates in health dept. a consumers' bureau for advertising control, scientific research, and sale of foods, drugs, cosmetics or health devices, and for regulating traffic therein. Referred to Committee on Health 1/6/43.

S. 82 (Williamson) INDUSTRIAL BANKS—LOANS—Provides that industrial banks shall not advertise, print or broadcast any statement with regard to rate for loans unless stated as rate per cent per annum or per month on unpaid principal balances. Referred to Committee on Banks 1/6/43.

S. 83 (Williamson) PERSONAL LOAN—RATES—Prohibits advertising by bank or trust company in connection with personal loan dept., of statements relative to rates for loans unless stated in terms of rate per centum per annum or per month on unpaid principal balances. Referred to Committee on Banks 1/6/43.

S. 84 (Williamson) SMALL LOANS—RATE ADVERTISING—Requires that in advertising for loans and in other statements by licensed lenders of small loans, rate or charge shall be stated as rate per centum per month on unpaid principal balances. Referred to Committee on Banks 1/6/43.

FEDERAL COMMUNICATIONS COMMISSION

COMPLAINTS ON "VULGARITY"

At a press conference early this week FCC Chairman James Lawrence Fly said that the Commission has been receiving a larger number of complaints about vulgarity and profanity on the air than usual. He said at this particular time he would not care to express any opinion on this matter.

Mr. Fly told the newsmen that he stood ready to assist the Senate Committee in connection with the Petrillo hearing but that he has not received any formal notice and does not expect the Committee to call him at any of the early sessions of the hearing. He said that if he is called he believes that any testimony he might give would be basically the same as that he has already given to Congress.

The Chairman, in answer to a question, said that he expected within the next couple of weeks to have information on the financial standing of the small stations of the country. He stated that the Commission is not doing anything at the moment in connection with obtaining advertising for these small stations pending receipt of the financial analysis of the different stations.

Mr. Fly told the correspondents that joint consideration will be given to the setting up of new stations and frequencies by interested government departments and agencies. He said that the FCC will cooperate in this as best it can. "I think," he continued, "we all appreciate that as far as it can be done consistent with other extreme and urgent demands, that we ought to expand our international broadcast facilities. I don't think there is any debate on that anywhere in the Government."

1944 FCC BUDGET

In his annual budget message to Congress this week the President asked for a regular appropriation for the Federal Communications Commission for the fiscal year 1944, beginning July 1 next, of $2,000,000. That is identical with the amount appropriated for the present fiscal year.

An appropriation of $6,070,000 was also asked by the President for national defense needs for the Commission for the same fiscal year. The appropriation during the present fiscal year amounted to $5,363,035.

The estimates submitted for the fiscal year 1944 provide for a continuation of the regulatory work of the Commission at the same level as for 1943 and an expansion in its war activities. For the latter purpose, an increase of approximately 11 percent is submitted in the estimates. This will make provision for the work of monitoring stations which are operated on a 24-hour basis to insure a continual and effective policing of all radio communications channels and signals. It will also provide for coordination with the War Department Interceptor Commands in the silencing of radio stations during air-raid danger and insure prompt return to the air when the danger is over. Other activities affected by the increase are: Listening in on foreign radio transmissions of intelligence and propaganda, thereby guiding counter-propaganda and other necessary actions; and maintenance of an adequate communications service to meet the needs of the Nation, including the formulation of plans for the Board of War Communications.

KOA CASE

The FCC has adopted an order granting a petition for rehearing filed by NBC as licensee of station KOA. This is directed against the grant of the application of WJW, Inc., for modification of construction permit to change frequency from 1240 to 850 kilocycles, increased power from 250 watts to 5 kilowatt with directional antenna day and night, change location of transmitter to a site 13.8 miles nearer Cleveland and move the studios from Akron to Cleveland.

The Commission dismissed KOA's request for a stay order without prejudice to KOA's right to renew the request if WJW should seek authority for actual operation on 850 kilocycles in Cleveland prior to a final decision by the Commission in this matter.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, January 18. They are subject to change.

Monday, January 18

WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—C. P., 1030 kc., 10 KW, DA-night, unlimited.

Tuesday, January 19

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Renewal of license (main and auxiliary), **1520 kc.,** 50 KW, unlimited, DA-day and night.

WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Renewal of license (main and auxiliary), **550 kc.,** 1 KW night, 5 KW day, unlimited, DA-night.

NEW—Chattahoochee Broadcasting Co., Columbus, Ga.—C. P., **1450 kc.,** 250 watts, unlimited.

Thursday, January 21

WBNY—Roy L. Albertson, Buffalo, N. Y.—Modification of license, **680 kc.,** 250 watts, unlimited.

Friday, January 22

WORK—York Broadcasting Co., York, Pa.—Modification of C. P., **1350 kc.,** 1 KW, DA-night, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATION GRANTED

KROY—Royal Miller (Assignor), Royal Miller, Marion Miller, L. H. Penney, Gladys W. Penney, and Will Thompson, a partnership, d/b as Royal Miller Radio, Sacramento, Cal.—Granted consent to assignment of license for Station KROY, Sacramento, Calif., from Royal Miller to a partnership composed of Royal Miller, Marion Miller, L. H. Penney, Gladys W. Penney, and Will Thompson, d/b as Royal Miller Radio, for a total consideration of $18,500 to be paid the assignor (B5-AL-358)

DESIGNATED FOR HEARING

WOKO—WOKO, Inc., Albany, N. Y.—Designated for hearing application for renewal of license of Station WOKO and auxiliary, upon the following issues: To determine whether the representations and statements made to the Commission or its predecessor, the Federal Radio Commission, by the licensee, its officers, directors, stockholders, or agents, with respect to the ownership or transfer of, subscription to, or consideration paid for the stock of WOKO, Inc., truly and accurately reflect the facts; to determine all the circumstances and conditions under which the stock of WOKO, Inc., has been issued, transferred, or assigned; to determine whether or not the applicant is qualified to continue the operation of Station WOKO; and to determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience and necessity would be served by a grant of this application (B1-R-253).

MISCELLANEOUS

KGER—Consolidated Broadcasting Corp., Ltd., Long Beach, Calif.—Granted license to cover construction permit as modified, for new equipment, increase in power, installation of directional antenna for night use, and move of transmitter (B5-L-1741); granted authority to determine operating power by direct measurement of antenna power (B5-Z-1483).

WOSH—Howard H. Wilson, Oshkosh, Wis.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-1448).

W39NY—City of New York, Municipal Broadcasting System, New York, N. Y.—Granted modification of construction permit as modified, which authorized new high frequency broadcast station, for extension of completion date from November 14, 1942, to March 14, 1943 (B1-MPH-117).

WLW—The Crosley Corp., Cincinnati, Ohio.—Granted motion for postponement of hearing set for January 8 on application for modification of license; hearing continued to February 8, 1943. (Docket No. 6341)

The Commission adopted an order denying the joint petition of Woodmen of the World Life Insurance Society and Radio Station WOW, Inc., for extension of time within which assignment of license of Station WOW may be consummated.

The Commission granted permission for stations to identify mechanical records as such by appropriate announcements either immediately preceding or immediately following the broadcasting of transcribed United States Government messages of a maximum duration of two minutes on war information. This action was taken upon consideration of the request of the Office of War Information dated January 6, 1943, for permission to make the announcement "This transcribed communication is from the Office of War Information" following one-minute spot transcribed announcements.

The Commission denied the request from The Blue Network for waiver of Section 3.406 so as to eliminate station identification announcements during the course of a program on Saturday, January 30, 1943, from 11:15 p.m. to 12:15 a.m., in connection with the President's birthday.

The Commission stated further that similar requests from other networks will not be granted.

WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Granted petition to intervene in the hearing on application of WBNY, Buffalo, N. Y., for modification of license.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted motion for continuance of hearing from January 21 to February 23 in re application for modification of license.

Chattahoochee Broadcasting Co., Columbus, Ga.—Granted motion for continuance of hearing from January 19 to February 4, in re application for new station.

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Cal.—Granted petition to postpone hearing now scheduled for January 26 to March 22, in re application for construction permit.

WORK—York Broadcasting Co., York, Pa.—Granted petition to continue hearing from January 22 to February 25, in re application for modification of construction permit.

APPLICATIONS FILED AT FCC

550 Kilocycles

KOAC—Oregon State Agricultural College, Corvallis, Ore.—License to use formerly licensed main transmitter as an auxiliary with power of 1 KW.

620 Kilocycles

WKAQ—Radio Corporation of Porto Rico, San Juan, P. R.—Modification of construction permit (B-P-3489, which authorized move of studio and transmitter) for extension of completion date from 1-26-43 to 7-26-43.

780 Kilocycles

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Extension of special service authorization to operate synchronously with WBBM from local sunset at Lincoln, Nebr., to 12 midnight, CST, for period ending 2-1-44.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Extension of special service authorization to operate synchronously with KFAB from local sunset at Lincoln, Nebr., to 12 midnight, CST, for period ending 2-1-44.

850 Kilocycles

WEEU—Berks Broadcasting Co., Reading, Pa.—Special service authorization to operate from 7 a. m. to local sunrise during months of January, February and March, 1943.

1440 Kilocycles

WSAM—Saginaw Broadcasting Co., Saginaw, Mich.—Authority to determine operating power by direct measurement of antenna power.

1450 Kilocycles

KFMB—Worcester Broadcasting Corp., San Diego, Calif.—Voluntary transfer of control from Warren B. Worcester, deceased, to The First National Trust & Savings Bank of San Diego, as Trustee under Declaration of Trust for Warren B. Worcester.

1560 Kilocycles

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—Extension of special service authorization to operate on **1560 kc.,** with power of 10 KW, unlimited time, non-directional antenna for period ending 4-1-44.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINT

The Federal Trade Commission has alleged unfair competition against the following firm. The respondent will be given an opportunity to show cause why cease and desist order should not be issued against it.

Frenco Laboratories, Long Beach, Calif., compounding and selling medicinal preparations designated "Pap-Tabs," "Py-O-Ten," "Pap-Tea," is charged in a complaint with misrepresentation. (4885)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Joseph G. Branch Institute of Engineering & Science—An order has been issued directing Joseph G. Branch, trading as Joseph G. Branch Institute of Engineering and Science, 3917 South Parkway, Chicago, to cease and desist from representations found to have deceived students as to the character of his correspondence school and the value of the courses offered and the purported degrees conferred. All of the 37 courses sold by the respondent are in the Spanish language and include such subjects as medicine, dentistry and several branches of engineering. (4708)

Theophilus J. Craig, 14 Federal Ave., Quincy, Mass., dealer in tombstones and monuments, has been ordered to cease and desist from misrepresentations with respect to the quality, material and price of the products he sells. (4600)

Purity Candy Co., 1135 North Sixth St., St. Louis, have been ordered to cease and desist from selling or otherwise disposing of candy or other merchandise by means of lottery schemes. (4872)

Sherwin-Williams Co., Cleveland, Ohio, and two of its subsidiaries, The Lowe Brothers Company, Dayton, Ohio, and John Lucas & Company, Inc., Philadelphia, have been ordered to cease and desist from violation of the Robinson-Patman Act by discriminating in price between different purchasers of their paint products of like grade and quality. (3965)

World's Star-Malloch, Inc., 501 Ottawa Ave., N. W., Grand Rapids, Mich., has been ordered to cease and desist from misrepresentation in the sale of hosiery. The respondent corporation also has operated under the trade name "Strand-Sealed Hosiery Co.," use of which was discontinued in 1937. (3623)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Brighton Sales, 427 Neptune Ave., Brooklyn, selling and distributing old, worn, second-hand or previously used clothing, has to cease using the words "slightly used" or the word "slightly" or other words of like meaning which tend to convey the belief that previous use or wear of the products is slight or negligible, when, in fact, the extent, degree or nature of such use or wear is such as to be improperly designated or referred to as "slightly" or "slight"; offering for sale or selling any old, worn, second-hand or previously used article of clothing unless there be attached to its exposed surface a tag or label bearing in conspicuous and legible terms a statement that such garment is old, worn, second-hand or previously used; and using any fiber designation in connection with the offering for sale, distribution, labeling or advertising of any merchandise unless such designation truthfully discloses each constituent fiber thereof in the order of predominance by weight, beginning with the largest single constituent, and also unless tags or labels bearing in conspicuous and legible terms such correct fiber content be affixed to the exposed surface of the article. (3594)

Chicago Premium Co., Inc., 54 West Illinois St., Chicago, selling and distributing so-called eyeleted gold seal booklets and trading stamps to retail dealers, engaged in the sale of petroleum products and other merchandise, for use as advertising media, has stipulated to cease and desist from placing in the hands of retail dealers or others sales promotional booklets and stamps or any other sales plans or devices which are to be used, or obviously are intended for use, in the sale or distribution of merchandise by means of a game of chance, gift enterprise or lottery scheme. (3595)

Coates Concentrates, 20 East Jackson Boulevard, Chicago, has entered into a stipulation to cease and desist from misrepresentation in connection with the sale of food and drug tablets. (03087)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON, D. C. Vol. 11, No. 4, January 22, 1943

OPERATOR REQUIREMENTS RELAXED

The Commission today issued Order 91-C extending the period during which temporary operators licenses will be recognized. This action on the part of FCC consummates a project initiated by the resolution introduced by Marshall Pangra, KRNR, at the 17th NAB District meeting in Portland, Oregon, on November 19.

Resolutions imploring similar action were adopted at the 11th, 10th, 9th, 8th, 7th, 2nd and 1st District meetings which followed in that order after the 17th District meeting. The views of the broadcasters were made known to the FCC by NAB when the original 17th District resolution was transmitted. Order 91-C reads as follows:

"At a meeting of the Federal Communications Commission held at its offices in Washington, D. C. on the nineteenth day of January 1943,

"The Commission having under consideration its orders no. 91, 91-A, and 91-B and the request of the Board of War Communications that the Commission consider further relaxation of its rules and regulations governing the requirements for operators of broadcast stations; and,

"It appearing, that the demand of military services for radiotelegraph and radiotelephone operators has increased as a result of the war and that such demand has decreased the number of operators qualified for operation of broadcast stations resulting in a shortage of such operators;

"It is ordered, that until further order of the Commission, notwithstanding the provision of section 13.61 of the Commission's Rules and Regulations governing commercial radio operators, a broadcast station of any class, which by reason of actual inability to secure the services of an operator or operators of a higher class could not otherwise be operated, may be operated by holders of any class of commercial operator license;

"Provided, however, that all classes of commercial operator licenses shall be valid for the operation of broadcast stations upon the condition that one or more first-class radiotelephone operators are employed who shall be responsible at all times for the technical operation of the station and shall make all adjustments of the transmitter equipment other than minor adjustments which normally are needed in the daily operation of a station;

"Provided, further, that a broadcast station may be operated by a holder of a restricted radiotelephone operator permit only in the event such permit has been endorsed by the Commission to show the operator's proficiency in radiotelephone theory as ascertained through examination.

"Provided, further, that a broadcast station having a licensed power of 1,000 watts or less may be operated by a holder of restricted telephone operator permit which has been endorsed by the Commission to show the operator's proficiency in the operation of the particular station concerned, as ascertained by certification of the first-class radiotelephone operator in charge of the station, on condition that in a technical emergency such operator shall not attempt to make any adjustment, but shall immediately shut down the station.

"Provided, further, that nothing contained therein shall be construed to relieve a station licensee of responsibility for the operation of a station in exact accordance with the rules and regulations of the Commission; and

"Provided, further, that Section 13.61 of the Commission's Rules and Regulations governing commercial radio operators shall remain in full force and effect except as modified by this order.

"This order supersedes orders 91, 91-A and 91-B."

The Commission and all other government agencies which cooperated in working out the details of this order are to be highly commended for most certainly it will contribute to relieving a pressing problem in many stations.

LINE CHARGES REDUCED

"FCC Chairman Fly and Commissioners Walker, Wakefield and Durr are to be heartily congratulated on the outcome of the move to secure a reduction in telephone rates and line charges by the American Telephone and Telegraph Company," said NAB President Miller. "With the broadcasting industry, and especially the smaller stations, struggling under the added burden incident to war responsibilities, this reduction in line charges is certain to prove a boon. It will make possible the continuance, and in some cases the expansion, of radio's contribution to the war effort, especially in cases involving remote control programs. The broadcasting industry is deeply gratified."

Reduction in line charges, according to the Commission, are equivalent to approximately 25 per cent in telephone lines and 35 per cent in private telegraph lines. Small broadcasting stations as casual users of telephone lines, will benefit from a lowering of the initial rate per hour for line costs by approximately 50 per cent. Larger broadcast users will benefit by a reduction from $6 to $8 per air line mile.

Commenting upon the matter, Chairman James Lawrence Fly said:

"I believe this agreed settlement accomplishes some highly desired results. The importance of the extension of the great benefits of network broadcasting to the small and remote radio stations of this country can hardly be over-emphasized; they are an essential part of our modern system of mass communication and every effort ought to be made to preserve these small stations and to improve the service they are rendering to the public. I think, too, the benefits to the press of the Nation and to the Nation, itself, in making more economical the free flow of news and information is of real significance.

"It is also heartening to see these adjustments substantially lower the cost of carrying on the war without in any way encouraging an undesirable increase in nonessential telephone conversations.

"Commissioners Walker, Wakefield and Durr have done a good job in negotiating the adjustments. Mr. Gifford, President of the American Telephone and Telegraph Company, and the other officials of the Bell System have cooperated in achieving these results and in avoiding the unnecessary expenditure of manpower and funds in the course of extensive proceedings and litigation.

"The settlement also recognizes the great interest of the State Commissions and of the independent companies in the charges in question, and the counsel and advice of the State Commissioners has been most helpful. It may be true that this is not an ideal settlement of an impor-

(Continued on page 28)

NAB Reports
THE NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Lewis H. Avery, *Director of Broadcast Advertising;* Howard Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Arthur C. Stringer, *Director of Promotion.*

LINE CHARGES REDUCED

(Continued from page 27)

tant and intricate problem; however, under all of the circumstances, at this crucial juncture, I cannot but feel that it is over all a wholesome settlement and represents very constructive gain from the public point of view."

TREASURY SAYS "NO"

The Treasury has advised NAB that the value of broadcast time given the Government does not represent a payment made to the United States within the meaning of Section 23(q) of the Internal Revenue Code as amended, and that no deduction on account thereof is allowable. However, expenses incurred by stations in connection with broadcasting information regarding the purchase of U. S. war bonds, recruiting men for the armed forces, etc., are deductible as ordinary and necessary business expense under Section 23(a)(1) of the Internal Revenue Code as amended.

The Treasury's letter signed by Internal Revenue Commissioner, Guy T. Helvering, follows:

"Further reference is made to your letter of December 17, 1942 stating that radio stations at the request of the Treasury, War and Navy Departments, and other Government agencies, have contributed the use of their broadcasting facilities without charge to the Government to broadcast various programs and announcements designated by such agencies as necessary or desirable in furtherance of the sale of war bonds and stamps, the recruiting of men for the armed forces, and other Governmental purposes.

"You request to be advised whether radio stations so contributing the use of their facilities to the Federal Government are entitled to deduct in their Federal income tax returns under section 23(q) of the Internal Revenue Code, as amended, the value of the radio broadcast "time" contributed, using as a measure of value the published "card rates" customarily charged advertisers for similar use of the station's facilities.

"Section 23(q) of the Internal Revenue Code, as amended effective for the taxable years beginning after December 31, 1941 by section 125 of the Revenue Act of 1942 approved October 21, 1942, provides for the deduction in the case of corporations of contributions or gifts, payment of which is made within the taxable year to or for the use of:

> "'(1) The United States, any State, Territory, or any political subdivision thereof or the District of Columbia, or any possession of the United States, for exclusively public purposes;
>
> * * * * * * * *
>
> to an amount which does not exceed 5 per centum of the taxpayer's net income as computed without the benefits of this subsection.'

"The records of the Bureau disclose that the question presented in your letter was made the subject of a communication addressed to you by the Bureau on December 9, 1942. I. T. 3593, I. R. B. 1942-51, 3, which was subsequently issued on the subject reads in part as follows:

> "'The business of a radio broadcasting station includes, among other things, the broadcasting of news, advertising of products, and dissemination of other matters of interest to the public. In broadcasting information with respect to the purchase of United States war bonds, radio broadcasting stations are carrying on one of the functions for which they are organized, and the expenses incurred in connection therewith are deductible as ordinary and necessary business expenses under section 23(a)1 of the Internal Revenue Code, as amended.'

"This office is of the opinion that the value of the radio broadcast "time" does not represent a payment made to the United States within the meaning of section 23(q) of the Internal Revenue Code as amended, and no deduction on account thereof is allowable. However, expenses incurred by radio broadcasting stations in connection with broadcasting information regarding the purchase of United States war bonds, recruiting men for the armed forces etc., are deductible as ordinary and necessary business expenses under section 23(a)(1) of the Internal Revenue Code as amended.

Respectfully,

(Sgd.) Guy T. Helvering,
Commissioner.

Engineering

IRE WINTER CONFERENCE

The IRE Winter Conference will be held in the Engineering Societies Building, 33 West 39th Street, New York, on Thursday, January 28 in cooperation with the National Technical Meeting of the AIEE. In other cities, many sections of the IRE will hold local meetings at the same time. During the evening the sectional meetings will be linked by radio with the New York and Washington, D. C., meetings. Through the courtesy of the Columbia Broadcasting System, a nationwide radio network will carry an address by the Honorable James Lawrence Fly from Washington, D. C., Dr. L. P. Wheeler, President of the Institute for 1943, and Mr. A. F. Van Dyck, 1942 Institute President, will speak from the auditorium in New York.

The following technical papers will be presented at the morning session on January 28:

"Radio-Frequency-Operated High-Voltage Supplies for Cathode-Ray Tubes," by O. H. Schade, RCA Manufacturing Company, Radiotron Division, Harrison, N. J.

"Transmission-Line Charts," by R. S. Julian, Bell Telephone Laboratories, Whippany, N. J.

"Polydirectional Microphones," by H. F. Olson, RCA Manufacturing Company, Victor Division, Camden, N. J.

"Phosphorus and the Periodic System of the Elements," by H. W. Leverenz, RCA Communications Laboratories, Princeton, N. J.

The afternoon session starting at 2:30 p. m. will include the following:

Dr. L. P. Wheeler, President of the Institute for 1943, will formally take office and preside at the Annual Meeting.

A. F. Van Dyck, President of 1942, will give an account of his term of office and note the trend of Institute accomplishment.

The Institute's Medal of Honor will be presented to William Wilson.

"Electric Communications—the Past the Present Illuminate the Future: A Suggestive Interpretation," by Lloyd Espenschied, Consultant, Bell Telephone Laboratories, Inc.

"Production of Radio Facilities for the Armed Services," by Rear Admiral Stanford C. Hooper, U. S. Navy; General Consultant for Radio, Radar, and Underwater Sound Equipment.

BATTERY INFO WANTED

Battery sets are in operation in certain sections of the country remote from power lines. We would like to hear from broadcasters in these localities as to dealer and jobber battery inventories. If battery information from the trade is meager, it is suggested you check listeners during a good farm program. Our information on tubes and parts is satisfactory but incomplete on radio batteries. Specify types if there seems to be an impending shortage.

"The Army-Navy Electronics Production Agency," by F. R. Lack, Director, Army-Navy Electronics Production Agency.

"The Function of the War Production Board in Radio," by Ray Ellis, Director, Radio and Radar Division, War Production Board.

"Radio Standards Go to War," by H. P. Westman, War Committee on Radio, American Standards Association.

"The Engineer's Position in the Manpower Program," by Kirk Miles, National Roster of Scientific and Specialized Personnel, War Manpower Commission.

The evening session will be a joint meeting of AIEE and IRE beginning at 8:30. Haraden Pratt, Past President of IRE and Chairman of AIEE's National Committee on Communication, will preside. The speaker of the evening, Dr. George C. Southworth, of Bell Telephone Laboratories, Inc., has chosen as his subject "Beyond the Ultra Shorts."

Doctor Southworth has previously given notable addresses before different audiences of the two engineering societies. It is particularly felicitous that upon the occasion of their meeting together in the wartime equivalent of their national conventions they will share the privilege of hearing him again.

Registration will be in the library of the Engineering Societies Building, 9:15 a. m.-3:30 p. m., for IRE members and guests. No registration for Thursday evening meeting. All IRE Conference and AIEE Technical Meeting sessions open to registrants of both societies. On days other than Thursday, IRE members register as guests of AIEE.

Data Available

The NAB Engineering Department has available a limited quantity of two recent releases of interest to station engineers. Copies of the Engineering Section of the NAB District Meeting Handbook and the description of the Automatic Alarm 1,000 Cycle Receiver will be forwarded upon request.

THE COX RESOLUTION

On Tuesday the resolution (H. Res. 21) introduced in the House by Representative Cox (D-Ga.) calling for an investigation by a select committee of the "organization, personnel, and activities" of the FCC was passed by a nearly unanimous voice vote. The Speaker promptly appointed Mr. Cox as chairman of the investigation committee, and the following members to serve with him: Hart (D-N. J.), Magnuson (D-Wash.), Wigglesworth (R-Mass.), and Miller (R-Mo.).

Addressing the House on his resolution, Mr. Cox is reported in the Congressional Record as saying:

"Mr. Speaker, I am this morning bringing to you a matter in which I have the deepest possible personal interest. If the resolution I am offering is adopted, it will operate as a depressant upon the bureaucrats seeking to swallow up all legislative power which belongs alone to Congress and should be of like concern to you.

"In 1939 the Albany Herald, a newspaper, the editor of which is Mr. Henry T. McIntosh, the model man of my State, its first citizen, brought to my attention that it was interested in the development of a small broadcasting station in Albany, Georgia. Ours is something of a desert land insofar as radio is concerned. In Albany there is a small station, but it did not render entirely satisfactory service to the people within that territory, though it rendered a service that was valuable and appreciated.

"Following this first communication from Mr. McIntosh, the Albany Herald filed its application for leave to establish a station. The Albany Herald is a daily newspaper, the largest newspaper published in the southwest quarter of my State, and is the paper of widest circulation.

"The people who own and operate the Albany Herald are my lifelong friends. They are people with whom I was reared. They are my confidants. They are people whom I love and who love me. In the spring of 1940 permission to build and operate a station was granted by the Federal Communications Commission.

"While the application was pending in the Commission I made many visits to the Commission. I visited with Mr. Fly, with Mr. Ring, its engineer, with Mr. Walker, another member of the Commission, with the counsel of the Commission. I consulted freely and frequently with Mr. Dempsey, its general counsel. After the license had been granted and the station had been built and had been operating for about a year, a new corporation was set up to take over the property and its operation. That new corporation was created because of advice given to me, to the counsel of the Albany Herald and to its manager, by Mr. Dempsey, the general counsel of the Commission, in which Mr. Dempsey said that because of the hostile attitude of the Commission toward newspaper ownership and operation of radio, a new corporation to take over and to operate the station should be created. Tremendous correspondence passed between McIntosh, the Albany Herald, counsel, and others interested in the station and myself. When the new corporation was set up, and without any knowledge on my part, they issued to me, upon the suggestion of Mr. McIntosh, according to the minutes, a check for $2,500 which was in turn endorsed by me and returned as payment for stock in a like amount in the new corporation. Later on the stock was issued for $2,500 in the new corporation. It may be worth $2,500 or it may not be worth a dime. It will not be worth a dime unless the new corporation is permitted to function. Friends in the new corporation insisted they wanted me connected with the station; that they wanted me to serve in an advisory capacity. They had been told that I could not represent them before the Commission or anyone connected with the Commission or any other agency of the Government. They said they did not want this; that they had their regular counsel.

"When the new corporation was set up, an application for transfer of ownership of property and license to operate was made to the Commission. In March, 1942, after the station had been operating for more than a year, and after the Albany Herald had filed its application for leave to transfer, about which I had nothing to do and no information, I introduced a resolution to investigate the Commission.

"Neither the Albany Herald nor McIntosh nor any other person interested in the Albany property had any knowledge, much less anything to do with my introducing the resolution to investigate. The resolution which I offered was the result of representations made to me by the small broadcasters throughout the country, by newspapers having an interest in broadcasting, and by people in the Government—people connected with the Army and with the Navy, and many others, and because of the bad reputation of the Commission ever since it was first created; all these people insisted that Mr. Fly, the Chairman of the Commission, was undertaking to set up a despotic dictatorship over all media of communication. That he has been endeavoring to do that I attest to be a fact. To those of you who doubt the truthfulness of this statement, if you know anybody connected with the Commission in whom you have confidence, and will telephone them now, they will tell you. Or if you still have doubt and you know anybody in the newspaper field who in anywise is interested in broadcasting, ask them and they will tell you so.

"Now, after the resolution was introduced, Mr. Fly sent his agents into my district. He did for me just what he has done for other Members of Congress. He did for me just what he has done for everybody else who has made any criticism of the Commission and of its communistic operations. He set his gestapo like a pack of hungry wolves on my trail, and they have trailed me since the day I offered the first resolution, and they are trailing me now.

"As stated he sent these agents into my district. They went to the office of the broadcasters and they rifled their files. They went to the office of the Albany Herald and they rifled its files. They went to the office of the counsel of the Herald and the broadcasting company and they rifled his files. They came back and brought a bale of material here to Washington over the protest of the people whose property it was. They brought it to Washington and they have it now, and they refused to return it over repeated appeals on the part of the people whose property it is.

"That was not all. They went in the banks of my district in an effort to find something on me; they went to the post offices in my district and made investigation as to registered mail that had been sent to me, and they sought to make an investigation of that. And that is not all. This man Fly, when his agents got back to Washington, went down to the Department of Justice and appealed to the Department to prosecute me or to initiate some sort of investigation. He and his snoopers and spies have in a sense sat upon the steps of the Department of Justice for a year almost making appeal after appeal that the Department initiate an investigation of me. They cited the Herald radio station to show cause as to why the license granted to it should not be revoked and as to why other applications that it had on file should not be denied. Those hearings were continued from time to time for the purpose of giving Fly further opportunity to influence the Department of Justice to investigate me, continued not once, not twice, but more than that; and following every continuance another visit by the Gestapo of this man Fly, who is the worst of a bad lot, was made to the Department of Justice.

"And that is not all, my friends; that is not all. This same Fly—and if I were disposed to go into his record I could bury him with filth—he sent his agents into the Internal Revenue, his Gestapo into the Bureau of Internal Revenue to examine my returns from 1931 up to last year; they made photostatic copies of them. That was not all: They made a like investigation in Internal Revenue of a clerk in my office. Think of it, my friends. A clerk in my office. They went into the Internal Revenue Department in my State and made a similar investigation there.

"As to the stock that was issued to me, that was in the new corporation; it was issued on the basis of an opinion, furnished by their attorney, that it was perfectly ethical and legitimate for a Member of Congress to represent anybody insofar as he did not appear before any agency or agent of the Government in their behalf. From the time that stock was issued I have never communicated directly or indirectly with the Commission with reference to any interest of the broadcasting company or of anybody else; there was no irregularity in the transaction, no effort to cover up at all; and I might say to you as to what disposition was made of the stock, not made in the endeavor to cover up anything, it was transferred to a little private charity.

"This resolution that is pending here now is a reintroduction of the first resolution. I am endeavoring to have a special committee set up to investigate the Commission and its operations and I say to you that of all the bureaucrats who have sought to smear Congress this man Fly is the worst. His pursuit of me has been nothing but blackmail. When he was down here in the Tennessee Valley Authority a cell of the Communist Party which was referred to as the best unit of the entire organization was set up in the Authority; and there are other things I might tell you. His whole outfit now is a nest of Reds. This man Dodd, who opposed HOWARD SMITH 4 years ago, is there; so is the man who wrote the statement that Congress was the joke of the century; he is still there, this man Dodd who said to his draft board over in Virginia about 5 weeks ago that he was going to South Africa, but applied to the State Department for a passport to England was denied a passport because of his communistic affiliations, he is down there now. This Commission as run by Fly is the nastiest nest of rats to be found in this entire country."

We print below the resolution:

"*Resolved*, That there is hereby created a select committee to be composed of five Members of the House to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

"The committee is authorized and directed to conduct a study and investigation of the organization, personnel, and activities of the Federal Communications Commission with a view to determining whether or not such Commission in its organization, in the selection of personnel, and in the conduct of its activities, has been, and is, acting in accordance with law and the public interest.

"The committee shall report to the House (or to the Clerk of the House if the House is not in session) at the earliest practicable date during the present Congress the results of its investigation, together with such recommendations as it deems desirable.

"For the purposes of this resolution the committee is authorized to sit and act during the present Congress at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any member designated by him, and may be served by any person designated by such chairman or member."

SPARKMAN'S RESOLUTION

Monday Representative Sparkman (D-Ala.) introduced a resolution (H. Res. 55) calling for an investigation of "the Federal Communications Commission, the broadcasting industry and of any business related thereto or connected therewith," which was referred to the Committee on Rules. Mr. Sparkman addressed the House, according to the Congressional Record, as follows:

"Radio broadcasting vitally affects the public. If there is to be an investigation, we want one which will get into the basic issues in this most important field. I have no objection to the Cox resolution except that it is too limited. We want to know what the commission is doing. But more important even than that we want to know about the industry, an industry in which a few networks dominating the field make inordinate profits and in which the small independent stations in our rural sections are being forced to the wall. In 1941, for example, the return on net investment, after taxes, was about 60 percent for the National Broadcasting Co. and for the Columbia Broadcasting System. While this was going on, two or three hundred of our smaller stations lost money; and they are still losing money. During this year, the small radio station, along with other small businesses, is threatened with extinction. We cannot afford to let that happen. With gasoline rationing, they are more important than ever. They are the back-bone of independent broadcasting service in the interest of our own local communities, and in the interest of the Nation at war. We must not have the building up of monopoly, control, and inordinate profits at one end of the line and economic disaster at the other end.

"We want to know the extent of the monopoly and control exercised by a very few of our 130,000,000 people over this, the world's most effective medium for molding public opinion. We want to know how that control is tied up with control over the sources of program material—over records and transcriptions, for example. Can small record and transcription companies survive? Our small independent stations cannot get network service. Those on the networks get little or nothing from it. Stations, especially the independent ones, rely to a great extent upon transcriptions. We want to know whether there is any undue concentration of control here and whether it is being exercised to the detriment of the independent stations.

"We also want to know how the control of radio broadcasting is being exercised in terms of what the public is permitted to hear. We want to know how it is that organizations like the Cooperative League are denied time to use the frequencies which belong to the public. Regardless of our own views regarding the merits or demerits of this movement, we should know how it is that a movement of such public significance is denied time on the ground that its program concerned a controversial matter or that it may be disturbing to present vested interests. We want to know the answer to that. We must know how much discrimination there is by radio stations in selling the use of their facilities, who the favored persons or groups are and the reason for their advantage.

"And the use of radio in political campaigns is another matter we have reason to be concerned with. Some Congressmen who remained in Washington during the recent campaign have particular reason to be concerned over the action of radio stations in denying time to their supporters back home.

"There are other matters any investigation should include. All of us no doubt have received complaints in recent weeks about the great wave of vulgarity, obscenity, and suggestiveness that has been coming in over various radio programs. We know that the average station is powerless to control this flood of vulgarity because it has no control over the program and no advance notice as to what may be in it. We cannot afford to let programs which come into our homes and which cannot well be kept from the ears of our children replace the Police Gazette.

"Commentators, too, merit our attention. Whose interests are they serving? The recent attacks upon this body over the radio are serious business. We want to know what is back of all this. We want to know what efforts have been made to present the other side, and if none have been, why not.

"We have only one agency, the Federal Communications Commission, which is entrusted with authority to do something about these vital subjects unless we can dispose of some of them by definitive legislation. It may well be that the Commission can be expected to do a better job in protecting the public interest if more explicit duties are placed upon it. At any rate here is a grave problem and I submit we cannot continue to overlook it."

A. F. OF M. ANTI-TRUST CASE

On Monday Judge John P. Barnes in the Federal District Court in Chicago set January 25 for hearing of the A. F. of M.'s motion to dismiss the Government's amended complaint against the union under the anti-trust laws.

KOA TO SUPREME COURT

The Supreme Court on Monday granted review of the KOA case upon petition of the FCC. The Commission is seeking reversal of the decision of the U. S. Court of Appeals for the District of Columbia. It was there held that the Denver station is entitled, under Section 303(f) of the Communications Act of 1934, to intervene in the proceedings before the Commission involving the modification of the license of WHDH, Boston, to permit night operation. Both stations are on the same frequency.

TECHNIQUE COUNTS

The Saturday Evening Post, January 16, 1943, on page 46 prints a "Letter of the Week" written by Louis Ruthenburg, president of Servel, Inc., Evansville, Ind.

Its reading is suggested because it outlines as a policy the practice for dealing with WPB which NAB has consistently followed from the beginning.

Mr. Ruthenburg wrote in part:

"We need to quit bellyaching. We need only look at the production record for inspiration and confidence. We need to give these production heroes a pat on the back instead of a kick in the pants. *They need our help. We certainly need theirs.*

"There is another thing we can do. If we have constructive suggestions—and there should be plenty—send them to those officials of the War Production Board with whom you have a personal or business acquaintance. Point out that 'here is a tip to eliminate some friction and speed up the job; take it for what it is worth.' "

Keeping industry operating during the war is a problem and keeping broadcasting functioning is going to keep all of us on our toes.

While a proposition is being negotiated is no time for publicity. That is why we believe it politic to report end results.

TODAY'S NEWS

Today's news affecting broadcasting is that WPB, on January 15, approved a list of components needed to maintain the nation's home radios.

The order for components and tubes for home radios is in process of execution with issuance expected early in February.

BANK REVIEWS INDUSTRY

The winter issue of "The Index," published quarterly by The New York Trust Company, carries a splendid eight page article on, "RADIO BROADCASTING. A New Industry Plays Vital War Role." The article was called to our attention by Major Edney Ridge, managing director, WBIG, Greensboro, N. C.

WPTF IN NEW STUDIOS

WPTF, Raleigh, N. C., has officially opened brand new offices and studios in the just-completed Durham Life Building.

Richard H. Mason, station manager, announced the event in a two-page photographically illustrated letter. Seven pasted in glossies pictured highlights of the layout.

WPTF quarters occupy a large part of the mezzanine and second floor of the super-modern, sixteen story office building. The entire building is air conditioned.

Last year WPTF went on the air with a 50,000 watt, air cooled Westinghouse transmitter.

FAY (WHAM) ADVANCES

On January 12, 1943, at the award of the Army-Navy "E" to the Stromberg-Carlson Telephone Manufacturing Company, an announcement was made of the appointment of William A. Fay, manager of WHAM, as a director of the company. Last October, Bill was elected Vice President in charge of broadcasting. Both honors are deserved recognition of the achievements and service of WHAM during the more than 15 years that Bill has served as chief executive.

NAB LISTENS

Lewis H. Avery, Director of the NAB Department of Broadcast Advertising, and Joseph L. Miller, NAB Labor Relations Director, attended the sessions of the 248th meeting of the National Industrial Conference Board in New York. Miller will attend the employer-employee relationships discussions, while Avery will sit in on the panel which is to discuss post war advertising problems. In so far as the subjects developed at the conference are open to publicity, a report will be made in a future issue of the REPORTS.

Listener Activities

MINNESOTA COUNCIL MEETS

The Minnesota Radio Council at its meeting being held today (January 22) is considering three important phases of radio: "Something New In Broadcasting," "Audience Appreciation" and "Audience Participation."

Hayle Cavanor, Regional Director of Radio for the Office of War Information, is scheduled to give a brief talk on the Overseas Radio Division. Max Karl, Educational Director of WCCO, is to analyze the returns in the recent survey of day-time listening, conducted under the sponsorship of the Council. His analysis of these returns will give new and startling information on the appreciations and limitations of the average radio listener.

The subject of what the radio audience wants will be covered by Edmund E. Sylvestre, president, and Elizabeth Reeves, vice president and script editor of the Knox-Reeves Advertising Agency.

The "Write-A-Fighter Corps," which now has more than a million members, will be the topic of discussion by Arthur H. Lund who directs the membership campaign for this Corps. He will explain how the program functions to aid the listening audience to perform a war service. Mrs. George B. Palmer, President of the Radio Council, is presiding.

COUNCIL AIDS AWARDS

The Minneapolis Radio Council, cooperating with the Minnesota Radio Council, is carrying on a very unique project. A Listening Post has been established under the auspices of both the local and the state Council. The primary objective at this time is to aid in selecting an entry for the George Foster Peabody Award for outstanding public service. In a broadcast to the members of the Council, they are urged to listen, given instructions as to how to listen, and to then express their own personal judgment on certain programs which they believe are deserving of consideration at the hand of the awards committee. Members are requested to listen a minimum of three times during the week.

This project has been in progress since November and undoubtedly many valuable suggestions will be submitted to the committee. This represents a splendid method by which listeners may participate in an effort to reward meritorious public service programs.

TENNESSEE COUNCIL ACTIVITY

The Education Committee of the Radio Council of Middle Tennessee has been divided into two groups. One will make a study of newscasts for children under the chairmanship of Mr. R. L. Thomas, Elementary Supervisor, State Department of Education. The second group will explore the Children's Book Reviews on the air, with Miss Martha Parks, State Department of Libraries, Nashville, Tennessee.

Women Directors

MISS CHILTON, MISS GOUDY FETED

Dorothy Lewis, NAB Coordinator of Listener Activity, tendered a tea at her home in New York, honoring Miss Ruth Chilton (WSYR), President of the Association of Women Directors of NAB, and Miss Elizabeth Goudy, Radio Director of the Los Angeles County Schools and noted authority on radio education.

The following were guests: Miss Kathryn Cravens, WNEW; Miss Margaret Cuthbert, NBC; Miss Henrietta Harrison, Radio Director, YMCA; Mrs. Harold V. Milligan, President, National Council of Women; Miss Grace Johnson, Blue Network; Miss Lucille Clark, Radio Director, Girl Scouts; Mrs. Joseph E. Goodbar, Radio Chairman, National Federation of Press Women; Mrs. Georgiana Brown Harbeson, President, Society of American Painters; Miss Luella Hoskins, Radio Workshop, New York University; Miss Dorothy Gordon, radio artist; Miss Luella Laudin, Radio Chairman, National Council of Women; and Miss Esther Hilton, Director, Federation of Protestant Social Agencies.

DISTRICT 3 ACTIVITIES

Miss Victoria Corey (KDKA) Chairman, Association of Women Directors of the National Association of Broadcasters for District 3, held a luncheon on January 16 in Pittsburgh. Eighteen members, several from out of town, attended. Guest speakers addressed the meeting and a round table discussion followed on topics having to do with better ways of public service by women directors. Messages of greeting were sent by Ruth Chilton, WSYR, President of the Association, and Dorothy Lewis, NAB Coordinator of Listener Activities. It was voted to hold regular meetings in the future.

FEDERAL LEGISLATION

HOUSE RESOLUTION

H. Res. 55 (Sparkman, D-Alabama) INVESTIGATION OF FCC—Authorizing an investigation of the organization, personnel, and activities of the Federal Communications Commission, and of the radio-broadcasting industry. Referred to the Committee on Rules.

STATE LEGISLATION

CALIFORNIA:

A. 388 (Rosenthal) LIBEL—Providing a penalty for writing and circulating publications intended to injure a candidate. Referred to Committee on Elections 1/15/43.

MASSACHUSETTS:

S. 148 (Grant) BROADCASTING—Requiring that the names of persons broadcasting political speeches, either orally or by means of a record, shall be announced at the beginning of the broadcast. Referred to Committee on Constitutional Law 1/18/43.

FEDERAL COMMUNICATIONS COMMISSION

FLY PRESS CONFERENCE

Work of preparing the new list of essential occupations in the broadcast industry dealing with the manpower situation is about completed and is now "in very fine shape", James Lawrence Fly of the FCC said at a press conference early this week.

Mr. Fly told the newsmen that in his opinion all concerned in that matter have worked very hard on it and turned out a splendid job.

Mr. Fly announced also that the equipment survey which the Commission has been making as a result of a questionnaire sent out is about ready for distribution.

As is well-known this is not a pooling plan, but basically an informational set-up where everybody sets forth with some accurate description just what he has "which is available and then we give that information to everyone else and he in turn gets the information regarding equipment that all the other people have."

DRAFT DEFERMENT EXTOLLED

Men who are occupationally deferred can and should take a justifiable pride in their deferment, Chairman Paul V. McNutt of the War Manpower Commission said today.

"Although a great deal of emphasis has been laid on the fact that essential workers are vital to war production, there is still much work ahead in registering this fact with the public, and with the workers themselves," Mr. McNutt said.

"Occupational deferment usually indicates that a man is making a more valuable contribution to the war, right now, than if he were in uniform," Mr. McNutt said. "Such men should remember that our fighting men need materials and supplies to carry on their fight, plenty of them.

"It is the War Manpower Commission's job to see that the nation's manpower is properly allocated—to supply the men for our fighting forces through Selective Service, and at the same time to supply the workers for producing the goods those fighting men need. We are in the position to see the overall picture—the overall need—which the individual worker cannot see.

"We realize how difficult it is for workers in civilian clothes to explain to their friends and neighbors why they are not in the armed forces. The public should realize that the young, able-bodied man in civilian clothes may be anxious to join the armed forces. It simply happens that his work is too important to induct him at this time, or, perhaps, he may have already been considered and did not measure up to the physical standards of the armed forces, even though he has a healthy outward appearance.

"There are some 3,000 occupations which have been designated as essential occupations. Men in these occupations will be kept in those jobs until changing circumstances, such as the training of suitable replacements, make it advisable to induct them into the armed forces."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, January 25. They are subject to change.

Tuesday, January 26

Further Hearing

NEW—Wilkes-Barre Broadcasting Corp., Wilkes-Barre, Pa.—C. P., **1240 kc.,** 250 watts, unlimited, request facilities of WBAX.

NEW—Central Broadcasting Co., Wilkes-Barre, Pa.—C. P., **1240 kc.,** 250 watts, unlimited, request facilities of WBAX.

NEW—Northeastern Pennsylvania Broadcasters, Inc., Wilkes-Barre, Pa.—C. P., **1240 kc.,** 250 watts, unlimited, request facilities of WBAX.

NEW—Key Broadcasters, Inc., Wilkes-Barre, Pa.—C. P., **1240 kc.,** 250 watts, unlimited, request facilities of WBAX.

Thursday, January 28

W55NY—William G. H. Finch, New York, N. Y.—Modification of C. P., **45500 kc.,** 8,500 square miles, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

The Crosley Corp., Cincinnati, Ohio.—Granted construction permit (B2-PST-13) for new ST broadcast station to be used in connection with International Broadcast station WLWO at Cincinnati, to operate on **341800 kc.,** main transmitter 5 watts, booster amplifier 20 watts, special emission for frequency modulation.

WDEL—WDEL, Inc., Wilmington, Dela.—Granted modification of construction permit to change directional antenna for daytime operation only and extension of commencement and completion dates. This application was granted providing the station assumes full responsibility for interference due to blanketing (B1-MP-1677).

KWTO—Ozarks Broadcasting Co., Springfield, Mo.; KGBX, Springfield Broadcasting Co., Springfield, Mo.—Granted additional time within which licensees may effect a plan to separate the common ownership of the stations, such time not to extend beyond May 18, 1943, the completion date of KWTO's outstanding construction permit. Also granted KWTO's request to operate for 30 days as present licensed with 5 KW at the new site specified in its outstanding construction permit, using a single tower and indirect power measurement.

W3XAD—RCA Manufacturing Co., Inc., Camden, N. J.—Granted authority to cancel construction permit (B1-PVB-92) and close the records of the Commission with respect to this station, and cancel license and delete call signal.

W3XEP—RCA Manufacturing Co., Inc., Camden, N. J.—Granted authority to cancel construction permit (B1-PVB-93) and close the records of the Commission with respect to this station, and cancel license and delete call signal.

LICENSE RENEWALS

The following stations were granted renewal of licenses for the period ending February 1, 1945:

KADA, Ada, Okla.; KELO, Sioux Falls, S. Dak.; KFXD, Nampa, Idaho; KGDE, Fergus Falls, Minn.; KGHI, Little Rock, Ark.; KMLB, Monroe, La.; KODL, The Dalles, Ore.; KPHO, Phoenix; KPOW, Powell, Wyo.; KVCV, Redding, Calif.; KVEC, San Luis Obispo, Calif.; KWNO, Winona, Minn.; KYSM, Mankato, Minn.; WAJR, Morgantown, W. Va.; WBLJ, Dalton, Ga.; WCED, DuBois, Pa.; WCLO, Janesville, Wis.; WCOL, Columbus, Ohio; WCPO, Cincinnati, Ohio; WDSM, Superior, Wis.; WENY, Elmira, N. Y.; WESX, Marblehead, Mass.; WHOP, Hopkinsville, Ky.; WIBX, Utica, N. Y.; WIL, St. Louis, Mo.; WISE, Asheville, N. C.; WJBC, Bloomington, Ill.; WJOB, Hammond, Ind.; WKBO, Harrisburg, Pa.; WMFR, High Point, N. C.; WMPC, Lapeer, Mich.; WRBL, Columbus, Ga.; WSKB, McComb, Miss.

The following stations were granted renewals for the period ending February 1, 1945:

KGEK, Sterling, Colo.; WBOW, Terre Haute, Ind.; WHBY, Appleton, Wis.; WJRD, Tuscaloosa, Ala.; WLVA, Lynchburg, Va.; WMOB, Mobile, Ala.

Licenses for the following stations were extended upon a temporary basis only, for the period ending March 1, 1943, pending determination upon applications for renewals:

KFUN, Las Vegas, New Mex.; KHAS, Hastings, Neb.; KOOS, Marshfield, Ore.; KVNU, Logan, Utah; KVOS, Bellingham, Wash.; WAIM, Anderson, S. C.; WBHP, Huntsville, Ala.; WCAT, Rapid City, S. Dak.; WITH, Baltimore, Md.; WJNO, West Palm Beach, Fla.; WLOG, Logan, W. Va.; WTHT, Hartford, Conn.; WTOL, Toledo, Ohio.

Licenses for the following stations were extended upon a temporary basis only, pending determination upon applications for renewal, for the period ending April 1, 1943:

KWG, Stockton, Calif.; WABI, Bangor, Me.; WAYX, Waycross, Ga.; WBOC, Salisbury, Md.; WOLS, Florence, S. C.

KWFC—Clyde E. Wilson and Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—Granted renewal of license for the period ending June 1, 1943.

WLBJ—The Bowling Green Broadcasting Co., near Bowling Green, Ky.—Granted renewal of license for the period ending June 1, 1943.

WCRS—Grenco, Inc., Greenwood, So. Car.—Granted renewal of license for the period ending October 1, 1943.

WFPG—Neptune Broadcasting Corp., Atlantic City, N. J.—Granted renewal of license for the period ending October 1, 1943.

KID—KID Broadcasting Co., Idaho Falls, Idaho.—Granted renewal of license for the period ending October 1, 1944.

KBUR—Burlington Broadcasting Co., Burlington, Ia.—Granted renewal of license for the period ending December 1, 1943.

WAAB—The Yankee Network, Inc., Worcester, Mass.—Granted renewal of license for the period ending December 1, 1944.

MISCELLANEOUS

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted license to cover construction permit as modified, for increase in power, change hours of operation, install new transmitter and directional antenna for night use, and move transmitter (B5-L-1731). Granted authority to determine operating power by direct measurement of antenna power (B5-Z-1473).

WOC—The Tri-City Broadcasting Co., Davenport, Iowa.—Granted license to cover construction permit as modified, for change of frequency, increase power, move transmitter, install new transmitter and directional antenna for day and night use (B4-L-1735); granted authority to determine operating power by direct measurement of antenna power (B4-Z-1477).

WDZ Broadcasting Co.—Cancelled relay station license authorizations for WAAC, WAAE, WELU, area of Tuscola, Ill., in accordance with request.

Columbia Broadcasting System, Inc., area New York City.—Granted modification of construction permit to extend completion date to July 7, 1943, for television relay station.

APPLICATIONS FILED AT FCC

1230 Kilocycles

KGHI—Arkansas Broadcasting Co., Little Rock, Ark.—License to cover construction permit (B3-P-3495) which authorized new transmitter.

KGHI—Arkansas Broadcasting Co., Little Rock, Ark.—Authority to determine operating power by direct measurement of antenna power.

WRBL—The Columbus Broadcasting Co., Inc., Columbus, Ga.—Authority to determine operating power by direct measurement of antenna power.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Construction permit to install a new transmitter.

1320 Kilocycles

KXYZ—Harris County Broadcast Co., Houston, Texas.—License to use formerly licensed main transmitter as auxiliary transmitter with power of 1 KW.

1400 Kilocycles

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Authority to determine operating power by direct measurement of antenna power.

1560 Kilocycles

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—Modification of construction permit (B1-MP-1086 as modified for change in equipment, increase power and installation of directional antenna for day and night use) for extension of completion date from 3-1-43 to 4-1-44.

MISCELLANEOUS APPLICATIONS

W3XE—Philco Radio & Television Corp., Philadelphia, Pa.—Construction permit for move of transmitter from Tioga and C Sts., Philadelphia, Pa., to Mermaid Ave. west of Cheltenham Ave., Springfield Twp., Montgomery County, Pa., and make changes in transmitter, emission and antenna system.

W3XE—Philco Radio & Television Corp., Philadelphia, Pa.—License to cover above construction permit.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINT

The Federal Trade Commission has alleged unfair competition against the following firm. The respondent will be given an opportunity to show cause why a cease and desist order should not be issued against it.

Colran Institute, 3809 Main St., Houston, Tex., and Mervyon E. Randall, actively engaged in the operation of the business and in the dissemination of its advertising, are charged in a complaint. with misrepresentation. (4886)

STIPULATIONS

During the past week the Commission announced no stipulations.

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

George & Thomas Cone Co., Sharon, Pa., manufacturer of ice cream cones, has been ordered to cease and desist from the use of lottery methods in the sale of his products. (4837)

Parker-McCrory Manufacturing Co., 2609 Walnut St., Kansas City, Mo., manufacturing and selling electric fence controllers designated "Parmak Electric Fencers," has been ordered to cease and desist from certain representations in the sale of its product.

The Commission finds that in advertisements in newspapers, trade journals and other media the respondent represented among other things concerning its product that: "A single wire on light stakes three rods apart holds the stock * * * cuts fencing costs to less than $10.00 per mile * * * save up to 90% of fencing * * * one wire on light stakes holds stock like steel and concrete * * * gives a sting that holds the stock just as surely as any fence you ever built", and "The dry weather intensifier has increased voltage and affords positive stopping power under all weather conditions." These representations are found by the Commission to have been false and misleading. (4707)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON, D. C. Vol. 11, No. 5, January 29, 1943

NEW CRITICAL OCCUPATIONS

On January 23, the Director of Selective Service issued "Occupational Bulletin No. 27 (as amended January 23, 1943)." This revises the list of critical occupations in the communications industry, breaking them down into seven communications services activities. Number 4 is "Radio Broadcasting; Radio Communications; and Television Services." (The text of the bulletin is printed in Supplement No. 4 to the NAB Selective Service Handbook dated January 29, 1943.) Ten new critical occupations in domestic and international broadcasting and television are added to the list appended to the original Occupational Bulletin No. 27. Those of most general interest are: Station Manager; Program Director; News Editor; Managing Editor, News, Special Events or Public Affairs; Traffic Manager; Radio Broadcast Technician (All Around); and Maintenance Mechanic.

The amendment is the culmination of efforts begun, immediately after the original bulletin was issued, by the Domestic Broadcasting Committee of BWC. Conferences with officials of the War Manpower Commission have ironed out any differences, and NAB feels that the essential needs of the industry are now well cared for.

WPB APPROVES TUBE LIST FOR HOME SETS

The list of tubes for home radio sets which will be manufactured during 1943 under the augmented program has been approved by WPB. Tubes for battery operated farm sets are included according to Frank McIntosh, chief, Domestic & Foreign Radio Section, Radio and Radar Division.

Last week's NAB REPORTS announced the approval of the list of component parts also required for the maintenance of home radios during wartime. Actual production of both parts and tubes will be authorized as soon as the "paper" work involved is completed.

Stations are urged to circulate this constructive news throughout their local radio trade.

"SANDERS BILL" REINTRODUCED

On Monday Representative Holmes (R-Mass.) introduced a bill (H. R. 1490) to amend the Communications Act. Referred to the Committee on Interstate and Foreign Commerce of the House, the bill is identical with the Sanders Bill by Representative Sanders (D-La.), who failed of election to this Congress, and on which hearings were held from April to June of last year except for unimportant changes in the amending clauses and the renumbering of sections 7 through 10. Section 7 of the Sanders Bill appears as Section 10 of the Holmes Bill, while Sections 8, 9 and 10 of the Sanders Bill appear as Sections 7, 8 and 9, respectively, of the new bill.

The Sanders Bill, sponsored by Rep. Sanders (D-La.) who failed of re-election was the subject of extensive hearings last spring.

The Holmes Bill is printed in full below:

A BILL

To amend the Communications Act of 1934, as amended, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Communications Act of 1934, as amended, is amended by adding after paragraph (aa) the following new paragraphs:

"(bb) The term 'construction permit' or 'permit for construction' means that instrument of authorization required by this Act for the construction of apparatus for the transmission of energy, or communications, or signals by radio, by whatever name designated by the Commission.

"(cc) The term 'license', 'station license', or 'radio-station license' means that instrument of authorization required by this Act, or the rules and regulations of the Commission enacted pursuant to this Act, for the use or operation of apparatus for the transmission of energy, or communications, or signals by radio, by whatever name designated by the Commission."

SEC. 2. Subsection (b) of section 4 of such Act, as amended, is amended by striking out the last sentence thereof and by inserting in lieu thereof the following: "Not more than four members of the Commission and not more than two members of either Division thereof shall be members of the same political party."

SEC. 3. Section 5 of such Act, as amended, is amended to read as follows:

"DIVISIONS OF THE COMMISSION

"SEC. 5. (a) The members of the Commission other than the Chairman shall be organized into two divisions of three members each, said divisions to be known and designated as the Division of Public Communications and the Division of Private Communications and no member designated or appointed to serve on one Division shall have or exercise any duty or authority with respect to the work or functions of the other Division, except as hereinafter provided. The President shall designate the Commissioners now in office who shall serve upon a particular Division, but all Commissioners other than the Chairman subsequently appointed shall be appointed to serve upon a particular Division and the Chairman subsequently appointed shall be appointed to serve in that capacity.

"(b) The Division of Public Communications shall have jurisdiction over all cases and controversies arising under the provisions of this Act and the rules and regulations of the Commission enacted pursuant to this Act relating to wire and radio communications intended to be received by the public directly, and shall make all adjudications in-

(Continued on page 36)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Lewis H. Avery, *Director of Broadcast Advertising;* Howard Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Arthur C. Stringer, *Director of Promotion.*

"SANDERS BILL" REINTRODUCED

(Continued from page 35)

volving the interpretation and application of those provisions of the Act and of the Commission's regulations.

"(c) The Division of Private Communications shall have jurisdiction over all cases and controversies arising under the provisions of this Act and the rules and regulations of the Commission enacted pursuant to this Act relating to wire and radio communications by a common carrier or carriers, or which are intended to be received by a designated addressee or addressees, and shall make all adjudications involving the interpretation and application of those provisions of the Act and of the Commission's regulations.

"(d) The whole Commission shall have and exercise jurisdiction over the adoption and promulgation of all rules and regulations of general application authorized by this Act, including procedural rules and regulations for the Commission and the Divisions thereof; over the assignment of bands of frequencies to the various radio services; over the qualification and licensing of all radio operators; over the selection and appointment of all officers and other employees of the Commission and the Divisions thereof; and generally over all other matters with respect to which authority is not otherwise conferred by the other provisions of this Act. In any case where a conflict arises as to the jurisdiction of the Commission or any Division thereof, such question of jurisdiction shall be determined by the whole Commission.

"(e) The Chairman of the Commission shall be the chief executive officer of the Commission. It shall be his duty to preside at all meetings and sessions of the whole Commission, to represent the Commission in all matters relating to legislation and legislative reports, to represent the Commission or any Division thereof in all matters requiring conferences or communications with representatives of the public or other governmental officers, departments, or agencies, and generally to coordinate, and organize the work of the Commission and each Division thereof in such manner as to promote prompt and efficient handling of all matters within the jurisdiction of the Commission. The Chairman of the Commission shall not be a member of or serve upon either of said Divisions, except that in the case of a vacancy or the absence or inability of any Commissioner appointed to serve thereon, the Chairman may temporarily serve on either of said Divisions with full power as a member thereof until the cause or circumstance requiring said service shall have been eliminated or corrected.

"(f) Each Division of the Commission shall choose its own chairman, and, in conformity with and subject to the foregoing provisions of this section, shall organize its membership and the personnel assigned to it in such manner as will best serve the prompt and orderly conduct of its business. Each Division shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions over which it has jurisdiction. Any order, decision, report made, or other action taken by either of said Divisions with respect to any matter within its jurisdiction, shall be final and conclusive, except as otherwise provided by said Communications Act of 1934 as hereby amended. The secretary and seal of the Commission shall be the secretary and seal of each Division thereof.

"(g) In the case of a vacancy in the office of the Chairman of the Commission or the absence or inability of the Chairman to serve, the Commission may temporarily designate and appoint one of its members to act as Chairman of the Commission until the cause or circumstance requiring said service shall have been eliminated or corrected. During the temporary service of any such commissioner as Chairman of the Commission, he shall continue to exercise the other duties and responsibilities which are conferred upon him by this Act.

"(h) The term 'Commission' as used in this Act shall be taken to mean the whole Commission or a Division thereof as required by the context and the subject matter dealt with. The term 'cases and controversies', as used herein, shall be taken to include all adversary proceedings whether judicial or quasi-judicial in nature, and whether instituted by the Commission on its own motion or otherwise, and the term 'adjudications' means the final disposition of particular cases, controversies, applications, complaints, or proceedings involving named persons a named res."

SEC. 4. So much of subsection (a) of section 308 of such Act, as amended, as precedes the first proviso is amended to read as follows: "The Commission may grant instruments of authorization entitling the holders thereof to construct or operate apparatus for the transmission of energy, or communications, or signals by radio only upon written application therefor received by it:".

SEC. 5. Section 309 of such Act, as amended, is amended to read as follows:

"HEARINGS ON APPLICATIONS FOR LICENSES; FORM OF LICENSES; CONDITIONS ATTACHED TO LICENSES

"SEC. 309. (a) If upon examination of any application provided for in section 308 the Commission shall determine (1) that public interest, convenience, or necessity would be served by the granting thereof, and (2) that such action would not aggrieve or adversely affect the interest of any licensee, applicant, or other person, it shall authorize the issuance of the instrument of authorization for which application is made in accordance with said findings.

"(b) If upon examination of any such application the Commission is unable to make either or both of the findings specified in subsection (a), it shall designate the application for hearing and forthwith notify the applicant and other parties in interest of such action and the grounds or reasons therefor. Any hearing subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest, whether originally notified by the Commission or subsequently admitted as interveners, shall be permitted to participate. Such hearing shall be preceded by a notice to all such parties in interest specifying with particularity the matters and things in issue and not including issues or requirements phrased generally or in the words of the statute.

"(c) When any instrument of authorization is granted by the Commission without a hearing, as provided in subsection (a), such grant shall remain subject to protest as hereinafter provided for a period of thirty days. During such thirty-day period, any person who would be entitled to challenge the legality or propriety of such grant under the provisions of section 402 may file a protest directed to such grant, and request a hearing on said application so granted. Any protest so filed shall contain such allegations of fact as will show the protestant to be a proper party in interest and shall specify with particularity the matters and things in issue but shall not include issues or allegations phrased generally or in the words of the statute. Upon the filing of such protest, the application involved shall be set for hearing upon the issues set forth in said protest and heard in the same manner in which applications are heard under subsection (b). Pending hearing and decision upon said protest, the effective date of the Commission's action to which said protest is directed shall be postponed to the date of the Commission's decision after hearing unless the authorization involved in such grant is necessary to the maintenance or conduct of an existing service, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing on said protest.

"(d) Such station licenses as the Commission may grant shall be in such general form as it may prescribe, but each license shall contain, in addition to other provisions, a statement of the following conditions to which such license shall be subject: (1) The station license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized therein; (2) neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of this Act; (3) every license issued under this Act shall be subject in terms to the right or use or control conferred by section 606."

SEC. 6. Subsection (b) of section 310 of such Act, as amended, is amended to read as follows:

"(b) No instrument of authorization granted by the Commission entitling the holder thereof to construct or operate radio apparatus shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such instrument of authorization, to any person except upon application to the Commission and upon a finding by the Commission that the proposed transferee or assignee is capable of constructing or operating under such instrument of authorization in the public interest, convenience, and necessity. The procedure to be employed in the handling of such applications shall be that provided in section 309, as amended."

SEC. 7. Section 402 of such Act, as amended, is amended to read as follows:

"PROCEEDINGS TO ENFORCE OR SET ASIDE THE COMMISSION'S ORDERS—APPEAL IN CERTAIN CASES

"SEC. 402. (a) The provisions of the Act of October 22, 1913 (38 Stat. 219), as amended, relating to the enforcing or setting aside of orders of the Interstate Commerce Commission are hereby made applicable to suits to enforce, enjoin, set aside, annul, or suspend any order of the Commission under this Act (except those appealable under the provisions of subsection (b) of this section), and such suits are hereby authorized to be brought as provided in that Act. In addition to the venues specified in that Act, suits to enjoin, set aside, annul, or suspend, but not to enforce, any such order of the Commission may also be brought in the District Court for the District of Columbia.

"(b) Appeals may be taken from decisions and orders of the Commission to the circuit court of appeals of the United States within any circuit wherein the appellant resides or has his principal place of business, or to the United States Court of Appeals for the District of Columbia in any of the following cases:

"(1) By an applicant for any instrument of authorization required by this Act, or the regulations of the Commission enacted pursuant to this Act, for the construction or operation of apparatus for the transmission of energy, or communications, or signals by radio whose application is denied by the Commission.

"(2) By any party to an application for authority to assign any such instrument of authorization or to transfer control of any corporation holding such instrument of authorization whose application is denied by the Commission.

"(3) By any applicant for the permit required by section 325 or any permittee under said section whose permit has been modified, revoked or suspended by the Commission.

"(4) By any other person who is aggrieved or whose interests are adversely affected by any order of the Commission granting or denying any application described in paragraphs (1), (2), and (3) of this subsection.

"(5) By the holder of any instrument of authorization required by this Act, or the regulations of the Commission enacted pursuant to this Act, for the construction or operation of apparatus for the transmisison of energy, or communications, or signals by radio, which instrument has been modified, revoked, or suspended by the Commission.

"(6) By any radio operator whose license has been revoked or suspended by the Commission.

"(c) Such an appeal shall be taken by filing a notice of appeal with the appropriate court within thirty days after the entry of the order complained of. Such notice of appeal shall contain a concise statement of the nature of the proceedings as to which appeal is taken; a concise statement of the reasons on which the appellant intends to rely, separately stated and numbered; and proof of service of a true copy of said notice and statement upon the Commission. Upon the filing of such notice, the court shall have exclusive jurisdiction of the proceeding and of the questions determined therein and shall have power, by order directed to the Commission or any other party to the appeal, to grant such temporary relief as it may deem just and proper. Orders granting temporary relief may be either affirmative or negative in their scope and application and may be such as to permit either the maintenance of the status quo in the matter in which the appeal is taken or the restitution of a position or status terminated or adversely affected by the order appealed from and shall, unless otherwise ordered by the court, be effective pending hearing and determination of said appeal and compliance by the Commission with the final judgment of the court rendered in said appeal.

"(d) Upon the filing of any such notice of appeal, the Commission shall, not later than five days after date of serivce upon it, notify each person shown by the records of the Commission to be interested in said appeal of the filing and pendency of the same and shall thereafter permit any such person to inspect and make copies of said notice and statement of reasons therefor at the office of the Commission in the city of Washington. Within thirty days after the filing of an appeal, the Commission shall file with the court a copy of the order complained of, a full statement in writing of the facts and grounds relied upon by it in support of the order involved upon said appeal, and the originals or certified copies of all papers and evidence presented to and considered by it in entering said order.

"(e) Within thirty days after the filing of an appeal any interested person may intervene and participate in the proceedings had upon said appeal by filing with the court a notice of intention to intervene and a verified statement showing the nature of the interest of such party, together with proof of service of true copies of said notice and statement, both upon appellant and upon the Commission. Any person who would be aggrieved or whose interests would be adversely affected by a reversal or modification of the order of the Commission complained of shall be considered an interested party.

"(f) The record upon which any such appeal shall be heard and determined by the court shall contain such information and material and shall be prepared within such time and in such manner as the court may by rule prescribe.

"(g) At the earliest convenient time the court shall hear and determine the appeal upon the record before it and shall have power upon such record to enter judgment affirming or reversing the order of the Commission. As to the findings, conclusions, and decisions of the Commission, the court shall consider and decide, so far as necessary to its decision and where raised by the parties, all relevant questions of (1) constitutional right, power, privilege, or immunity; (2) the statutory authority or jurisdiction of the Commission; (3) the lawfulness and adequacy of Commission procedure; (4) findings, inferences, or conclusions of fact unsupported, upon the whole record, by substantial evidence; and (5) administrative action otherwise arbitrary or capricious.

"(h) In the event that the court shall render a decision and enter an order reversing the order of the Commission, it shall remand the case to the Commission to carry out the judgment of the court and it shall be the duty of the Commission, in the absence of proceedings to review such judgment, to forthwith give effect thereto, and unless otherwise ordered by the court, to do so upon the basis of the proceedings already had and the record upon which said appeal was heard and determined. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under section 240 of the Judicial Code, as amended, by appellant, by the Commission, or by any interested party intervening in the appeal.

"(i) The court may, in its discretion, enter judgment for costs in favor of or against an appellant, or other interested parties intervening in said appeal, but not against the Commission, depending upon the nature of the issues involved upon said appeal and the outcome thereof."

Sec. 8. Section 405 of such Act as amended, is amended to read as follows:

"REHEARING BEFORE COMMISSION

"Sec. 405. After a decision, order, or requirement has been made by the Commission or any Division thereof in any proceeding, any party thereto or any other person aggrieved or whose interests are adversely affected thereby may petition for rehearing. When the decision, order, or requirement has been made by the whole Commission, the petition for rehearing shall be directed to the whole Commission; when the decision, order or requirement is made by a division of the Commission, the petition for rehearing shall be directed to that Division; petitions directed to the whole Commission requesting a rehearing in any matter determined by a division thereof shall not be permitted or considered. Petitions for rehearing must be filed within thirty days from the entry of any decision, order, or requirement complained of and except for those cases in which the decision, order, or requirement challenged is necessary for the maintenance or conduct of an existing service, the filing of such a petition shall automatically stay the effective date thereof until after decision on said petition. The filing of a petition for rehearing shall not be a condition precedent to judicial review of any such decision, order or requirement, except where the party seeking such review was not a party to the proceedings before the Commission resulting in such decision, order or requirement, or where the party seeking such review relies on questions of fact or law upon which the Commission has been afforded no opportunity to pass. Rehearings shall be governed by such general rules as the Commission may establish but any decision, order, or requirement made after such rehearing reversing, changing, or modifying the original determination shall be subject to the same provisions as an original order."

Sec. 9. Subsection (a) of section 409 of such Act, as amended, is amended to read as follows:

"(a) In all cases where a hearing is required by the provisions of this Act, or by other applicable provisions of law, such hearing shall be a full and fair hearing. Hearings may be conducted by the Commission or a Division thereof having jurisdiction of the proceeding or by any member or any qualified employee of the Commission when duly designated for such purpose. The person or persons conducting any such hearing may sign and issue subpenas, administer oaths, examine witnesses, and receive evidence at any place in the United States designated by the Commission. In all cases, whether heard by a quorum of the Commission or a Division thereof, or by any member or qualified employee of the Commission, the person or persons conducting such hearing shall prepare and file an intermediate report setting out in detail and with particularity all basic or evidentiary facts developed by the evidence as well as conclusions of fact and of law upon each issue submitted for hearing. In all cases the Commission, or the Division having jurisdiction thereof, shall, upon request of any party to the proceeding, hear oral argument on said intermediate report or upon such other and further issues as may be specified by the Commission or the Division and such oral argument shall precede the entry of any final decision, order, or requirement. Any final decision, order, or requirement shall be accompanied by a full statement in writing of all the relevant facts as well as conclusions of law upon those facts."

Sec. 10. (a) The Federal Communications Commission shall study the following proposals and shall report to Congress not later than January 1, 1944, its recommendations thereon together with the reasons for the same:

(1) Whether and upon what terms and conditions Congress shall by statute confer upon the Commission the power to regulate the contractual or other relations between the licensees of radio broadcast stations and networks or other organizations which supply program material to such licensees.

(2) Whether and upon what terms and conditions the Congress shall provide by statute for the licensing of networks.

(3) Whether and in what terms the Congress shall by statute redefine and fix the qualifications of the licensee of any radio station which is intended to and does communicate with the public.

(4) Whether and upon what terms and conditions the Congress shall by statute limit the number of services which may be conducted by any network organization and the number of stations of any class which may be licensed to any network organization.

(b) The Commission shall report to Congress not later than July 1, 1943, the standards and principles adopted by it to effectuate the mandate contained in section 307 (b) of the Communications Act of 1934, as amended, which requires the Commission to make and maintain a fair, efficient and equitable distribution of radio facilities among the several States and communities, together with its recommendations, if any, for further legislation on this subject.

(c) The Commission shall report to Congress not later than July 1, 1943, the steps taken and the policies adopted by it to effectuate the purposes of paragraph (g) of section 303 of the Communications Act of 1934, as amended, insofar as those purposes have application to the larger and more effective use of radio by stations which are intended to and do communicate with the public."

OPA REFUSES TO RELAX NEW GAS ORDER

The Eligibility Committee on gasoline rationing of the OPA on Tuesday turned down the pleas of NAB and OWI for relaxation of Amendment 8 to Ration Order 5 C (see NAB REPORTS, January 8, p. 7, and January 15, p. 17). NAB had requested that the amendment be stricken to restore the eligibility of workers in the broadcasting industry, other than salesmen, for Class C coupon books. Particular stress was laid on the need for Class C books for engineers and technicians who have to use their own cars to install and service temporary, remote-control pickups, and OWI joined in this plea.

Meeting has been scheduled for today with Mr. Richard C. Harrison, Chief of Eligibility, Gasoline Rationing, at which time NAB will present evidence of the need of "preferred mileage" for the industry generally, and for temporary remotes in particular.

Labor

REGIONAL WAR LABOR BOARDS

Twelve Regional War Labor Boards, with full authority to make final decisions in labor disputes and in voluntary wage and salary adjustment cases, are being established by the National War Labor Board under a sweeping decentralization program announced today by the Board.

Each of the Regional Boards will be set up on the same tri-partite system of public, employer and labor representatives as the National Board. In addition, the program calls for establishment of permanent tri-partite panels in all the major cities of the United States to handle dispute cases and make recommendations to the Regional Boards.

Petitions for approval of voluntary salary adjustments will continue to be filed as heretofore with the nearest Wage and Hour Division field office. That office will forward them for ruling by the Regional Wage Stabilization Director, whose decisions can be appealed to the Regional War Labor Board.

Regional Boards will be located in the following cities where Regional Advisory Councils now function, as well as in Detroit and Seattle:

Boston, Mass.—Saul Wallen, Chairman; including all New England states.

New York—Theodore Kheel, Chairman; including New York and all but the southern counties of New Jersey.

Philadelphia—Sylvester Garrett, Chairman; including Pennsylvania, Virginia, Delaware, Maryland, District of Columbia and southern counties of New Jersey.

Atlanta, Ga.—M. T. Van Hecke, Chairman; including Georgia, North Carolina, South Carolina, Florida, Tennessee, Alabama and Mississippi.

Cleveland, Ohio—Lewis Gill, Chairman; including Ohio, West Virginia and Kentucky.

Chicago, Illinois—Robert K. Burns, Chairman; including Indiana, Illinois, Wisconsin, Minnesota, North Dakota and South Dakota.

Kansas City, Missouri—Joseph A. Hoskins, Chairman; including Missouri, Arkansas, Nebraska, Kansas and Iowa.

Dallas, Texas—Floyd McGown, Chairman; including Texas, Louisiana and Oklahoma.

Denver, Colorado—Charles Graham, Chairman; including Colorado, New Mexico, Montana, Wyoming, Utah and Idaho.

San Francisco, California—Thomas Fair Neblett, Chairman; including California, Nevada and Arizona.

LABOR COMMITTEE

The following broadcasters make up the membership of the NAB Labor Executive Committee:

Ralph R. Brunton, KJBS, San Francisco, California
Martin B. Campbell, WFAA, Dallas, Texas
John Elmer, WCBM, Baltimore, Maryland
W. E. Hutchinson, WAAF, Chicago, Illinois
Henry P. Johnston, WSGN, Birmingham, Alabama
C. L. Thomas, KXOK, St. Louis, Missouri
John H. MacDonald, NBC, New York, New York
Alternate: Ernest de las Ossa, NBC, New York, N. Y.
Frank White, CBS, New York, New York.

CONTRACT POOL

Response to the NAB Labor Relations Department's request for up-to-date information on labor contracts in the industry has been prompt and gratifying. Any member who has neglected to answer this request should do so immediately.

A. F. OF M. JUDGMENT RESERVED

Last Monday (25th) Judge Barnes in the Federal Court in Chicago reserved judgment on the A. F. of M.'s motion to dismiss the Government's amended complaint. He allowed Joseph Padway, A. F. of M. counsel, one week in which to file an additional brief, and Thurman Arnold, Assistant Attorney General, one week in which to reply.

MORE DEFERMENT FOLIOS DISTRIBUTED

Several thousand additional folios concerning the Selective Service Occupational Bulletin No. 42, and the deferment of qualified radio repairmen, are being circulated through radio trade channels. The following radio manufacturers distributed copies to their respective jobbers:

Galvin Manufacturing Corp. (Motorola), Philco Corp., RCA Victor Division of RCA, Stewart-Warner.

Other copies were distributed to parts jobbers by: the National Electronic Distributors Association.

Electric Institute of Washington mailed copies to the electric leagues in other cities and to industry organizations.

Radio Jobber News, Radio Retailing and one of the Bryan Davis publications cooperated in splendid fashion to get the news around in the trade.

With copies in the files of all broadcast stations and with the broadcast stations notifying servicemen of its availability, a large proportion of the servicemen of the United States should soon be acquainted with the regulations.

John Fetzer, president, WKZO, Kalamazoo, Mich., has distributed 25 copies directly to servicemen in his city.

Deferment Data Used in Muncie

When the folio concerning the deferment of radio servicemen and Occupational Bulletin No. 42 came to WLBC, Muncie, Ind., D. A. Burton, owner, put it to use immediately.

One "rush" case was discovered with two more anticipated in the near future.

Every serviceman in the Muncie area was notified regarding deferment procedure, easily and quickly, through students attending the NAB-ESMWT Radio Technician Training Course, two classes of which are taught by WLBC's chief engineer.

RADIO COURSES WILL CURE "TECHNICIAN TROUBLES"

Several queries have been received from stations asking whether any policy changes had been instituted by ESMWT for the Fundamentals of Radio courses being taught throughout the United States.

Policy remains the same according to a check made January 28. Courses in Fundamentals of Radio will continue to be approved by ESMWT, Washington, whenever they are received, provided, of course, that petitioners make out a case for their necessity. This qualification is not new. It has always been in existence.

Stations should not lose sight of the original intention of the legislation which provides for the establishment of courses such as Fundamentals of Radio. Courses were intended and are intended to provide trained personnel for industry. Broadcasting is essential to the war industry, as is the occupation of radio repairman.

Incidentally, it has been found that many high school graduates, working at radio service, have increased their individual output and improved the quality of their work by completing Fundamentals of Radio.

All stations are urged to arrange for Fundamentals of Radio courses wherever it appears that the need exists now or at the completion of training. Such foresight will eliminate many of the current "technician headaches." Letters indicate that stations located where these courses have been given are apt to be troubled only slightly, if at all, by technician shortages.

In Orlando, Fla.

Part II of Fundamentals of Radio will be completed in five more weeks of study. It is interesting to note that two of the graduates will be women, Hazel O. Yarbrough, wife of the chief engineer of radio station WDBO, and Mrs. Charles F. Batchelder, wife of a staff member of WDBO.

ROBERT MOODY NEW WHIO MANAGER

Robert H. Moody has taken over the managership of Station WHIO, Dayton, Ohio. Lester Spencer has been appointed as Assistant Manager in Charge of Programs and Production.

1940 BROADCAST INCOME

Secretary of the Treasury Morgenthau has made public a report on the income of industrial groups, including radio broadcasting and television, for the year 1940.

Radio and television broadcasters filed 650 returns; their total compiled receipts were $153,273,000; net income, $26,746,000; and income tax (includes income defense tax) $6,075,000.

FEDERAL LEGISLATION

HOUSE

H. R. 1490 (Holmes, R-Mass.) COMMUNICATIONS ACT—To amend the Communications Act of 1934, as amended, and for other purposes. Referred to the Committee on Interstate and Foreign Commerce.

STATE LEGISLATION

ARKANSAS:

H. 94 (Gates) LEGISLATIVE PROCEEDINGS—BROADCASTING—Providing for recordings and transcriptions of speeches and votes in the legislature, and also to provide for radio broadcasting from the floor. Referred to Committee on Calendar 1/21/43.

CALIFORNIA:

A. 667 (Potter) REGULATING DRUGS AND DEVICES—Department of health bill which is to regulate the branding and advertising of drugs and devices. Referred to Committee on Public Health 1/22/43.

A. 765 (Bashore) MONEY LENDERS ADVERTISING—Prohibits advertising by money lenders. Referred to Committee on Finance 1/25/43.

COLORADO:

S. 301 (Hart) PUBLIC SERVICE TAX LAW—To amend the public service tax law of 1937 as originally enacted and as amended and reenacted by the Colorado Sess. Laws 1939-1941, by providing a Statute of Limitations with respect to the taxes imposed thereby. Referred to Committee on Finance 1/20/43.

S. 346 (Laws) TAX REVIEW—A bill providing for court review of final decisions and determinations by the director of revenue in cases involving the Colorado retail sales and use taxes, the Public Revenue Service Tax and the Colorado Income Tax and repealing all acts and parts of acts in conflict herewith. Referred to the Committee on Judiciary 1/20/43.

CONNECTICUT:

H. 621 (Beckwith) RADIO ADVERTISING—Providing that no permittee shall sell or offer for sale any alcoholic liquor which has been advertised over any radio broadcasting station since July 1, 1941, and one who does shall have his permit suspended. Referred to Committee on Judiciary 1/22/43.

S. 484 (Brook) CONNECTICUT FOOD, DRUG AND COSMETIC ACT—concerning the Amendment of the 1939 Supplement to the General Statutes, Sections 900e, 901e, 902e, 908e, 909e known as the Connecticut Food, Drug and Cosmetic Act and the 1935 Supplement to the General Statutes, Section 976e. Referred to Committee on Public Health and Safety 1/22/43.

GEORGIA:

H. 142 (Golberg & Hurst) COPYRIGHT MUSIC, ETC.—LICENSE FEE—Repealing Code Section 92-512 of the Georgia Code of 1933 (Ga. Laws, 1935, page 83). Referred to Committee on General Judiciary #1 1/22/43.

IOWA:

S. 55 (Sjulin, et als.) INSURANCE—SALE BY RADIO—Require license to sell insurance by radio. Referred to Committee on Insurance 1/21/43.

MASSACHUSETTS:

Pub. Doc. 144—JJ (Item 16) Recommended by Judicial Council LIBEL AND SLANDER—Relates to malice as affecting libel and slander. Referred to Joint Judiciary Hearing 1/26/43.

H. 455 (Int. Workers' Union) ADVERTISEMENTS—Regulate advertisements restricting employment by reason of race, creed or color. Referred to Committee on Labor & Industries 1/21/43.

H. 425 (Shubow) LIBEL—Prohibiting libel of racial and religious groups. Referred to Committee on Judiciary 1/21/43.

H. 618 (Cameron) LIBELS—Limit liability for libels in certain cases.

H. 619 (Carroll, et al.) MUSICAL COMPOSITIONS—Requiring the filing with the State Secretary of contracts pertaining to the sale, licensing and disposition of performing rights in copyrighted musical compositions and relative to imposing a tax on such sales and licenses.

S. 222 (Harrison) EMPLOYMENT DISCRIMINATION—Prevents discrimination in certain employment, by persons operating employment offices, by newspapers and broadcasting stations, by innkeepers, etc., because of race, color, religion or nationality. Referred to Committee on Labor & Industries 1/21/43.

S. 318 (Sullivan) LOTTERY—Providing for a state lottery for the purpose of raising additional funds for defraying expenses of the commonwealth. Referred to the Committee on Ways and Means 1/43.

New York:

H. 20 (Bannigan) LOTTERIES—CHARITABLE—Permits lotteries and drawings by recognized religious, charitable or veterans' organizations for benefit of charitable or educational objects. Referred to Committee on Codes 1/6/43.

South Dakota:

H. 45 (State Affairs) LIBEL—An act to amend section 170814 of the 1939 Code, requiring retention of reports for five years, and prohibits the use of reports in suits for slander or libel.

Texas:

H. 19 (Senterfitt) TAX UPON RADIOS, COSMETICS—Placing a gross receipts tax upon the retail sales of new radios and placing a stamp tax upon the sale of cosmetics and playing cards. Referred to Committee on Revenue and Taxation 1/20/43.

FEDERAL COMMUNICATIONS COMMISSION

FCC EQUIPMENT CATALOG

Assembly of the Catalog of Surplus and Salvageable Equipment is completed and distribution being made to the interested government departments, inspectors-in-charge of regular and sub-field offices and to 124 broadcast stations located throughout the United States, Alaska, Hawaii and Puerto Rico, to give the best possible geographical distribution of these catalogs which contain some 1100 pages (approximately 550 sheets), by the FCC.

Responses to the surplus equipment questionnaires of the Commission pursuant to the Notice to All Radio Station Licensees dated November 20, 1942, have been analyzed.

As stated in the above notice, it was intended that a full listing would be sent each licensee. However, the material listed is so voluminous that this procedure is entirely impractical. Therefore, it has become necessary to distribute copies throughout the United States for inspection by interested parties at as many locations as practicable.

A copy will be available for inspection in the office of each Inspector in Charge of the Radio Districts, in the office of the Secretary of the Commission in Washington, D. C., and at the stations. The stations within the city were determined by taking the first standard broadcast station in the city when arranged alphabetically by call letters.

Each station accepting this catalog accepts the responsibility of making it equally available to all persons interested. However, such stations shall not permit its removal from the premises nor permit its removal within the station to a point where it is not available for public inspection. The station further agrees to accept and handle all supplements and corrections in the same manner.

In the event any station does not elect to accept this responsibility it will be passed to the next station in the city alphabetically by call letters.

Persons interested should inspect the lists in person and not attempt to correspond with the Commission or the stations in custody of the lists as these include thousands of items and such correspondence is entirely impractical and would constitute an unreasonable burden.

Owners who do not find their equipment listed will please note that tabulations were stopped January 12, 1943, in order to make the bulk of the listings immediately available. It is expected that a supplement will be issued at an early date.

The value of this catalog is largely dependent upon its being kept current, therefore the owner of equipment which has been reported but subsequently disposed of either through sale, use in the owner's licensed equipment, or otherwise should so advise the Commission immediately.

NETWORK REGULATIONS POSTPONED

The FCC on January 20 adopted a minute suspending the effectiveness of the Commission's order regarding chain broadcasting regulations (issued May 2, 1941 and amended October 11, 1941, Docket No. 5060), until April 1, 1943, or the date of the decision of the Supreme Court of the United States, whichever is earlier.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, February 1. They are subject to change.

Monday, February 1

Further Consolidated Hearing

WALB—Herald Publishing Co., Albany, Ga.—Renewal of license, **1590 kc.,** 1 KW, DA-night, unlimited.

WALB—Herald Publishing Co. (Assignor), Albany Herald Broadcasting Co. (Assignee), Albany, Ga.—Voluntary assignment of license, Station WALB, **1590 kc.,** 1 KW, DA-night, unlimited.

WALB—Herald Publishing Co., Albany, Ga.—C. P., **1550 kc.,** 1 KW, DA-night, unlimited.

Wednesday, February 3

Oral Argument Before the Commission

Report No. B-163:

WGRC—Northside Broadcasting Corp., New Albany, Ind.—C. P., **790 kc.,** 1 KW night, 5 KW day, DA-night.

WKPT—Kingsport Broadcasting Co., Inc., Kingsport, Tenn.—C. P., **790 kc.,** 1 KW, unlimited, DA-night.

Wednesday, February 3

Further Hearing

KVOE—The Voice of The Orange Empire, Inc., Ltd., Santa Ana, Calif.—C. P., **1480 kc.,** 1 KW, unlimited.

Thursday, February 4

NEW—Chattahoochee Broadcasting Co., Columbus, Ga.—C. P., **1450 kc.,** 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

The Blue Network Co., Inc., and Mutual Broadcasting System.—Granted application for permission to eliminate identification break during the period 11:15 p. m. on January 30 to

12:15 a. m. on January 31 *only,* while broadcasting the President's birthday celebration.

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted modification of license (B5-ML-1149) to move main studio to Norwegian Ave., between Sunrise Avenue and Coffee Road, near Modesto, Calif.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted extension of special service authorization to operate synchronously with Station WBBM, Chicago, Ill., from local sunset at Lincoln, Nebr., to 12 midnight CST, for the period ending February 1, 1944 (B4-SSA-61).

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted extension of special service authorization to operate synchronously with Station KFAB, Lincoln, Nebr., from sunset at Lincoln to 12 midnight, CST, for the period ending February 1, 1944 (B4-SSA-62).

KTHS—Radio Broadcasting, Inc., Hot Springs National Park, Ark.—Granted extension of special service authorization to operate unlimited time, simultaneously with Station WBAL, Baltimore, Md., with power of 1 KW night, 10 KW local sunset, for the period ending April 1, 1944 (B3-SSA-55).

WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Granted extension of special service authorization for a period of 60 days, to operate unlimited time (B4-SSA-57).

WINS—Hearst Radio, Inc., New York, N. Y.—Granted special service authorization to operate unlimited time with 1 KW power, employing directional antenna night (B1-SSA-64).

W3XE—Philco Radio and Television Corp., Philadelphia, Pa.—Granted construction permit (B2-PVB-95) to move experimental television station from Tioga and C Streets, Philadelphia, to Wyndmoor, Pa., and granted license (B2-LVB-38) to cover same. Also granted renewal of license to operate on **66000-72000 kc.** (Channel 3), power 10 KW (peak) visual, 11 KW aural; emission A5, and Special for FM (aural).

Metropolitan Television, Inc., New York City.—Granted modification of construction permit to reduce power to 50 watts (peak) visual and 50 watts aural, Emission A3, A5, and Special for FM (aural), and with March 31, 1943, as completion date for the construction.

LICENSE RENEWALS

Granted renewal of following station licenses for the period beginning February 1, 1943, and ending in no event later than February 1, 1945:

KBTM, Jonesboro, Ark.; KFDA, Amarillo, Tex.; KFIO, Spokane, Wash.; KFJB, Marshalltown, Iowa; KGFJ, Los Angeles, Calif.; KSUN, Lowell, Ariz.

KINY—Edwin A. Kraft, Juneau, Alaska.—Granted renewal of license for the period ending in no event later than December 1, 1944.

Granted further extension of following station licenses, upon a temporary basis only, pending determination upon application for renewal of license, in no event later than March 1, 1943:

KBST, Big Spring, Texas; KCMC, Texarkana, Texas; KCRJ, Jerome, Ariz.; KFMB, San Diego, Calif.; KGEZ, Kalispell, Mont.; KCFW, Kearney, Nebr.; KGGF, Coffeyville, Kans.; KGKL, San Angelo, Tex.; KHBC, Hilo, Hawaii; KHBG, Okmulgee, Okla.; KIEM, Eureka, Calif.; KPLT, Paris, Tex.; KRBA, Lufkin, Tex.; KRBC, Abilene, Tex.; KVGB, Great Bend, Kans.; KWKH, Shreveport, La.; KXL, Portland, Ore.; WBBZ, Ponca City, Okla.; WBNX, New York, N. Y.; WBRW, Welch, W. Va.; WCAZ, Carthage, Ill.; WCBT, Roanoke Rapids, N. C.; WEDC, Chicago, Ill.; WFCI, Pawtucket, R. I.; WFTC, Kinston, N. C.; WGES, Chicago, Ill.; WHOM and auxiliary, Jersey City, N. J.; WING, Dayton, Ohio; WJBW, New Orleans, La.; WLOF, Orlando, Fla.; WNBZ, Saranac Lake, N. Y.; WOCB, near Hyannis, Mass.; WSYB, Rutland, Vt.; WTEL, Philadelphia, Pa.; WTRC, Elkhart, Ind.

Granted extension of following station licenses, upon a temporary basis only, pending determination upon application for renewal of license, in no event later than March 1, 1943:

KAST, Astoria, Ore.; KRLH, Midland, Tex.

WCBW—Columbia Broadcasting System, Inc., New York City.—Granted conditional license for commercial television broadcast station to operate with reduced ESR (effective Signal radiated) of 1000, upon condition that construction will be completed according to the Commission's rules, regulations and standards as soon as the required materials and engineering personnel have become available.

The Commission granted renewal of licenses for the following experimental television broadcast stations for the period ending February 1, 1944:

W2XBT, W2XBU, National Broadcasting Co.; W2XGE, W2XI, General Electric Co.; W2XVT, W2XVW, Allen B. DuMont Labs., Inc.; W3XP, W3XPR, Philco Radio and Television Corp.; W6XAO, W6XDU, Don Lee Broadcasting System; W9XPR, Balaban & Katz, Corp.; W9XZV, Zenith Radio Corp.; W10XKT, Allen B. DuMont Labs., Inc.

WRGB—General Electric Co., Schenectady, N. Y.—Granted renewal of commercial television broadcast station for the period ending February 1, 1944.

W9XBT—Balaban & Katz, Corp., Chicago, Ill.—Present license for experimental television broadcast station was extended on a temporary basis only, pending determination upon application for renewal, for the period ending March 1, 1943.

WNBT—National Broadcasting Co., Inc., New York City.—Present license for commercial television broadcast station extended on a temporary basis only, pending determination upon application for renewal, for the period ending March 1, 1943.

W9XUI—State Univ. of Iowa, Iowa City, Ia.—Present license for experimental television broadcast station was extended upon a temporary basis only, pending receipt of and action on application for renewal, for the period ending March 1, 1943.

WRUL—World Wide Broadcasting Corp., Boston, Mass.—Present license for international broadcast station further extended upon a temporary basis pending determination upon application for renewal, for the period ending March 1, 1943.

W5XAU—WKY Radiophone Co., Oklahoma City, Okla.—Present high frequency broadcast station license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending March 1, 1943.

W9XLA—KLZ Broadcasting Co., Denver, Colo.—Present high frequency broadcast station license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending March 1, 1943.

W75NY—Metropolitan Television, Inc., New York City—Granted license (B1-LH-25) to cover construction permit (B1-PH-52) in part and approval of studio location for new FM station in New York.

W71NY—Bamberger Broadcasting Service, Inc., New York City.—Granted modification of construction permit (B1-MPH-92) for extension of completion date to January 26, 1943, and granted license (B1-LH-22) to cover construction permit in part.

W71NY—Bamberger Broadcasting Service, Inc., New York City.—Granted petition for temporary waiver of Section 3.261 of the Commission's Rules, for a period of 90 days.

MISCELLANEOUS

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Granted modification of construction permit as modified, for installation of directional antenna for night use, move of transmitter, and increase in power to 5 KW day and night, for extension of completion date from January 20 to July 20, 1943 (B3-MP-1685).

W3XWT—Allen B. Dumont Labs., Inc., Washington, D. C.—Granted modification of construction permit as modified, which authorized new television station, for extension of commencement and completion dates from June 26, 1942, and December 26, 1942, to December 26, 1942, and June 26, 1943, respectively (B1-MPVB-93).

KEX—Oregonian Publishing Co., Portland, Ore.—Granted motion to dismiss without prejudice application for construction permit to operate on **1190 kc,** 50 KW, unlimited time, using directional antenna.

WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Granted petition for leave to dismiss without prejudice application for construction permit to operate on **1030 kc** with 10 KW power, unlimited time. (Docket No. 6441)

WGRC—Northside Broadcasting Corp., New Albany, Ind.; WKPT—Kingsport Broadcasting Co., Kingsport, Tenn.—Scheduled for oral argument on February 3, 1943, in re applications for change in operating assignments. (Dockets 6052 and 6249)

WFTM—Fort Myers Broadcasting Co., Fort Myers, Fla.—Denied request for permission to change call letters to WINK.

W55NY—William G. H. Finch, New York, N. Y.—Granted motion for continuance of hearing scheduled for January 28 to February 26, in re application for modification of construction permit for high frequency broadcast station W55NY. (Docket 6363)

Chattahoochee Broadcasting Co., Columbus, Ga.—Granted motion for continuance of hearing scheduled for February 4 to March 4, in re application for construction permit for new broadcast station. (Docket 6456)

WSAV—WSAV, Inc., Savannah, Ga.—Granted motion for dismissal without prejudice application for construction permit to operate on **1370 kc.** 1 KW, directional antenna night, unlimited time. (Docket 6407)

APPLICATIONS FILED AT FCC

560 Kilocycles

KFDM—Beaumont Broadcasting Corp., Beaumont, Texas.—License to cover construction permit (B3-P-3500) which authorized installation of new transmitter.

960 Kilocycles

KMA—May Broadcasting Co., Shenandoah, Iowa.—Modification of construction permit (B4-P-2599 as modified which authorized directional antenna for night use and increase in power) for extension of completion date from 2-22-43 to 4-23-43.

1140 Kilocycles

KGDM—E. F. Peffer, Stockton, Calif.—Modification of construction permit (B5-P-3199 as modified which authorized change in frequency, hours of operation, increase in power, directional antenna for night use and new transmitter) for extension of completion date from 2-20-43 to 3-20-43.

1160 Kilocycles

KSL—Radio Service Corporation of Utah, Salt Lake City, Utah.—Modification of construction permit (B5-P-3502 which authorized changes in transmitting equipment) for further changes in equipment, and extension of commencement and completion dates from 9-1-42 and 3-1-43 to 14 days after grant and 7 days thereafter respectively.

KSL—Radio Service Corporation of Utah, Salt Lake City, Utah.—License to cover construction permit (B5-P-3502 as modified) for changes in equipment.

1240 Kilocycles

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Authority to determine operating power by direct measurement of antenna power.

TELEVISION APPLICATION

W6XLA—Television Productions, Inc., area of Los Angeles, Calif.—Modification of construction permit (B5-PVB-87, which authorized a new television relay station) to make changes in equipment, reduce power from 800 watts to 25 watts (100 watts peak) and extend commencement and completion dates from 8-2-42 and 2-2-43 to 30 days after grant and 90 days thereafter respectively.

MISCELLANEOUS APPLICATION

NEW—Baylor University, Corpus Christi, Texas.—Construction permit for new broadcast station to be operated on **1010 kc.**, 50 KW, unlimited time, directional antenna for day and night use, transmitter site NE of Gregory, Texas.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Booth Fisheries Corporation, engaged in the sale and distribution of fish products with its principal office in Chicago and about thirty branch offices located in various parts of the country, is charged in a complaint with misrepresentation. (4888)

J. H. Camp and Drug Profits, Inc., Ravenswood, W. Va., engaged in the sale and distribution of certain preparations containing drugs designated "Phalene" and "Burtone," recommended for treatment of various ailments of the human body, is charged in a complaint with misrepresentation. (4893)

S. Friedman & Sons and Sunray Yarn House, 349 Grand St., New York, selling and distributing yarn, are charged in a complaint with misrepresentation. (4891)

Logan's Inc., also trading as Logan-Rogers, selling and distributing ladies ready-to-wear apparel, with its principal place of business in Elmira, N. Y., and operating stores in Elmira and Harrisburg, Lebanon and Lancaster, Pa., is charged in a complaint with violation of the provisions of the Federal Trade Commission Act and of the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated under the latter Act. (4892)

Ostrex Co., Inc., 801 Second Ave., New York, selling and distributing a medical preparation designated "Ostrex," and David Steuerman and Lillian Steuerman, trading as Steuerman Advertising Agency, 205 East 42nd St., New York, preparing and disseminating advertising material in connection with the sale and distribution of the preparation, are charged in a complaint with misrepresentation. (4894)

Felix Portnow, trading as M. Portnow, 445 Grand St., New York, manufacturing and selling trusses, is charged in a complaint with misrepresentation. (4887)

John Solari & Co., and Par-Ex Products Co., 65 Beach St., New York, selling and distributing a food product designated "Par-Ex Hollandaise Sauce," is charged in a complaint with misrepresentation. (4895)

Universal Match Co., et al.—Unlawful use of the name and emblem of the American National Red Cross for commercial purposes in connection with the sale of cough drops and book matches is alleged in a complaint issued against Candy Brothers Manufacturing Co., Inc., and Universal Match Corp., both of St. Louis, Mo., and two individuals, Adolph H. Rosenberg and John Feinstein. (4889)

Washington Institute, 1230 Vance Building, Seattle, selling correspondence courses intended to prepare students for Civil Service examinations, is charged in a complaint with falsely representing that its business is connected with the United States Government. (4890)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Ferbo Co., Madison, N. J., manufacturer and distributor of food products including one designated "French Tang Vanilla Flavor" and also as "Sun-Cu-Nilla," has been ordered to cease and desist from misrepresentation of the product. (4706)

Hollywood Magic Garment Co., Los Angeles, has been ordered to cease and desist from misrepresentation in connection with the sale of a device designated "Hollywood Magic Garment", offered as a weight-reducing device. Although the corporation has discontinued active business operations it has not been dissolved. Its last known address was 8254 Beverly Boulevard. (4702)

Mono Service Co., 349 Oraton St., Newark, N. J., manufacturing and selling paper cups for the packing of ice cream, has been ordered to cease and desist from the use of lottery methods in connection with the sale of its products. (4834)

United Inheritance Bureau—An order to cease and desist from unfair and deceptive acts and practices has been issued against Harold M. May, trading as United Inheritance Bureau and as Guardian Service Bureau, 1278 Jefferson Ave., Buffalo, engaged in the sale of envelopes and questionnaire letters for use by creditors and collection agencies in obtaining information concerning debtors. (4874)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Breosan Laboratories, P. O. Box 140, Long Island City, N. Y., selling and distributing four medicinal preparations designated "Breosan Suppositories," "Breosan Solution," "Breosan Ointment" and "Breosan Lanolin," has stipulated to cease and desist from representing that Breosan Suppositories or the Breosan Treatment have any therapeutic value in the treatment of hemorrhoids other than that as an emollient palliative; that Breosan Solution is a prophylactic or an antiseptic, will cause wounds to heal without scars or promote the growth of new tissue, is not a drug or has any beneficial therapeutic effect in the treatment of wounds, abrasions, blood poisoning, boils, or other ailments enumerated in his advertisements, or that Breosan Ointment or Breosan Lanolin have any beneficial therapeutic effect in the treatment of wounds of many kinds, burns, chapped hands or similar ailments. (03088)

Simplex Time Recorder Co., Gardner, Mass., and Morse Magneto Co., also trading as American Watchman's Time Detector Co., 17 East 42nd St., New York, both engaged in the sale and distribution of clocks, including a clock designated "The Morse Tape Clock", have stipulated to cease and desist from representing that each and every part of such clocks have been made in the United States when, in fact, any constituent part or parts thereof have been made or manufactured in any other country. (3597-3598)

Universal Selling Co., 5109 Marion St., Philadelphia, selling and distributing a product designated "Weldex" intended for use in repairing cracks and leaks in water-cooled motors, has stipulated to cease and desist from use of the word "Weldex" as a trade name for their product; and from use of the word "Weldex" or the word "weld" as a trade name for the product, or in any other way, to convey the belief that the product is a weld or that its use with metals will effect a state or condition of their becoming welded or will cause the union, consolidation or fusion of the metals or metal parts such as would be accomplished by a welding process. (3596)

Vogue Company and Vogue Eliminator Co., 7759 South Halsted St., Chicago, engaged in selling a radio device designated "3 in 1 Radio Tuner," for attachment to radio receiving sets for the purpose of improving reception, has stipulated to desist from representing that by the attachment of the device to a radio receiving set, interference in the reception of radio waves, caused by electrical appliances, will be eliminated. (03089)

R. Wallace & Sons Manufacturing Co., Wallingford, Conn., selling and distributing merchandise, including trophies, has stipulated to cease and desist from use in connection with its merchandise of any false, fictitious or misleading price representation which purports to be the retail sales price but which, in fact, is in excess of the price for which such merchandise is customarily sold, or from directly or inferentially representing through use of a fictitious or marked-up price that the price for which such merchandise is offered for sale is an exceptional price, a low price, or a discounted price, when in fact the sales price offered the purchaser is not an exceptional, low or a discounted price, but actually is the price for which the merchandise is customarily sold in the usual course of retail trade. (3599)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON, D. C. Vol. 11, No. 6, February 5, 1943

RADIO GETS AA PRIORITY

As first predicted in NAB Reports November 13, 1942, page 648, the preference rating applying to materials for maintenance, repair or operating supplies of the broadcast industry has been raised from A-1-J to AA-2X under Preference Rating Order P-133 as amended February 4, 1943, by the Director General for Operations, War Production Board. The amendment also raises the ratings allowed to those engaged in commercial sound recording and radio communications. Broadcasters and those engaged in commercial sound recording may now apply the preference rating AA-2X to purchases of recording blanks and other necessary replacement items used in recording.

The new order does not provide replacement materials for automotive replacement as defined by General Limitation Order L-158 (this has been interpreted as eliminating mobile police stations). NAB has been informed that the new preference rating is the highest generally obtainable for non-military requirements. The suffix letter X of the preference rating identifies purchases of a non-military nature.

The amended order requires that broadcasters "keep and preserve for two years copies of all purchase orders or contracts applying such rating," and that those "affected by this order shall execute and file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time prescribe." General instructions for the purchase of material in accordance with P-133 as amended February 4, 1943, are as follows:

1. Read Preference Rating Order P-133 as amended and become familiar with the provisions of the order.
2. Operate all tubes and parts to absolute failure, before installing replacements, in order to bring inventory within the limits of the order.
3. Hold best spare tubes for last use in the equipment thus minimizing the chance of failure while procuring replacements. In order to check the condition of spare tubes and to insure their immediate availability without conditioning, use all spares not less than one day every three months and not more than one day of each month. This practice is preferable to the rotation of spare tubes on an equal use basis.
4. Immediately upon the failure of spares which will reduce the inventory to less than one hundred per cent, as permitted by the order, place a purchase order with your supplier. This purchase order should bear the required certification assigning an AA-2X preference rating. When placing the purchase order request delivery prior to a definite date and ask your supplier to advise you immediately if for any reason the order cannot be filled on or before the required date. If notice is received from supplier that delivery cannot be made by the date specified, immediate *inquiry* should be made to all other known sources of supply concerning their ability to fill the order in accordance with your requirements. If these inquiries result in a satisfactory delivery promise from another supplier, the original order *should be cancelled* and another order placed with the new supplier (WPB Regulation 3, amended June 26, 1942, Section (b), paragraph 3. This regulation forbids duplicate orders.)
5. If after following the procedure outlined in paragraph 4 a satisfactory delivery promise is not obtained, an order should be placed with the supplier offering the best delivery promise. At the same time a PD-1A form should be filed with the War Production Board, Director of Industry Operations, Washington, D. C. Be sure to furnish all required information on the PD-1A form and outline in the covering letter the substance of your correspondence under paragraph 4 above.
6. If your station is actually off the air due to the failure to obtain spare tubes or parts or if the tubes or parts in use (for which no replacements are available) appear to be approaching failure communicate immediately by telephone or telegraph with the WPB Emergency Branch, Washington, D. C. The telephone number is REpublic 7500, extension 2333 or extension 2330. This communication should refer to your PD-1A application.

To avoid confusion it is suggested that the original P-133 dated October 5, 1942 be removed from your files and the amended order substituted. The revised sections of the order are printed in bold face type. The new order is printed on page 48 of this issue of the NAB REPORTS.

MORE BATTERY INFO WANTED

Battery sets are in operation in certain sections of the country remote from power lines. We would like to hear from broadcasters in these localities as to dealer and jobber battery inventories. If battery information from the trade is meager, it is suggested you check listeners during a good farm program. Our information on tubes and parts is satisfactory but incomplete on radio batteries. Specify types if there seems to be an impending shortage.

The above paragraph was first printed in NAB REPORTS of January 22. It produced several informative letters. It will be helpful to receive more. Please send them to Arthur Stringer, NAB, 1760 N Street, N. W., Washington, D. C.

NAB NAMES WILLARD EGOLF

Willard D. Egolf, for the past ten years commercial manager of KVOO, Tulsa, Oklahoma, has been named to the NAB executive staff, as successor to Lt. Col. Edward M. Kirby. In announcing the appointment, Neville Miller said that in addition to the public relations activity

(Continued on page 46)

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Lewis H. Avery, *Director of Broadcast Advertising;* Howard Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Arthur C. Stringer, *Director of Promotion.*

NAB NAMES WILLARD EGOLF

(Continued from page 45)

formerly directed by Lt. Col. Kirby, which involved the relations between the industry and religious, educational, civic and social groups, Mr. Egolf will assist him in handling broad industry matters involving governmental relations.

Mr. Egolf brings to his new position at NAB a background of 15 years of extensive experience in the advertising and radio field. Born in Kansas City, Missouri, he was educated at Muskogee, Oklahoma, and is a graduate of the Law School of the University of Oklahoma.

In both high school and college he took a prominent part in student affairs. He was sports editor of his high school paper and editor of the annual in his senior year. At the University he was editor and co-publisher of a college magazine and took an active part in musical circles, being a member of the glee club and of the college dance orchestra.

Following his graduation he went to Florida where he was engaged for two years in legal work and in editing and advertising as director of publicity for the Rose Investment Company. He returned to Oklahoma to join the Rogers-Gano Advertising Agency of Tulsa and Chicago as account executive and copy writer. For five years in this connection he handled all types of advertising in magazines, newspapers, direct mail, poster boards and radio. He edited several house organs for clients of the agency.

In 1932 he became commercial manager of KVOO, then a 5,000 watt operation, and assisted its growth to its present status of a 25,000 watter. In 1940 Mr. Egolf was a member of the Sales Managers Committee of the NAB, and at the same time was President of the Tulsa Advertising Federation. He is a member of the Board of the Tulsa Better Business Bureau and of the Market Development Committee of the Tulsa Chamber of Commerce.

In 1941 he was re-elected President of the Advertising Federation and Treasurer of the Better Business Bureau, and also First Lieutenant Governor of the Tenth District of the Advertising Federation of America. In June of last year he was elected Vice President of the Advertising Federation of America, and in November as Governor of the Tenth District of AFA.

Mr. Egolf is a member of Phi Delta Gamma Fraternity, is married and the father of two children.

AND NOW, THE RADIOETTE

"Radioette" is the name suggested by NAB to indicate a woman engaged in servicing home radios. Not only does this establish the identity of the sex in a new war job, but it gets away from referring to such persons as a feminine radio repairman.

It is believed that the general use of "radioette" will be of value when, as and if conditions warrant the recruiting, training and employment of women to help maintain radio receivers. The term is not intended to be synonymous with "radio repairman," "radio mechanic" or any other term descriptive of an all around technician.

The term is believed to be one which will fit in with a streamlined service technique in which women may presently be engaged.

The "radioette" would work with others under the direction of a "trouble-shooter," "foreman" or "diagnostician."

Labor

"LITTLE STEEL" FORMULA THREATENED

John L. Lewis' demand for a $2-a-day raise for his soft coal miners threatens to break the President's wage stabilization program in general, and the so-called "Little Steel" formula in particular.

The "Little Steel" formula, devised by the War Labor Board last summer to hold the line against inflation, provides that employees may obtain increases up to 15 per cent of their wage rates in January, 1941, to compensate for the increase in the cost of living between that date and May, 1942.

The miners in April, 1941, received an increase which just about amounted to 15 per cent. Now they are back for more, and Mr. Lewis has blood in his eye.

The WLB already is talking about raising the 15 per cent to 20 per cent to take care of further increases in the cost of living since last May (see figures below). Another suggestion is to keep the basic wage rates unchanged but to put all industry on a 48-hour week. This would put more money into labor's pockets, with premium pay for the last eight hours each week. It also might relieve the manpower shortage to a certain extent. Still another suggestion is to hold the line, come what may.

Whatever happens in coal will be reflected almost immediately in steel, automobiles and other big industries. A general industrial wage increase will be reflected in broadcasting.

FCC Salary Figures

Despite an acute manpower shortage of its own, the FCC is assembling as fast as possible its tabulations of employment figures for the week of October 11, 1942. These, as many broadcasters know, are invaluable in negotiations with unions and in proceedings before the War Labor Board or Treasury Department in obtaining salary adjustments.

The Commission has advised the NAB that it will be glad to produce necessary figures, in emergencies, for stations. Advise the NAB Labor Relations Department what your needs are along this line.

COST OF LIVING

Living costs were one-half of one percent higher on December 15 than on November 15, 1942, bringing the total rise for America's first war year to 9 percent, Secretary of Labor Perkins has reported. "Since the outbreak of war in Europe, the increase has been 22.1 percent, as compared with almost 35 percent during the same period of the last war," she said.

Broadcast Advertising

"TREASURY STAR PARADE"

In line with the recent denunciation of the effort of Farrar and Reinhart, Inc., to obtain free announcements of their "Treasury Star Parade" book following the "Treasury Star Parade" programs, Vincent F. Callahan, Director of Radio, Press & Advertising War Savings Staff, recently sent the following letter to radio stations:

"You have undoubtedly received within the last few days a letter from John Farrar of Farrar and Reinhart, Incorporated, asking you to use announcements to promote the book Treasury Star Parade published by that company.

"This is to advise you the Treasury Star Parade Book was published by Farrar and Reinhart as a private venture. It is not a Treasury Department publication. Your decision as to the use of the announcements concerning the book requested by Farrar and Reinhart should depend upon your policy in such matters."

SUPER BARTER DEAL

In exchange for thirteen 50-word announcements for "Liberty" Magazine and nine 25-word announcements for theatrical productions on Broadway, New York City, you will receive absolutely free (except for shipping charges) thirteen episodes of the quarter-hour transcribed "Famous Fathers" programs, declares the Kermit-Raymond Corporation, 745 Fifth Avenue, New York City, in duplicate agreements which have been sent to NAB headquarters by several member stations. There is positively nothing wrong with the deal, if that is the way you like to "sell" your station time. But it looks to us as if "Liberty" magazine came off handsomely at the expense of radio stations.

STRAIGHT FROM THE SHOULDER

Robert Peterson of the Robert Peterson Advertising Agency, Daily News Building, Chicago, Ill., approaches member stations on two per-inquiry deals with complete candor. He asks three questions and if you answer them correctly, one or both of the deals is yours. A somewhat refreshing approach, but the same old offers without the semblance of new clothes. This one isn't worth a reply.

DON'T PLAY THE SUCKER

Several member stations have sent us copies of the form letter and announcements from Progressive Circulation Co., Inc., P. O. Box 9385, Station "S", Los Angeles, Calif., urging the broadcast of announcements seeking to sell subscriptions to the "Writer's Journal" on a per-inquiry basis. It's the same old gag in other words. From long experience in the direct-selling field, we doubt if one station in a thousand could pay out at card rates on this scheme.

McCRAY TO CENSORSHIP

Thomas C. McCray has been granted a leave of absence from his position as Assistant General Manager, in charge of all program and news activities, from Station WTIC, Hartford, Connecticut, to join the Broadcasting Division of the Office of Censorship, it was announced today by Assistant Director J. H. Ryan.

Mr. McCray has been with the Travelers Insurance Company, owners of WTIC, since 1920 and has been supervising the program and news departments of the radio station since 1926.

His duties with the Office of Censorship will include censoring short-wave material designed for export and he will be stationed in New York City, Mr. Ryan said.

Mr. McCray will report to the Washington office of the Broadcasting Division on February 8. He will remain there for a short time before taking up his duties in New York.

Simultaneously in Hartford, Paul W. Morency, General Manager of WTIC, announced that Leonard J. Patricelli, at present Assistant Program Manager, has been made Program Manager.

THIS HELPS INDUSTRY

Nineteen more important broadcast stations are telling listeners to transport sets requiring repair to the radio repairman. Other stations helping in this job have been printed in NAB REPORTS. During our war effort this conservation of manpower is extremely important.

KVAK—Atchison; WBEN—Buffalo; WDAY—Fargo; WOOD—Grand Rapids; WNOX—Knoxville; KRKD—Los Angeles; WALL—Middletown; WJAG—Norfolk, Nebr.; WOSH—Oshkosh; KOY—Phoenix; KOAM—Pittsburg, Kans.; W47P—Pittsburgh, Pa.; WPRO—Providence; KVOE—Santa Ana; KDRO—Sedalia; KRRV—Sherman; WTCN—St. Paul; WDZ—Tuscola; KWAT—Watertown; WTAG—Worcester.

WCAU OFFERS HOUR OF LAUGHTER

Following a discreet survey of listener desires in the Philadelphia area, WCAU came to the conclusion that what the public might like is a rousing afternoon show in which mirth and melody would predominate. Result: a 3:30-4:30 p.m. presentation, "Open House," Monday through Friday.

"Open House" means just what it says. The program schedules entertainment of all sorts—with spontaneity the keynote. It is the hope of its producers that it will at all times lean toward the unexpected or "surprise" elements in radio.

COFFEYVILLE'S TRIBUTE TO RADIO

Hugh Powell, Coffeyville, Kans., owner, KGGF, has forwarded the editorial appearing below from a recent issue of the Coffeyville Journal. It's printed in NAB REPORTS because it so appropriately expresses radio's contribution to the war effort.

The Radio Serves

"Some one in the industry has taken the time to figure that if Christopher Columbus had broadcast a one minute announcement promoting America every 10 minutes without interruption, 24 hours a day right down to the present time, he still could not have done the job American radio stations have done since that fateful day, Sunday, December 7, 1941.

"Since bombs fell on Pearl Harbor, a National Association of Broadcasters' survey shows, 25,048,400 minutes of radio time have been given by American radio stations to assist in sale of bonds, to encourage enlistments in the various armed services, help in scrap collection campaigns, Red Cross and community chest drives and in many other ways to promote the war effort.

"Which is a lot of time and effort. And for which no applause is asked, or desired. It was the patriotic duty of broadcasting stations, incumbent on them in their great mission to serve the public interest, convenience and necessity which is what their government enjoined on them when licenses were issued. The consciousness of duty done is all the reward any broadcaster wants, if this writer knows his fellows in the industry, and he thinks he does."

WPAR SOLVES A PROBLEM

When you have a good client, pleased with results, pleased with your station and completely satisfied with everything, but who also wants to reduce his radio time, you have a man-sized problem on your hands.

This "I have nothing to sell" problem seems to be plaguing a lot of stations. How Carl Loose, program manager, and George Clinton, station manager, WPAR, Parkersburg, W. Va., successfully handled this kind of a situation, makes good reading.

Their solution also illustrates the extra lift a station can give to the war effort right in the home community.

To begin with, the station's "1450 Club" was one year old in December, 1941. It came under sponsorship of the Storck Baking Co. right after Pearl Harbor—30 minutes daily, Monday through Friday. Program content of the 2½ hours per week is described lower down.

Content was appreciated by listeners to such an extent that membership in the club grew to 10,239 registered members in the first year of sponsorship. Mail returns were never less than 50 letters daily.

Came the day the sponsor said he had nothing to sell; when he feared that the 5 one-half hours a week would produce more sales than he could handle. Said he didn't want to go off the air entirely, but what he had in mind was something a great deal less.

By this time the boys at WPAR were pretty blue. The "1450 Club" was one of their best programs, actually their own baby.

Then Messrs. Clinton and Loose began exercising their gray matter to save the day. Told the client, in substance, "sell your complete line. This will relieve the pressure on 'over-sold' items and increase sale of items for which you have unused facilities. Let's give a gift coupon good for a cross-section of your products."

The baker tried it and liked it. Customers liked it, too. Mail has held up and letters are of a most flattering nature.

Nature of Program

Pattern follows the typical "Women's Club" with frequency of station the club name, "1450 Club."

OWI information is used, Treasury Song Parade, Local Scrap Drive and the like. There are clubs within the club with suitable identification as: "Service Mothers Club," a "Rumor Club" which attempts to squelch rumors, etc.

KMBC WAR EFFORT

KMBC, Kansas City, has just released an attractive brochure concerning the station's 1942 war broadcasting activities. A letter from Karl Koerper, station vice president, explains the methods employed.

For all of us, last year was one replete with readjustments predicated on gearing ourselves most effectively to the war effort.

This problem was approached here at KMBC from the standpoint of the area we serve. With this in mind, all material was rewritten and insofar as possible placed in the mouths of well-known station personalities with established audiences. Naturally, this required a tremendous number of man hours of planning and preparation—but, in our judgment, this was more than justified by the increased effectiveness of the entire effort.

SERVICEMAN FOLIO A HIT

The Radio Serviceman's draft deferment folio reached a number of spots at the psychological moment.

Says Otis Morse, manager, WSBA, York, Pa.:

"I thought that you would probably be interested in knowing the *immediate use* WSBA had for the NAB release concerning draft deferment for radio servicemen. The day after it arrived, our sales manager, Sydney Robbins, got in touch with several of the radio repair shops here in town and told them to contact WSBA when the draft board tapped any of their men on the shoulder. Within two days we talked to four servicemen and I spent last Friday afternoon helping to fill out Form 42-A for one of them. . . to my mind, it is just another example of the many fine services the NAB has always offered."

Wide Response

As a result or radio trade paper publicity radio servicemen in nearly every state have been mailed form 42-A (THESE ARE ALSO AVAILABLE AT LOCAL SELECTIVE SERVICE BOARDS) and extra copies of the folios previously mailed all stations.

In Omaha

In Omaha, Johnny Gillin, manager, WOW, distributed folios to 200 servicemen.

In Philadelphia

A mass distribution will be done in Philadelphia by William B. Caskey, WFIL business manager. Arrangements were made January 30 at an executive committee meeting of the Philadelphia Servicemen's Association.

SCHOOL BROADCAST AWARDS

Teachers throughout the United States are invited to enter the fourth annual cempetition in the use of radio in the classrooms, sponsored each year by the School Broadcast Conference, national radio education meeting primarily concerned with the utilization of radio in the schools.

Information regarding entries may be had from School Broadcast Conference headquarters, George Jennings, Acting Director, 228 N. La Salle Street, Chicago.

New Priority Order

Part 3037—Electronic Equipment

[Preference Rating Order P-133 as Amended Feb. 4, 1943]

§ 3037.5 *Preference Rating Order P-133*—(a) *Definitions.* For the purpose of this order:

(1) "Operator" means any individual, partnership, association, business trust, corporation, receiver or any form of enterprise whatsoever, whether incorporated or not, the United States, and the several states thereof, and any political, corporate, administrative or other division or agency thereof, to the extent engaged in any activity listed in Schedule A, hereof.

(2) "Material" means any commodity, equipment, accessory, assembly or product of any kind; exclusive, however, of automotive replacement parts as defined by General Limitation Order L-158.

(3) "Maintenance" means the upkeep of an operator's buildings, structures and equipment in sound working condition; and this, without regard to whether the expenditures therefor are for any reason required to be recorded in the operator's accounting records in accounts other than maintenance and repair.

(4) "Repair" means the reconstruction or restoration without expansion, improvement or change of design of any portion of an operator's buildings, structures and equipment when such portion has been rendered unsafe or unfit for service by wear and tear or other similar

causes, but not including reconstruction or restoration of any portion damaged or destroyed by fire, flood, tornado, earthquake, act of God or the public enemy; and this, without regard to whether the expenditures therefor are for any reason required to be recorded in the operator's accounting records in accounts other than maintenance and repair.

(5) "Operating supplies" means any material which is essential to and consumed directly in the operation of any of the services specified in paragraph (a) (1) above, but does not include photographic film, fuel, office or building supplies, or any material which is physically incorporated in whole or in part in the property or equipment of the operator.

(b) Assignment of preference rating. Subject to the terms of this order, preference rating of AA-2X is hereby assigned:

(1) To deliveries of material to an operator for operating supplies and for maintenance and repair.

(2) To deliveries to any supplier of material to be physically incorporated in other material required by an operator for operating supplies, maintenance or repair.

(c) *Persons entitled to apply preference rating.* The preference rating hereby assigned shall be applied where a preference rating is required to obtain material for maintenance, repair and operating supplies by:

(1) Any operator engaged in an activity in Schedule A hereof and may be applied by

(2) Any supplier, provided deliveries to an operator or another supplier are to be made by him, which are of the kind specified in paragraph (b) and have been rated pursuant to this order.

(d) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(e) *Restrictions on inventory and use.* The preference rating hereby assigned may be applied by any operator, provided:

(1) Such rating is not used to replace in inventory more than one spare tube for each active tube socket.

(2) Such rating is not used to replace in inventory any spare parts except:

(i) Those subject to frequent failure, deterioration or other exhaustion.

(ii) Those which are so unique that failure would inevitably result in long delay in resumption of essential operations.

(3) Such rating is not used in any case to increase the value of an operator's inventory of repair parts, other than tubes, above the value of such inventory on the date of this order.

(4) Such rating is not used to replace in inventory a new part if the defective part can be repaired with a smaller consumption of raw material.

(5) The tube which has been replaced from operator's inventory or for which replacement is requred has been operated to failure.

(6) The operator has returned to the manufacturer any power tube rated at 25 watts or more which has failed, unless such tube is to be repaired.

(7) Equipment which has failed has been operated within the ratings specified by the manufacturer.

(8) Such rating is not used to build up inventory of operating supplies other than tubes, in excess of requirements for a three-month period.

(9) Such operator was actively engaged in one of the activities listed on Schedule A hereof, on the date of issuance of the order, or has received specific authorization for his installation from the Director General for Operations of the War Production Board.

(f) *Application and extension of rating.* An operator or supplier, in order to apply the preference rating assigned by this order, shall endorse the following statement on the purchase order or contract for such material signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purposes.

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this purchase order, and that such application or extension is in accordance with Priorities Regulation No. 3, as amended, with the terms of which the undersigned is familiar.

....
Name of Purchaser Address
By.................................... ....
(Signature and title of duly authorized officer) Date

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(h) Records. All operators assigned a preference rating by or pursuant to this order shall keep and preserve for two years copies of all purchase orders or contracts applying such rating.

(i) Reports. All operators affected by this order shall execute and file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time prescribe.

(j) Communications. All reports to be filed, and other communications concerning this order, should be addressed to War Production Board, Radio and Radar Division, Washington, D. C. Ref: P-133.

Issued this 4th day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

SCHEDULE A

1. Radio communication, including broadcasting.
2. Sound recording for commercial purposes.
3. Radio direction finding.

EXECUTIVE ENGINEERING COMMITTEE

The following broadcasters make up the membership of the NAB Executive Engineering Committee:

John V. L. Hogan, Chairman, WQXR, New York
E. K. Cohan, CBS, New York, N. Y.
Franklin M. Doolittle, WDRC, Hartford, Conn.
O. B. Hanson, NBC, New York, N. Y.
G. Porter Houston, WCBM, Baltimore, Md.

The Committee held a meeting in New York City on January 27. Included in the discussion were the following subjects: training of replacement operators and technicians, availability of repair facilities for broadcast equipment and components, methods for the recruiting of new technical personnel, servicing of home receivers, consideration of standard coverage recommendations, priority regulations, batteries for farm radios, publicizing NAB recording standards and post war planning.

Much constructive progress was made through policy recommendations and outlining future activity of the Engineering Department.

FEDERAL LEGISLATION

HOUSE CONCURRENT RESOLUTIONS

H. CON. RES. 9 (BREHM, R-Ohio) DAYLIGHT SAVING TIME—To provide that the Act of January 20, 1942, establishing daylight saving time, shall cease to be in effect. Referred to Committee on Interstate and Foreign Commerce.

H. CON. RES. 10 (Cole, R-Mo.) DAYLIGHT SAVING TIME—To repeal Public Law 403, Seventy-seventh Congress, chapter 7, second session, and reinstate the standard time provided in the Act entitled "An Act to save daylight and to provide standard time for the United States," approved March 19, 1918, as amended. Referred to Committee on Interstate and Foreign Commerce.

HOUSE

H. R. 1562 (Marcantonio, A.L.-N. Y.) COMMUNICATIONS—To amend the Communications Act of 1934, as amended, to prohibit abandonment of communications facilities, increase the security of communications systems, and for other purposes. Referred to Committee on Interstate and Foreign Commerce.

H. R. 1570 (Scott, R-Pa.) (By request) COPYRIGHT —to amend the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March 4, 1909, as amended. Referred to Committee on Patents.

H. R. 1571 (Scott, R-Pa.) (By request) COPYRIGHT —To amend the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March 4, 1909, as amended. Referred to Committee on Patents.

STATE LEGISLATION

Arizona:

H. 107 (Mitchell, et al.) RADIO—ELECTIONS—To include radio broadcasts among the expenditures of candidates for office upon which there is no financial limitation.

California:

A. 1166 (Collins) MINORS IN RADIO—Relating to employment of minors in radio broadcasting and television studios. Referred to Committee on Labor, 1/28/43.

S. 423 (Burns) FALSE ADVERTISING OF FOODS —Author says this bill is a codification of the law on adulterating, mislabeling and false advertising of foods. Referred to Committee on Public Health, 1/25/43.

California:

S. 911 (Quinn) FOREIGN LANGUAGES BROADCASTS—New act relating to radio broadcasts in foreign languages. Referred to Committee on Judiciary, 1/31/43.

Kansas:

S. 86 (Griffith) CLARIFIES COPYRIGHT LAW— Clarifies the language of the copyright law and amends 57-206, 57-207, 57-209, G. S. Supplement, 1941, and repeals 57-202, 57-203, and 57-204, G. S. Supplement, 1941.

Nebraska:

B. 268 (Rakow) MUSICAL COMPOSITIONS COPYRIGHTS—Regulates issuance of licenses with respect to copyrights and public performing rights to musical compositions and levies tax of 3 percent on gross receipts of all sales and licenses for use, prohibits discrimination in price and repeals present law.

New York:

A. 436 (Ehrlich) (Same as S. 343) CHILDREN—EMPLOYMENT—Prohibits employment of children under 16 years in theatrical performances, circuses, motion pictures, radio broadcast performances, except church or school exhibition or amateur programs with written consent of education board or officials when in their opinion such performances are not harmful. Referred to Committee on Education, 1/26/43.

S. 343 (Hampton) (Same as A. 436) CHILDREN—EMPLOYMENT—Prohibits employment of children under 16 years in theatrical performances, circuses, motion pictures, radio broadcast performances, except church or school exhibition or amateur programs with written consent of education board or officials when in their opinion such performances are not harmful. Referred to Committee on Education, 1/26/43.

FEDERAL COMMUNICATIONS COMMISSION

SMALL STATION SITUATION

Questioned on the FCC's survey of the financial condition of small stations for last year, Chairman James Lawrence Fly said at his press conference early this week that he has a tentative report "but unfortunately a substantial number of stations (a minority but still a fairly substantial number) has been sluggish in getting the material in and we are not yet to the point where we can give the sort of analysis that we want to do. Just a few days ago we sent a follow up letter to the laggard group of stations asking them to get their material in."

The Chairman was asked if the Commission would make the study public when it was completed. "Yes, I think I will give you a statement," he said, and he commented further that "I will also continue to make public statements about what I am trying to do." Following this further the Chairman said:

"In fact I don't mind telling you now, as I have indicated before that I will consider my job simply to help the stations in any way I can and incidently I think to help the advertisers in getting their teeth into the problem and into the potential of this mode of advertising. I do hope to stimulate some responsible advertising in the field of the small and remote stations, and move into the background with the thought that the whole matter would be one of private business and private relations between the advertiser and the stations. All we would expect to do would be to furnish background information as far as it is available to us."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, February 8. They are subject to change.

Monday, February 8

WLW—The Crosley Corporation, Cincinnati, Ohio.—Modification of license, **700 kc.**, 50 KW night, 500 KW day, unlimited, using W8XO transmitter.

Tuesday, February 9

Further Consolidated Hearing

WTNJ—WOAX, Inc., Trenton, N. J.—Renewal of license, **1310 kc.**, 500 watts, SH-WCAM and WCAP.

WTNJ—WOAX, Inc., Trenton, N. J.—Modification of license, **1310 kc.**, 500 watts, unlimited, request facilities of WCAM and WCAP.

WCAM—City of Camden, Camden, N. J.—Renewal of license, **1310 kc.**, 500 watts, SH1WTNJ and WCAP.

WCAM—City of Camden, Camden, N. J.—Modification of license, **1310 kc.**, 500 watts, SH-WCAP; request facilities of WTNJ.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.— Renewal of license, **1310 kc.**, 500 watts, SH-WTNJ and WCAM.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.— Modification of license, **1310 kc.**, 500 watts, SH-WCAM, request facilities of WTNJ.

Wednesday, February 10

WERC—Presque Isle Broadcasting Co., Erie, Pa.—Modification of license, **1330 kc.,** 100 watts night, 250 watts day, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted special service authorization (B3-SSA-65) for the period ending April 1, 1944, to operate on **1170 kc.** with power of 25 KW night, 50 KW until local sunset, unlimited time, employing a directional antenna at night, and using transmitter specified in construction permit (B3-P-2539) as modified.

WTNJ—WOAX, Inc., Trenton, N. J.; WCAM—City of Camden, Camden, N. J.; WCAP—Radio Industries Broadcasting Co., Asbury Park, N. J.—Adopted an order directing that the further hearing now scheduled for February 9, on applications of WTNJ, WCAM and WCAP, be held in Trenton, N. J., on that date instead of Washington, D. C., as heretofore scheduled.

DESIGNATED FOR HEARING

WJRM—Allegheny Broadcasting Corp., Elkins, W. Va.—Designated for hearing application (B2-MP-1684) for modification of construction permit (B2-P-3328) for extension of commencement and completion dates of new station.

MISCELLANEOUS

WALB—Herald Publishing Co., Albany, Ga.—Denied petition for leave to continue the further hearing from February 1 to March 15 on applications for renewal of license, construction permit, and voluntary assignment of license (Dockets 6398, 6399 and 6400).

KXEL—Josh Higgins Broadcasting Co., Waterloo, Iowa.—Granted license to cover construction permit as modified, for new station, and to move studio from Josh Higgins Bldg. to Insurance Bldg., Fourth and Franklin Sts., Waterloo (B4-L-1689); granted authority to determine operating power by direct measurement of antenna power (B4-Z-1422).

WSAM—Saginaw Broadcasting Co., Saginaw, Mich.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-1488).

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Granted modification of construction permit as modified, which authorized changes in directional antenna system and increase in power, for extension of completion date from February 3 to May 4, 1943 (B2-MP-1687).

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted license to cover construction permit as modified, for change of frequency, increase in power, install directional antenna for day and night use, and move of transmitter (B3-L-1744); granted authority to determine operating power by direct measurement of antenna power (B3-Z-1485).

KGBK—Helen Townsley, area of Great Bend, Kans.—Granted further extension of relay broadcast station license upon a temporary basis only, pending determination upon application for renewal of license, in no event later than March 1, 1943 (B4-SRY-240).

WAEA—W. A. Patterson, area of Chattanooga, Tenn.—Granted further extension of relay broadcast station license upon a temporary basis only, pending determination upon application for renewal of license, in no event later than March 1, 1943 (B3-SRY-132).

The Commission has affirmed the decision of the Motions Commissioner in denying the petition filed by Herald Publishing Co. (WALB), Albany, Ga., for leave to continue the further hearing from February 1 to March 15 on applications for renewal of license, construction permit, and voluntary assignment of license (Dockets 6398, 6399 and 6400). The Commission provided further that the completion of the testimony of the witness Mr. Tounsley, should be postponed to 10:00 a. m., February 25, 1943. At the resumption of the hearings on February 1, counsel for Station WALB shall have opportunity to put on such further testimony as he may be prepared to present.

WHEB—WHEB, Inc., Portsmouth, N. H.—Denied special service authorization to operate from 7:00 a. m. to local sunrise during November, December, January and February, power 250 watts, for period ending February 1, 1944 (B1-SSA-58).

WLW—The Crosley Corp., Cincinnati, Ohio.—Granted motion for postponement of hearing on application for modification of license to use 500 KW, from February 8 to March 9.

WGRC—Northside Broadcasting Corp., New Albany, Ind.; WKPT—Kingsport Broadcasting Co., Inc., Kingsport, Tenn. —Granted applicants' motion to dismiss without prejudice applications for construction permits (B4-P-2782 and B3-P-3308) and cancelled oral argument scheduled for February 3, 1943.

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Granted motion to dismiss without prejudice application for modification of construction permit to operate on **1000 kc.,** 50 KW, DA-unlimited.

WERC—Presque Isle Broadcasting Co., Erie, Pa.—Granted petition to continue hearing on application for modification of license from February 10 to April 12.

APPLICATIONS FILED AT FCC

590 Kilocycles

WOW—Radio Station WOW, Inc., Omaha, Neb.—Authority to determine operating power by direct measurement of antenna power.

690 Kilocycles

KGGF—Hugh J. Powell, Coffeyville, Kan.—Construction permit to install a new transmitter.

1000 Kilocycles

WINS—Hearst Radio, Inc., New York, N. Y.—Special service authorization to operate on **1000 kc.,** 1 KW power, unlimited time, employing directional antenna day and night at Near Kingsland, N. J. (site and antenna authorized under construction permit B1-P-3026, as modified) for the period ending 4-1-44.

WINS—Hearst Radio, Inc., New York, N. Y.—Authority to determine operating power by direct measurement of antenna power on special service authorization.

1150 Kilocycles

KTBC—State Capital Broadcast Assn., Inc., Austin, Texas.—Transfer of control of licensee corporation from A. W. Walker, Jr., R. B. Anderson and R. A. Stewart to Claudia T. Johnson (250 shares).

1260 Kilocycles

WNAC—The Yankee Network, Inc., Boston, Mass.—License to use formerly licensed composite main transmitter of WAAB as an auxiliary transmitter, with power of 1 KW.

1300 Kilocycles

WOOD—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Modification of license to change hours of operation from shares time with WASH to unlimited time. Requests facilities of WASH.

MISCELLANEOUS APPLICATIONS

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Construction permit to move main transmitter from RFD No. 1, Dixie Gardens, near Shreveport, La., to Harts Island Road, near Shreveport, La.

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Construction permit to move auxiliary transmitter same address as above.

W2XMC—Muzak Corporation, New York, N. Y.—Modification of construction permit (B1-PEX-36, as modified, which authorized a new developmental broadcast station) for extension of completion date from 3-1-43 to 9-1-43.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Carlay Co., 160 East Illinois St., Chicago, and its president and treasurer, Carl A. Futter, is charged with misrepresentation in connection with the sale of a candy product known as "Ayds," sold in connection with so-called weight-reducing plans and recommended as a treatment or cure for obesity. (4898)

International Trading Corporation, 814 Second Avenue Building, Seattle, engaged in the import and export business, and its president, George W. Nelson, are charged in a complaint with disparaging two of their competitors by falsely stating that one is dominated by the German government and that the other is a Nazi sympathizer. The respondents, who have been particularly active in the importation of hardwoods from certain Asiatic countries, allegedly used the mails and other media to circulate the disparaging statements among their customers. (4865)

Thomas Leeming & Company—Dissemination of false advertising concerning the therapeutic value of a medicinal preparation designated "Baume Ben-Gay" is alleged in a complaint issued against Thomas Leeming & Co., Inc., 101 West 31st St., New York. The respondent recommends the product for external application in the treatment of various painful conditions of the body and advertises it over the radio and in newspapers, circulars and pamphlets. (4899)

Terminal Messenger Service and Pioneer Inheritance Service, Stuart Building, Lincoln, Nebr., are charged in a complaint with misrepresentation in connection with the sale of questionnaire letters and envelopes intended for use in obtaining information concerning debtors. (4897)

Washington Institute, 1230 Vance Building, Seattle, selling correspondence courses intended to prepare students for Civil Service examinations, is charged in a complaint with falsely representing that its business is connected with the United States Government. (4890)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Bates Shoe Co., Webster, Mass., manufacturing and selling shoes, has stipulated to cease and desist from the use, as a mark, stamp, brand or label for or in the advertisement of its products, of the name or private brand, or any simulation of the name or private brand, of a shoe manufacturer or dealer, the effect of which conveys the belief to purchasers that the products thus marked, branded or labeled are manufactured by or for the concern whose name is so used or that they had been manufactured in accordance with the specifications or pursuant to the instructions of such concern; from use of the word "Custom" either alone or in connection with the word "Made," or any word or words of similar meaning, as descriptive of products that are not, in fact, made to order of an indicated person or concern; from use of the words "Bench Made" as descriptive of products not made on a bench or as descriptive of machine-made products, and from use of the words "Lloyd, Ltd." or "British Brogue" or any other words customarily associated with the British Isles or any foreign country so as to convey the belief or impression to purchasers that the products are of British or an indicated foreign origin. (3602)

Granite Textile Mills, Inc., Midland Park, N. J., manufacturing and distributing towels and other textile products, has stipulated to cease and desist from the use of percentages or any other quantitative designations on labels or in trade literature attached to or used in connection with its towels or other products composed in part of linen and in part of cotton or other fiber or fibers, or composed in part of rayon and in part of cotton or other fiber or fibers, as descriptive of the fiber content of such products unless such percentages or other quantitative designations definitely and accurately disclose or set forth the correct percentage or proportion thereof; and from advertising, branding, labeling, invoicing or selling any product composed in part of linen and in part of other fiber or fibers without accurately designating and naming, in equally conspicuous type, each constituent fiber thereof in the order of its predominance by weight, beginning with the largest single constituent, such as "Cotton and Linen" for towels or other articles composed of cotton and linen, when the fibers named are present in substantial proportion, with cotton present in larger proportion than linen. (3600)

Great Northern Chemical Co., Inc., Oak Park, Ill., selling and distributing a so-called anti-freeze solution designated "No-Freeze" for use in automobile radiators, has stipulated to cease and desist from representing that the product is harmless to rubber hose or that its use will not result in or cause accelerated deterioration of rubber products with which it comes in contact, and that "No-Freeze" protects against overheating even in summer weather, or other representations of like import which tend to convey the belief that use of the product will assure against overheating of automobile engines and radiators in summer or mild weather. (3603)

Francis H. Leggett & Co., 27th St. and 13th Ave., New York, selling and distributing food products including a preparation designated "Premier Hollannaise," has entered into a stipulation in which it agrees to cease and desist from use of the coined word "Hollannaise," or other word or term connoting Hollandaise, either alone or in connection with other words to designate or describe a preparation, the fatty content of which does not consist wholly of butter and which is not made in accordance with the generally accepted recipe for Hollandaise sauce; and from representing directly or inferentially, that the combining of such preparation with any other ingredient or ingredients will result or produce Hollandaise sauce. (3601)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Alfred Kohlberg, Inc., 1 West 37th St., New York, selling and distributing laces and linen goods, has been ordered to cease and desist from certain misrepresentations of its lace products. (4604)

National Inheritance Service, 26 O'Farrell St., San Francisco, and O. F. Blaker, 4642 York Road, Baltimore, have been ordered to cease and desist from the use of unfair and deceptive acts and practices in connection with the sale and use of envelopes and form letters intended to be used by creditors and collection agencies in obtaining information concerning debtors. (4849)

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NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N STREET, N. W. WASHINGTON, D. C. Vol. 11, No. 7, February 12, 1943

48-Hour Week

American industry, including radio, was ordered by President Roosevelt this week to go on a 48-hour week, with time and one-half for overtime above 40 hours.

The War Manpower Commission, entrusted with administration of the executive order, limited its immediate effect to 32 "labor shortage areas."

The Commission indicated, however, that the application of the order would be extended to a long list of areas where labor shortages were expected within six months.

Such a drastic and far-reaching order naturally found the War Manpower Commission unable to answer immediately all the questions that have arisen or to supply all the interpretations that have been asked for.

This will take time. However, the NAB is well aware of the many problems which will arise in the broadcasting industry as a result of the order and will supply to the entire industry all available material as it can be obtained. Individual questions will be welcomed and every effort will be made to obtain the answers.

The NAB Labor Executive and Wage and Hour Committees have been called for a joint meeting in Washington on February 23 to discuss industry policy on this matter. These committees will report to the NAB Board of Directors at its February 25-26 meeting in New York.

The idea behind the President's plan is to release for other work one man in every six who are now employed on a 40-hour week. The idea is *not* to require eight hours of boondoggling on anyone's part at time and one-half.

If six men are now working a 40-hour week, and one is released while the others go to a 48-hour week at time and one-half, the increase in payroll is about 8 per cent (provided, of course, that all six are employed at the same salary). The individual increase, from the employee's standpoint, is about 30 per cent.

The only WMPC interpretations to date have come in a series of questions and answers printed on page 67. A list of the "critical areas" is printed on page 68. The President's Executive Order is on page 69.

Industries in the 32 areas have been given until March 31 to make necessary adjustments, and have been specifically instructed not to discharge anyone before that date.

Local United States Employment Service officials may prove helpful, and should be consulted.

OWI ASKS NAB ASSISTANCE

The Office of War Information, International Division, has requested NAB to render necessary assistance to it in securing personnel for the government operated studios in New York City.

OWI, it will be recalled, assumed the responsibility for programming of the international broadcasting stations under an agreement with the private owners. Considerable difficulty has been experienced according to the officials in charge in securing even the very limited numbers now needed to make up their necessary personnel.

To avoid indiscriminate pirating of personnel from domestic broadcast stations, OWI now requests the assistance of the industry, through NAB, to meet an emergency situation. A survey of the personnel immediately required discloses that studio control engineers, recording engineers, transcription engineers, studio supervisors, studio master control supervisors, transmitter engineers, maintenance supervisors, maintenance men, designing and planning engineers and radio draftsmen are the categories in which a shortage exists.

These positions are open to both men and women and while experience is desirable those without it will be considered in the lower grades with opportunity for promotion.

NAB has agreed to present this problem to the industry with an appeal to station managements to make a careful survey of their present personnel to see if there are not on their staffs, individuals who could be made available to OWI. It is thought that this method of procuring personnel is far more advantageous from both the standpoint of OWI, as well as that of the domestic broadcast stations, than to permit a hit and miss process which would inevitably work great harm on a few stations which are now under-staffed.

We, therefore, make a strong appeal to station managements to carefully examine the foregoing list and to weigh it against their existing personnel to see if they could not possibly release one or more employees to assist OWI. The individual would, of course, have to be willing to work in New York City.

All detailed information regarding salaries, working conditions, etc., will be supplied upon inquiry addressed to NAB. If as a result of a study of their situation any station management is in a position to list a man or men as available, NAB should be advised.

The importance of this project should be apparent for unless through this cooperative effort on the part of OWI and NAB sufficient personnel is made available on a voluntary basis, it is obvious that to carry out its function, OWI will be compelled to resort to direct solicitation of employees which inevitably would produce great confusion and harm.

New Censorship Code

There is both "additional" and "subtraction" of restrictions in the second revision of the voluntary Code of Wartime Practices for the American Press and a similar code for American Broadcasters, announced today by Byron Price, Director of Censorship, a little more than a year after the two Codes originally were issued.

(Continued on page 56)

NAB Reports
THE NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Lewis H. Avery, *Director of Broadcast Advertising;* Howard Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Arthur C. Stringer, *Director of Promotion.*

NEW CENSORSHIP CODE

(Continued from page 55)

The principal additions to the Press Code result from putting into print five special requests since the first revision was made last June to keep abreast of war experience.

One new clause surrounds the treatment of war prisoner information in this country. Another asks restrictions on "war intelligence or counter-intelligence operations, methods, or equipment . . . enemy codes or ciphers . . . use of secret inks or chemicals or detection of these; secret detection devices; secret means or systems of military communication."

Special requests as to news of diplomatic ships, news of forest fires, and for co-operation with Canadian censorship practices are the other additions from working experience of censorship in the last six months.

To the "General" clause of the Code is added a request that there be published no advance notice of the location of the President's broadcasts, and a request that no "secret war plans" be published.

The Code also has a clause explaining the responsibility of accredited war correspondents to seek censorship from the accrediting War or Navy Departments; makes an entire clause of previous sabotage restrictions, extended to transportation and public utilities; makes a new clause of the previous request for submission of all combat zone interviews by returned soldiers or civilians, plus a direction to newspapers how to edit letters from combat zones correctly; and adds to this a request for submission of all stories of escape from foreign territory.

A special note is introduced to explain with exactness the blackout to be placed around identities of military or naval units outside the country or in defense or embarkation stages.

On the "subtraction side," the Code has dropped all restrictions on publication of casualty information after this has been made known either by the military department or the next of kin; it releases from restrictions information about bomb shelters except when "specially constructed"; and it modifies the restrictions hitherto placed on war production in four instances.

There is no longer any mention of contracts between government agencies and war producers in the War Production clause. Experience has shown, Mr. Price said, that the government agencies have all the suitable controls they need over contractors to dispense or limit contract details for publication.

Secret war designs or formulas still are restricted, but the phrase "capable of adaptation for war production" has been dropped from the restriction.

There is no longer objection, except in the case of "secret weapons, designs, formulas or experiments," to publication of the exact type of war product. "Generalized" names previously suggested in the Code are out.

There is no longer objection to local or national war production "round-up" articles as long as these do not reveal production rate of a specific war product.

One other change may be in the nature of relaxation in certain cases. Where the Code has stated that any restricted matter may be published when "made available officially by appropriate authority," the revised Code says: " . . . made available for publication by appropriate authority."

This change, according to Mr. Price, is intended to register the intent of the Office of Censorship to establish that some agency or person suitably responsible has taken the responsibility for publication of otherwise restricted matter. "Officially" is too hard a word to define, and often implies "official" approval by an agency or person concerned where "no objection" without "approval" is really what is meant, the Director explained.

Inside the front cover of the revised Code is a direction which underlines previously published advice to bring all doubtful censorship press instances to the Office of Censorship. The new note says:

> "The Code of Wartime Practices is issued pursuant to instructions by the President, who commissioned the Office of Censorship to supervise domestic voluntary censorship.
>
> "You are reminded that whenever any one else, in any part of the country, makes a request which appears unreasonable or out of harmony with the Code, you are at liberty to appeal at once to the Office of Censorship. Much confusion would be avoided if such appeals were more frequent."

A new note on the cover of the Code says:

> "This Code covers everything published and circulated inside the United States—press, periodicals, magazines, books, news letters, report, directories, almanacs, trade and financial papers, and all else. This is the guide by which you are expected to censor your own operations. If in doubt, call, write, or telegraph the Office of Censorship, Apex Building, Washington, telephone EXecutive 3800."

In a foreword, notice is taken by the censors of "commentators and columnists." "All requests of the Code," it says, "apply to advertising matter, news letters, corporation and business reports, letters to the editor, personal and society news (which often discloses military or diplomatic movements or identity restricted herein), and commentators and columnists who deal both with news and circulated reports. The Code does not limit speculation or opinion. But use of any device of 'speculation' to disclose restricted information presents a hazard to voluntary censorship."

For the first time, the Press Code publishes an index of topics covered.

The News Section of the Broadcasters' Code has been revised to conform with the Press Code, with the exception that weather information is more severely restricted on radio. This suggestion, however, is the same as that contained in the June edition of the Broadcasters' Code.

Probably the most significant change affecting domestic broadcasters is the incorporation of new principles to guide foreign language station managers in their voluntary censorship efforts. A new section is added for this purpose. It outlines the responsibility of the Office of Censorship in surveying foreign language personnel on domestic radio stations.

"The Office of Censorship, by direction of the President," it says, "is charged with the responsibility of removing from the air all those engaged in foreign language broadcasting who, in the judgment of appointed authorities in the Office of Censorship, endanger the war effort of the United Nations by their connection, direct or indirect, with the medium."

This duty, the Code emphasizes, does not relieve the broadcast manager of his full responsibility to "employ only those whose loyalty he does not question."

Specific suggestions intended to assist broadcasters in this specialized field are incorporated in the section.

The Program Section of the Broadcasters' Code contains one new paragraph, dealing with simulated air raids and blackouts. It advises broadcasters not to employ their facilities during these simulated events in such a way that listeners would grow to depend on the radio for assistance in the event of an actual air raid. During an actual air raid stations in the affected area will be off the air by order of the area defense command.

Broadcast Advertising

NEW OPA RULES

Two new rules of the Office of Price Administration deserve careful study by radio station commercial managers and commercial continuity editors. These apply to manufacturers who quote the retail price of their merchandise in advertising.

The rules must be followed, OPA explained, since retail prices given in advertising of national or regional manufacturers or distributors cannot affect the ceiling prices of retail outlets handling the products. Here are the rules:

1. When a national manufacturer mentions the retail price of his product in newspaper, magazine, and radio advertisements, he need not include a statement saying that the retail price mentioned in the advertisement cannot be charged by retailers whose individual ceilings are below the price mentioned. But this rule has a qualification if the advertisement lists the names of the retailers selling the product at the advertised price.

In case the names of the retailers are listed in an advertisement giving the retail price, the manufacturer sponsoring the advertisement is himself responsible for a violation if the retailer in selling at the advertised price exceeds his own maximum price, unless the advertisement itself contains a statement that the mentioned price cannot be charged by any named outlet whose ceiling is below the mentioned price. Of course, a retailer who sells above his ceiling is guilty of a violation even if he sold at a price mentioned in the producer's advertising.

2. When a manufacturer sends a retailer "copy" which mentions the retail price to be used in advertising the manufacturer's products for sale in the retailer's store, the manufacturer should notify the retailer that he can use the "copy" with the mentioned retail price only, if the mentioned price does not exceed the retailer's ceiling. Only if the manufacturer gives this notice to the retailer does he free himself of any responsibility in case the retailer violates his own ceiling by selling at the mentioned price.

DON'T GO FOR PEPGO

Several member stations have sent in the letter and folder from Solis S. Cantor, 1600 Walnut Street, Philadelphi, Pa., urging broadcasters to present a schedule for PEPGO Battery Chemical Treatment on a per-inquiry basis. Apparently aware that the basis on which he proposed this advertising is unethical and forbidden by the NAB Code, Mr. Cantor coyly seeks to clinch the deal in a postscript that assures the broadcaster "if you would wish us to keep any transaction that may transpire between us on a confidential basis, you may be assured of our cooperation." As several of the stations pointed out in sending this material to NAB, the product is promoted through such extravagant claims that any station considering this advertising on a rate-card basis should satisfy itself that the claims are fully substantiated and not liable to FTC action.

YOU WON'T NEED A MONEY BELT TO KEEP THE MONEY YOU WON'T MAKE

In the course of a letter, urging broadcasters to offer a money belt on a per-inquiry basis, Paul Grant, 520 N. Michigan Avenue, Chicago, Ill., writes:

"We ran on to one the other day—a Money Belt—about which there was considerable controversy here in Chicago." Right now there appears to be controversy about the subject from coast-to-coast, from Canada to Mexico. Presumably to be fair to all broadcasters, Mr. Grant apparently sent his letter to every radio stations in the United States.

All should send Mr. Grant the same reply: "We don't take business on a per-inquiry basis. Broadcasting is well established as an advertising medium. If the merchandise or service you are offering is something the public wants, you can well afford to buy time at card rates, for broadcasting will give you good advertising value for every dollar you spend."

ANOTHER WAR SERVICE RECORD BOOK TO SELL ON A PER-INQUIRY BASIS

In the "NAB REPORTS" for January 15, 1943, we reported the offer of a "Record of Service" wall certificate to various radio stations on a per-inquiry basis. Several member stations have sent in letters and folders regarding a "War Service Record" book from Weston-Barnett, Inc., Waterloo, Iowa. From outside sources we learn that this record book does not pull well with very few exceptions. Why waste valuable station time and talent trying to promote something which has so little chance of paying out?

DEFERMENT FOLIO APPRECIATED

WOW—Omaha

As a result of a two weeks' spot campaign some 45 radio servicemen in Nebraska, Iowa, Missouri, and Kansas sought complete information from station WOW, Omaha, on the possible deferment of radio repairmen. According to Assistant Manager Harry Burke, "The men are very grateful for this service. In most cases we find that this information is not available at local draft boards."

WPDQ—Jacksonville

Frank Taylor, Jr., business manager, WPDQ, Jacksonville, Fla., is another who used Occupational Bulletin No. 42 folio to good advantage. Servicemen were very appreciative of this help.

WTAR—Norfolk

J. L. Grether, technical director, WTAR, Norfolk, Va., has been helping local servicemen fill out their occupational classification affidavits. Put to good use was the folio of facsimile letters forwarded by NAB.

ISSUE WAR BULLETIN NO. 13

NAB War Bulletin No. 13, dated February 12, has been mailed all stations. It is concerned entirely with wartime maintenance of home radios.

Bulletin contains statement by Frank McIntosh, Domestic & Foreign Radio Section, Radio & Radar Branch, WPB, that ample tubes and parts would be provided; also details of the Philco Radio & Television Corporation plan of wartime service operation.

Said R. F. Herr, Philco vice president, . . . "Our obligation (for maintaining radios) is therefore two-fold, to our government and to the millions of radio families. We of Philco pledge ourselves to do whatever it takes to do the job."

DAYTIME SERIALS

The virtues of radio daytime serials far outweigh their shortcomings, it was declared this week by an advisory committee of three well known physicians recently appointed by NBC to study the morale qualities of network broadcasting.

A scientific evaluation of daytime serials demonstrates, the physicians reported, that they feature problems which are essentially the problems of ordinary American life. The tendency of daytime serials is towards solutions generally accepted as ethical in present society and hence, the committee found, their effects are helpful rather than harmful.

"They seem to fill a real demand for a public of considerable size and their shortcomings are heavily overweighed by their virtues," said the committee in a preliminary report on the daytime serials.

The committee was headed by Dr. Morris Fishbein, editor of the Journal of the American Medical Association and a leader in the field of public health. The other members were Dr. Henry R. Viets, noted Boston neurologist and lecturer on neurology at the Harvard Medical School, and Dr. Winfred Overholser, a well known psychiatrist.

FCC SURPLUS EQUIPMENT CATALOG

As stated in the FCC Notice to all Radio Station Licensees (Serial No. 60) dated November 20, 1942, it was the original intent of the Commission to provide each licensee with a copy of the complete catalog. However, the material listed is so voluminous, approximately 1,100 pages, that this procedure is entirely impractical.

Copies have been located at strategic points throughout the country where the catalog may be inspected by stations in need of materials. According to the Commission,

> "Persons interested should inspect the lists in person and not attempt to correspond with the Commission or the stations in custody of the lists as these include thousands of items and such correspondence is entirely impractical and would constitute an unreasonable burden."

As a service to all broadcast stations the NAB Engineering Department will answer promptly inquiries concerning equipment listed in the catalog. There will be no charge for this service. When requested, replies will be made by collect telegraph. Please do not telephone.

The 1,100 page catalog is a Treasure Chest "chuck full of" essential replacement material and will become increasingly valuable as existing equipment deteriorates.

To indicate the scope of the catalog, there are, for example, 1402 listings of vacuum tubes in quantities varying from 1 to 100 tubes per listing. This is a lot of tubes in any man's language. The offering of some other items is comparable. The FCC catalog is a major contribution to wartime conservation. Use this new NAB service and make the most of the national inventory.

BOARD MEETING

Neville Miller has called a meeting of the NAB Board of Directors for February 25-26 at the Roosevelt Hotel, New York.

LABOR CONTRACTS

Approximately 50 per cent of the NAB members have answered the Labor Relations Department's letter of January 6 asking (1) whether members had any contracts with labor unions and (2) for copies, if any. If you have delayed your answer to this important request, please send it as soon as possible.

NETWORK RULES ARGUMENT

Radio station rights are being denied, not regulated, by proposed orders of the FCC, the Supreme Court was told on Wednesday by John T. Cahill, arguing for NBC asking a court denial of FCC authority.

The attempted regulation of the business operation and network broadcast contracts of a radio station were likened by Mr. Cahill to the situation facing newspapers, due to the shortage of newsprint. He pointed out that Congress has enacted a law setting up a Newsprint Allocation Board authorized to license the use of newsprint to newspapers according to "the public interest, convenience, or necessity."

If this Newsprint Board should promulgate an order that no newspaper shall get newsprint if it continues to have a contract with the United Press or with Syndicated Features, Inc., it would be paralleling the proposed orders of the FCC with regard to radio stations, Mr. Cahill urged.

Such an order by the Newsprint Board would be a clear departure from the objectives of Congress in creating the Board, and the same is true of the FCC order with regard to radio stations, Mr. Cahill argued.

"Congress has stated that the traditional freedom of the press is fully applicable to radio," said Mr. Cahill. "Ours is the first generation to fight the perennial battle of freedom on this new front. Unless the same vigilance is applied to freedom of radio as former generations applied to freedom of the press, one of our most sacred rights will be lost."

Mr. Cahill also pointed out that the District Court in New York, which ruled in favor of the FCC, admitted in its opinion that the proposed regulations "do fetter the choice of the stations (with regard to network contracts); do therefore coerce their choice and their freedom", but still held that this created a problem that does not come under the free press and freedom of speech provision of the Constitution.

"The District Court thus not only accepted the vague and undefined nature of the power asserted by the Commission, but went on to admit that the Commission directly coerced freedom of speech over the radio", said Mr. Cahill. "Instead of drawing the only conclusion compatible with the command of the First Amendment—that such a power does not exist—the District Court upheld the power because the Commission proclaimed that it acted in the name of free speech".

Another point raised against the Commission order by Mr. Cahill was that the FCC claimed authority for its orders in the wording of Paragraph i of Section 303 which has to do entirely with technical matters concerning radio stations, their power and wavelengths, and makes no reference to licensees who are directly affected by the orders.

"Although Section 303 (i) has been a part of the law governing radio broadcasting since 1927, there has been no previous attempt to construe it as other than technical," Mr. Cahill said.

The attorney for NBC, both in a ninety-eight page brief he submitted, and in his oral presentation to the Supreme Court, appealed particularly against the FCC order which prevents a station from definitely optioning part of its broadcast time to a radio network organization for the purpose of selling it.

"Without option time there could be no competitve nationwide network broadcasting," said Mr. Cahill. "Cohesive network organizations able to compete with other advertising media or with one another, could not exist."

Contracts for affiliation of radio stations with NBC allow the network to sell only part of the stations' time in the morning, afternoon and evening, the Supreme Court was told. It was shown that these contracts give the stations plenty of time to handle whatever local programs they feel are necessary in the public interest. At the same time, a network must have an option on certain periods of time in order to sell the stations' facilities to an advertiser, or there would be none of the fine, expensive network programs, Mr. Cahill pointed out.

"Unless the requisite national circulation can be guaranteed to the national advertiser, he will not use network broadcasting," said Mr. Cahill, pointing out that while about one-third of the total radio broadcasting time in America is paid for directly by advertisers, this one-third supports the wide variety of public service and sustaining programs covering the remaining two-thirds of the broadcast day.

"The FCC order represent a frolic and a detour, as it were, into the field of business practices, competition, and the meaning of the anti-trust laws," said Mr. Cahill. He argued that if option time is lost for network operation, only the best stations in each area will carry national advertising; existing networks will no longer have either the incentive or the funds to produce their existing schedule of sustaining programs; the revenues of smaller stations will be so reduced that they will be unable to afford even the cost of wire lines to get outside programs, let alone the production of sustaining programs.

"Irreparable injury to the present radio service would result if the FCC order becomes effective," Mr. Cahill said, pointing out that in its hearings before issuance of the orders, only a small part of the testimony had to do with affiliation contracts of stations or option time, and even that was addressed to explanation rather than to defense. Mr. Cahill also pointed out that the Commission in its investigation did not even request the presence of national advertisers who alone support network broadcasting.

Mr. Cahill urged the Supreme Court to set aside the lower court approval of the FCC regulations, on the ground that they were issued "in utter disregard of the stated functions of the FCC."

Court cases cited by Mr. Cahill to show precedents for setting aside orders of regulatory commissions that exceeded their authority, included the famous Osage Indian case where the Commissioners sought to limit the amount of oil revenues to be paid to Indian children; and the Commerce Department's attempt to write a regulation on the importation of tea, which exceeded its authority.

FCC APPROPRIATION

A total of $7,609,914 is included in the bill for this agency, which is $223,279 more than the 1943 appropriation and $479,686 less than the Budget estimates. The committee has approved the Budget estimate of $2,000,000 for regular activities, which is the amount of the 1943 appropriation, and has allowed the total amount provided for the current year for national-defense activities, plus such sums as are necessary to place certain personnel in the Foreign Broadcast Intelligence Service, departmental and field, and the law department (departmental) on a full-year basis. The committee has added $227,279 to the 1943 appropriation for this purpose and has denied additional funds requested for the expansion of other services.

The committee calls attention to the provisions in the bill providing $27,840 for a hemisphere communications unit and $206,160 for a war-problems division, under the law department. The committee has not eliminated these funds because they are requested as a national-defense measure, but it does regard the value of such projects with some skepticism and recommends that the Commission carefully consider the desirability of discontinuing them.

Excess Profits Tax

NAB tax counsel, Ellsworth C. Alvord, has prepared a memorandum to assist broadcasters in preparing their excess profits tax return. This memorandum, together with a statement by Internal Revenue Commissioner Guy T. Helvering, and data on "Constructive Average Base Period" prepared under the direction of the NAB Research Committee, follows:

EXCESS PROFITS TAX RELIEF

Did you begin business after 1939, or even after 1934 or 1935? Did you, from 1934 or 1935 to December 31, 1939, become a member of a network or change your network affiliation, change your management, adopt an important technological improvement, change your broadcast frequency, step-up your power out-put, benefit from the use of directional antennae, change from a part-time to a full-time program, or undergo any other change causing the years 1936 to 1939, in whole or in part, to be unrepresentative of your normal earnings level? Or were there any interruptions in your operations during the base period attributable to abnormal events such as fires, floods, strikes, etc.? If, for any of these reasons, your base period experience was abnormally low or if you had no base period experience because of having been organized since 1939, you should be interested in the possibilities of relief under section 722 of the Internal Revenue Code in connection with your excess profits taxes. That section may enable you to increase your excess profits credit substantially, thereby reducing the amount of income on which excess profits taxes must be paid. Ignoring special provisions such as the post-war credit or refund, the net saving in taxes should be 50% of the amount by which you are able to increase your credit, since the effect of such an increase will be to subject an equivalent amount of income to tax at only 40% in lieu of 90%.

The nature of this relief and the types of situations in which the section operates, are explained below.

APPLICATION OF SECTION 722 OF THE INTERNAL REVENUE CODE TO THE RADIO BROADCASTING INDUSTRY

I—Function of Section

The function of section 722 will best be understood from a brief review of the structure of the Excess Profits Tax Act, with particular reference to the credits allowed against excess profits net income in the determination of the amount subject to the tax.

Basically, the excess profits tax is intended to be imposed only on *excess profits*. Under the statute excess profits are, roughly speaking, the excess of the taxpayer's excess profits net income (the special rules for the computation of which are not pertinent here) over the taxpayer's excess profits credit. A domestic corporation in existence prior to January 1, 1940 has two alternatives open to it in the way of excess profits credit: (1) The excess profits credit based on income, commonly known as the average earnings credit; and (2) the excess profits credit based on invested capital. A domestic corporation not in existence prior to January 1, 1940, and not an acquiring corporation under Supplement A, may use only the excess profits credit based on invested capital.

The average earnings credit is based on the corporation's earnings experience for the four years 1936 through 1939. Various special rules are provided to reflect growth and to lessen the burden of a single low income or loss year, but in general 95% of the average of the income for the four base period years is used as the basis for the credit. To this amount is added 8% of any net capital additions since the close of the base period or subtracted 6% of any net capital reduction since such date. The credit is based upon the theory that "the period from 1936 through 1939 represents a period of moderate prosperity for business in general" (Sen. Rept., p. 199), and that, therefore, the average earnings for such period represents a fair reflection of normal peace-time earnings.

The excess profits credit based on invested capital is 8% of the first $5 million of invested capital, 7% of the next $5 million, 6% of the next $190 million, and 5% of anything above $200 million. Various complicated special rules are provided for the computation of invested capital. In general, it consists of the tax basis of assets paid in for stock, plus accumulated earnings and profits, plus 50% of borrowed capital. The credit is intended to permit a corporation a reasonable return on its investment, before being subjected to excess profits tax. By reason of the arbitrary nature of the computation, however, and the fact that invested capital is frequently not the substantial income-producing factor, this credit fails in many cases to afford a fair measure of normal earnings. The radio industry is a typical example of the case where individual initiative and ability, goodwill developed through operations, and similar factors which may not be reflected in invested capital account primarily for the earnings produced.

It is obvious that, whatever may be said of this system of credits in the general run of cases, there are bound to be many instances in which such purely mechanical rules will fail to reflect normal earnings and will, therefore, produce extreme hardship. In the case of a given taxpayer the years 1936 through 1939 may be completely unrepresentative. The corporation may have commenced business too late to permit a fair reflection of its normal earning capacity during the base period. Changes in the character of the business may have occurred which caused the enterprise as of the close of the base period to be quite different from that during one or more years of the base period. Abnormal events may have existed in the years 1936 through 1939 which completely destroy those years as a criterion of the tax-payer's normal earning power. Obviously, it is desirable to provide an additional opportunity to the taxpayer under such circumstances to demonstrate what may reasonably be considered to be a fair and just amount representing its normal earnings.

The same may be said of a taxpayer which is not entitled to use the average earnings credit because of nonexistence prior to January 1, 1940 and is, consequently, limited to the invested capital credit. Many such taxpayers find the latter credit completely inadequate and inappropriate, particularly in the case where capital is not a material income-producing factor. Since the fundamental credit concept is that of normal earnings, an adequate opportunity should be given to the new corporation to establish what its normal earnings are or would be in the absence of war conditions and such a taxpayer should not be arbitrarily compelled to rely solely on the invested capital credit in computing its excess profits tax.

The function of section 722 is to provide such an opportunity to any taxpayer which can establish that the excess profits tax computed under the mechanical rules above described results in an excessive and discriminatory tax. In other words, this section provides for a constructive average base period net income in those cases in which the actual base period net income is not fairly representative of the taxpayer's normal earning power, or where the taxpayer is not entitled otherwise to use the earnings credit and the invested capital credit is demonstrably inadequate.

II—Grounds for Relief

(a) General Pre-requisite to Relief.

In order to be entitled to relief under section 722 the primary facts which the taxpayer must establish are:

(1) That the excess profits tax, computed without regard to section 722, results in an excessive and discriminatory tax, and

(2) The amount which would be a fair and just amount representing normal earnings to be used as a constructive average base period net income.

The circumstances in which the excess profits tax is considered to be excessive and discriminatory are set forth in subsections (b) and (c) and are discussed below.

The section provides that, in computing such constructive earnings, events or conditions subsequent to December 31, 1939 must be ignored except to the extent necessary to reflect (1) a change in the character of the business permitted to be taken into account even though not fully completed until after December 31, 1939, and (2) the nature of the business of a taxpayer not organized until after December 31, 1939.

(b) What Constitutes a Discriminatory Tax in the Case of a Domestic Corporation Organized Prior to January 1, 1940.

Relief is granted to domestic corporations organized prior to January 1, 1940 if their actual average base period net income is an inadequate standard of normal earnings because of any one or more of the following circumstances:

(1) *Normal production, output, or operation during any part of the base period was interrupted or diminished because of the occurrence, during or immediately prior to the base period,* of events unusual and peculiar in the experience of such taxpayer.*

The type of event or circumstance for which relief is intended to be granted under this paragraph is primarily a physical rather than an economic event or circumstance. A fire, a flood, or a strike would be within the scope of this provision. In the case of any corporation experiencing such an event, both the immediate results and the after-effects should be taken into account. For example, a prolonged strike would not only cause the taxpayer to be completely or partly inactive during the period of the strike itself, but might have caused a temporary set-back in the business, the effects of which were felt for some period after the strike was concluded.

(2) *The taxpayer's business was depressed in the base period because of temporary economic circumstances unusual in the case of such taxpayer or because it was a member of an industry which was depressed on account of temporary economic circumstances peculiar to such industry.*

As a general rule, ordinary economic hazards to which business in general is subject, such as high costs of production, or low demand, or low selling prices for taxpayer's product, do not afford ground for relief. This classification of hardship cases deals primarily with distortions of base period income by reason of temporary economic circumstances peculiar to the taxpayer's business or peculiar to the industry of which it is a member. For example, a price war may have been carried on within an industry during the base period, affecting the earnings of the entire industry. On the other hand, although the industry's experience during the base period may have been normal, a particular member thereof may have suffered losses or a reduction in earnings by reason of events peculiar to it. For example, business may have been carried on with a single customer who, at sometime during the base period, decides to manufacture his own product. The base period would represent a period of development of new business rather than a period of normal operations (Sen. Rept., p. 199).

(3) *Owing to conditions generally prevailing in the industry, the taxpayer's profit cycle differs from the general business cycle or its earnings are sporadic, with the result that the base period does not represent a period of average normal profits to the same extent that it does for business generally.*

This paragraph seems wholly inapplicable to the radio broadcasting industry.

(4) *Either during or immediately prior to the base period, the taxpayer commenced business or changed the character of its business and the average base period net income does not reflect the normal operation of the business so commenced or changed for the entire base period of such business.*

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* See discussion under III below for meaning of phrase "immediately prior to the base period".

This test presents a more varied subject-matter than any of the others and will be discussed in detail under a separate heading.

(5) *Any other factor, consistent in principle with the foregoing, which prevented the base period earnings from representing an adequate standard of normal earnings.*

This test is designed to insure that corporations which do not meet the strict eligibility requirements set forth in other parts of the section will not be debarred from relief if their cases are within the spirit of the statute and if its application would not be inconsistent with its principles, conditions, and limitations. An example of the application of this paragraph is that of a business involved in the manufacture of a product requiring an extensive period for preparation or manufacture, and which had no stocks of such product on hand at the commencement thereof.

(c) What Constitutes a Discriminatory Tax in the case of a Domestic Corporation organized after December 31, 1939.

This category embraces newly organized corporations which, except for section 722, would be forced to rely exclusively on the invested capital credit. The tax in the case of such corporations is considered to be excessive and discriminatory if the invested capital credit is an inadequate standard for determining excess profits for any one or more of the following reasons:

(1) The business of the taxpayer is of a class in which intangible assets not includible in invested capital under section 718 make important contributions to income;

(2) The business of a taxpayer is of a class in which capital is not an important income-producing factor; or

(3) The invested capital of the taxpayer is abnormally low.

If a business qualifies under this heading, it is permitted to construct an average base period net income, which may be used as a substitute for the invested capital credit. Provision is made for avoiding duplication between capital additions as such and the reflection of such items in the constructive average base period net income.

III—Changes in Character of Business

As already pointed out, relief is granted under section 722 in cases where the taxpayer, during the base period or immediately prior thereto, commenced business or changed the character of its business.

As illustrative of what the term "change in the character of the business" is intended to embrace, the statute itself lists the following examples:

(1) A change in the operation or management of the business;

(2) A difference in the products or services furnished;

(3) A difference in the capacity for production or operation;

(4) A difference in the ratio of nonborrowed capital to total capital;

(5) The acquisition before January 1, 1940 of all or part of the assets of a competitor, with the result that the competition of such competitor was eliminated or diminished.

The rule that the change in the character of the business must have occurred during or immediately prior to the base period is relaxed in one respect: Any change in the capacity for production or operation of the business consummated during any taxable year ending after December 31, 1939 as a result of a course of action to which the taxpayer was committed prior to January 1, 1940, is deemed to be a change on December 31, 1939 in the character of the business. Such a commitment need not, however, take the form of a legally binding contract. It may take the form of the expenditure of money at the commencement of the desired changes or other alterations in position unequivocally establishing the intent to make the change. It is contemplated, however, that a change of this character will not be taken into account in determining the constructive average base period net income for credit purposes until the excess profits tax year in which such change was completed. (Sen. Rept., p. 202) Presumably, the word "completed" in this connection will be given a broad enough construction to justify taking into account those parts of a large project which may have been completed in years prior to the completion of the entire project as a unit. Furthermore, it is apparently intended that some flexibility will be employed in the determination of the extent to which such a change will be taken into account in computing average base period net income for the statement is made in the Committee Report that the extent to which the new facilities enter into the business of the corporation for the taxable year shall be considered to be the extent to which the character of the business was changed on December 31, 1939.

In determining whether a change of business antedating the base period occurred "immediately prior to the base period," no arbitrary temporal limitations control. The test is whether under normal conditions the effect of the change would not be manifested until sometime after the beginning of the base period and would be directly related to the change. (Sen. Rept., p. 200) The same principle would presumably apply with respect to a commencement of business prior to the base period.

An important feature of section 722 is the two year date-back provision. The section provides that in the case of commencement or a change in the character of business occurring during or immediately prior to the base period, if the business did not reach the earning level by the end of the base period which it would have reached if the business had been commenced or changed two years earlier, the commencement or change shall be deemed to have occurred at such earlier date. The purpose of this provision is to afford to growing corporations an opportunity to reflect in its constructive earnings for the base period the results of growth that otherwise would fall outside the base period.

In determining whether the corporation would have reached a higher earnings level at the end of the base period if the commencement or change of business had occurred two years earlier, consideration is to be given to the business experience of the taxpayer and to its prospects at the end of the base period. Events occurring or existing after December 31, 1939, cannot be considered. Accordingly, the operation of the date-back provision will not necessarily reflect as of the end of the base period the earnings level actually reached at the end of the second year following the base period. It may be lower or higher, depending on whether the war period has been favorable or unfavorable to the taxpayer's business.

IV—Potentialities of Section 722 in the Radio Broadcasting Field

The potentialities of section 722 in the radio broadcasting industry are substantial and warrant a careful examination of its possibilities by every member of the industry. While the particular event, circumstance, or situation which may form the basis of any given taxpayer's claim can be determined only in the light of that taxpayer's own experience, there are a number of broad categories of typical situations in the industry which, if borne in mind, will serve to organize the examination of a particular case and narrow its possibilities. Particular attention should be given to the following:

(1) *Commencement of business.*—(a) *Since 1939.*—Section 722 should be available in most instances to new radio broadcasting corporations which have commenced business since the end of the base period and which would otherwise be dependent upon an invested capital credit. Such corporations ought to be able to satisfy all three tests laid down in such cases. The broadcasting business is an excellent example of a business in which invested capital is not the principal income-producing factor. The location of the station, the power and frequency al-

lotted to it, the efficiency of the management and the caliber of the programming are some of the substantial contributing factors. Compared with the potential earning capacity of a station, the amount of capital required for equipment and operations is relatively small. Consequently, the new companies should make every effort to establish a constructive base period earnings credit under section 722 which will afford them a much fairer measure of normal earnings than mere return on invested capital. Such corporations will probably encounter some complications in establishing what their earning capacity would have been had they operated on a comparable basis in the same area during the base period, giving attention to geographical location, power output, frequency, and other relevant factors of a specific nature. However, the general business conditions prevailing in the industry during such period are well known, and comparisons with other stations operating during the base period (which will be one of the principal standards in these cases) can readily be drawn .

(b) *During or immediately prior to the base period.*—Many companies which began business prior to 1940, but during or immediately prior to the base period, will also find section 722 beneficial. Vacant years in the base period are, apart from section 722, given an excess profits net income based on the invested capital principle. Section 722 will enable the taxpayer to substitute a hypothetical experience more nearly in line with normal earnings. Careful calculations should be made, however, for in many instances a low base period experience in the first half of the base period will be of greater advantage, coupled with the use of the growth formula, than a constructive credit under section 722. This is most likely to be true if the taxpayer actually reached its normal earnings level prior to the close of the base period, and is therefore deprived of the benefits of the two-year date-back provision already described. The important factor will generally be whether substantial increases can be made in the excess profits net income for the second half of the base period.

(2) *Changes in management.*—Changes in management are particularly significant in their effect upon earnings in any industry where, as in the radio broadcasting industry, the personal ability and judgment of those running the business play so important a part in attaining results. In many instances it will be a relatively simple matter to demonstrate that the company's improved earnings are attributable to such a change. Where the case is clear as to cause and effect, relief should be available under section 722 even though it will probably be impossible to prove the effect on earnings with mathematical certainty. The two-year date-back provision may operate to produce a credit which can not be obtained under other provisions of the statute.

(3) *Strikes, fires, etc.*—The individual stations may find that one or more events of a physical nature, such as strikes, fires, etc., may have occurred in the base period and resulted in depressing their earnings for one or more base period years. Distortions in base period income can be corrected under section 722. It should be pointed out, however, that if the company is using the normal growth provision under section 713, such a correction may not produce an increased credit if the distortion occurred in the first half of the base period. If in the last half, the advantages of the correction are obvious.

(4) *Increases in capacity.*—It is doubtful whether mere lack of physical facilities for handling available business will afford grounds for substantial relief in many cases. However, increases in the power of the station, the development of networks and other factors may be extremely important. The importance of these factors, which are more properly classified under changes in methods of operation, are considered further below.

(5) *Technological Developments.*—Any significant technological development in the radio field, from the point of view of either sending or receiving, should be carefully investigated to determine whether there has been any appreciable upturn in business or decrease in expenses following the adoption of such improvement which can be attributed thereto. If such changes have occurred since the beginning of the base period, their effect upon net earnings for the entire base period should be reflected in the constructive earnings under section 722. Statistics relative to the industry as a whole may prove the most helpful source of supporting data.

(6) *Mechanical improvements in individual stations.*—The installation of directional antennae, increases in power, and changes in frequency have contributed substantially to the earning capacity of many stations since the beginning of the base period. These improvements will usually be directly reflected in earnings through increases in time charges and in the attraction of new advertisers whose business requires reaching a listening public in outlying districts. In some instances, such changes have been responsible for a station's going on a full-time, rather than part-time, basis. Stations which have been developed along these lines should give careful consideration to the possibility of obtaining relief under section 722.

(7). *Development of networks.*—The developments in the national and regional network systems which have occurred since 1936 (or "immediately" prior thereto) have had a substantial effect upon the earning capacity of those stations which have participated therein. The development of the network system by the initiating corporation results in an increase in its capacity. The joining of the system by the affiliated corporations represents a change in method of doing business, or in method of operation. In either case the change unquestionably falls within the classification of a "change in the character of the business" within the meaning of section 722.

Almost invariably earnings have been enhanced thereby. Both the initiating company and the affiliate are put in a position to offer a more valuable service to the public, and, therefore, to their advertising clientele. Clientele, rate structures, and costs, all of which are basic factors that contribute to the determination of net income, are affected by the change from local broadcasting to broadcasting as a part of a network system. Consequently, in cases of this type, the reconstruction of base period earnings may be essential in order to obtain a fair measure of normal profits from network operations.

(8) *Other Possibilities.*—It is not believed that any relief can be predicated upon distortion due to temporary economic circumstances peculiar to the radio broadcasting industry as a whole. The history of the industry does not show any such situation to have existed. However, the individual members thereof may find grounds for relief based on peculiarities in their own base period experience.

If, during the base period, the taxpayer has expanded its activities by venturing into some new but related field, such as recording, relief under section 722 should be available for the purpose of revising the taxpayer's credit to reflect the bearing of the new activity on base period earnings.

V—Supplement A Cases

Supplement A of the Code, which has been completely revised in the 1942 Act, provides that where the taxpayer has, since the beginning of the base period, absorbed the business of another corporation pursuant to certain specified transactions, it is entitled to include in its average earnings credit the base period earnings experience of the other corporation. The question has arisen as to the application of section 722 where the changes in the character of the business or other factors recognized in that section as producing an inadequate standard of normal earnings occur in the base period experience of the absorbed corporation rather than in the base period experience of the taxpayer itself.

Section 722(e), as revised by the 1942 Act, specifically provides that in such cases the business of the absorbed corporation shall be treated as the business of the taxpayer for the purposes of that section. The effect of this provision is, obviously, to permit a reconstruction of the earnings credit by reconstructing the earnings of the absorbed corporation as well as the earnings of the taxpayer. However, in spite of the clear language of the section, the Bureau has recently ruled in I. T. 3585, 1942-46 Int. Rev. Bull., page 3, that the taxpayer must choose between the benefits of section 722 and Supplement A and that in the event that it elects the latter it is not entitled to the benefits of the relief provision. The ruling is in direct conflict with the specific provisions of section 722 as now written and consequently can be disregarded. It is understood that the ruling was prepared on the basis of the preexisting law, as is evidenced by the references to Committee Reports on the excess profits tax amendments of 1941. It is hoped that the ruling will eventually be revoked in order to eliminate the doubts that have been created by its promulgation.

In the event that section 722 relief is applied for in a Supplement A situation, it is probable that the constructive earnings will be developed by considering the activities of the taxpayer and its component corporations as a single enterprise during the base period rather than by considering each corporation separately. To the extent that the ruling above referred to provides for this treatment, it is unobjectionable.

VI—Procedure

(1) *Filing of application.*—Basically, the benefits of section 722 must be obtained by way of credit or refund rather than in the computation of the tax shown on the return. Application for such relief must be filed within six months from the date prescribed by law for the filing of the excess profits tax return for the taxable year for which the relief is requested. The time prescribed by law for filing the return includes the period of any extension of time granted by the Commissioner. If, however, the taxpayer does not apply for relief within such period and a deficiency in tax is subsequently proposed by the Commissioner, the taxpayer is given a further opportunity to claim the benefits of section 722, but in such case the relief is merely by way of offset and cannot accomplish more than the reduction or elimination of the proposed deficiency. If the notice is a preliminary notice, an application may be filed within 90 days after the date thereof. If the notice is a final notice and either no preliminary notice was issued or it was issued less than 90 days before the date of final notice, the benefits of section 722 may be claimed in the taxpayer's petition or amended petition before The Tax Court of the United States.

The relief accorded by section 722 is retroactive, *i. e.*, the taxpayer may claim it for taxable years beginning in 1940 and 1941 as well as years beginning thereafter. The statute provides that the application for retroactive relief in the case of taxable years beginning prior to 1942 shall be filed by April 21, 1943.

As to the detail required in the original application for relief, see I.T. 3599, published herewith.

(2) *Subsequent years.*—Once the constructive average base period net income has been determined, the Commissioner is authorized by regulation to waive some or all of the limitations above described relative to the manner in which relief may be claimed. It is contemplated that such regulations will provide that, in the absence of substantial evidence requiring a redetermination for future years, the taxpayer may continue to use such constructive average base period net income on its return.

(3) *Deferment of tax in certain cases.*—Although the general rule is that the taxpayer must compute and pay its tax in the first instance without regard to section 722, it is recognized that there may be cases of special hardship in which relaxation of this rule ought to be made. Section 710(a)(5), therefore, provides that if more than 50% of the taxpayer's income would, without regard to section 722, be subject to excess profits tax, a taxpayer claiming the benefits of section 722 on its return may defer payment of 33% of the amount of excess profits tax which would be saved by the application of section 722. For example, if a taxpayer has a total income of one million dollars and an excess profits credit (computed without regard to section 722) of $195,000, the adjusted excess profits net income will amount to $800,000, which is in excess of 50% of one million dollars. If the taxpayer claims section 722 and determines that the application of that section will produce an excess profits credit of $595,000 the adjusted excess profits net income will be only $400,000. The saving in excess profits tax as a result of the application of section 722 would therefore be $360,000, *i. e.*, 90% of $400,000 (the difference between $800,000 and $400,000). The taxpayer may defer the payment of 33% of this amount, or $118,800, thus being required to pay an excess profits tax of only $601,200, in lieu of $720,000. If the claim is valid in its entirety, the taxpayer will be entitled to the remainder of the $360,000 excess profits tax relief claimed, or $241,200. The net tax saving on all taxes will, of course, be less than $360,000, owing to adjustments which will have to be made in the normal and surtax.

(4) *Review of Commissioner's determination.*—Issues arising under section 722 cannot be tried by suit for refund in the Court of Claims or District Courts of the United States. Review may be had only in The Tax Court of the United States (formerly the Board of Tax Appeals), and for this purpose the denial of a section 722 application is treated as a deficiency notice. The Tax Court's decisions on section 722 cases are final and may not be appealed to any higher tribunal. Furthermore, it is provided that although section 722 matters may be tried by any Division of The Tax Court in the first instance, any determinations and redeterminations shall be reviewed only by a Special Division of the Court appointed by the Presiding Judge and consisting of not less than three members. Decisions of this Special Division, which cannot be reviewed by the Court as a whole, are nevertheless to be deemed decisions of the Court, and are final.

EXCESS PROFITS TAX RELIEF RULING

Commissioner of Internal Revenue Guy T. Helvering last Monday called attention to a ruling which will be published in the Internal Revenue Bulletin, relative to the general relief provisions of section 722 of the Internal Revenue Code, as amended by section 222 of the Revenue Act of 1942.

The Commissioner stated that the ruling sets forth certain conditions under which applications for relief on form 991 (revised January, 1943), which must be filed on or before April 21, 1943, in order to obtain relief for the taxable years 1940 and 1941, may be supplemented within a reasonable time after the time prescribed for filing if it is not possible for the corporation to obtain and present all the detailed information required to fully establish its eligibility for relief and the amount of its constructive average base period net income.

The Commissioner stated, however, that the corporation's application for relief must set forth in detail and under oath each ground under section 722 and the factors upon which the application is based with sufficient data and information to apprise the Commissioner of the exact basis thereof.

The same conditions apply to applications for relief for the taxable year 1942 and subsequent years which must be filed not later than six months after the date prescribed for the filing of the excess profits tax return. The ruling also deals with the requirements where corporations claim the benefits of section 710 (a) (5) of the Internal Revenue Code, as added by section 222 (b) of the Revenue Act of 1942, which relate to deferment of payment of excess profits tax shown on the 1942 return based upon a claim that such taxes are excessive and discriminatory.

The text of the ruling is as follows:

SECTION 722.—GENERAL RELIEF—CONSTRUCTIVE AVERAGE BASE PERIOD NET INCOME

Regulations 109

1943-3-11344—I.T. 3599

Internal Revenue Code

Time for filing and information to be contained in Form 991 (revised January 1943)—Application for relief under section 722 of the Internal Revenue Code.

Advice has been requested relative to section 722 of the Internal Revenue Code, as amended by section 222 (a) of the Revenue Act of 1942, which extends general relief to corporations where their excess profits taxes are determined to be excessive and discriminatory. The relief is granted to corporations which establish what would be a fair and just amount representing normal earnings to be used as a constructive average base period net income for the purposes of an excess profits tax based upon a comparison of normal earnings and earnings during the excess profits tax taxable year. This relief has been made retroactive to taxable years beginning in 1940 and 1941.

In order to obtain relief with respect to the tax shown on the excess profits tax return for taxable years beginning in 1940 or 1941, an application on Form 991 (revised January 1943) must be filed on or before April 21, 1943, with the Commissioner of Internal Revenue, Washington, D. C. However, if the taxpayer has already filed a claim for relief upon Form 991 under section 722 prior to its amendment by the Revenue Act of 1942, the data and information submitted with such earlier form need not be repeated in Form 991 (revised January 1943), provided reference is made to such earlier form as constituting a part of the revised form. The corporation's application for relief must set forth in detail and under oath each ground under section 722 upon which the application for relief is based, and facts sufficient to apprise the Commissioner of the exact basis thereof. The mere statement of the provision or provisions of law upon which a claim for relief is based shall not constitute an application for relief within the meaning of section 722. If a claim for relief is based upon section 722 (b) (5) (relating to factors other than those expressly provided by section 722 (b) (1), (2), (3), and (4)), the application must state the factors which affect the corporation's business and which may reasonably be considered as resulting in an inadequate standard of normal earnings during the base period. However, if it is not possible for the taxpayer on or before April 21, 1943, to obtain and present all the detailed information required to establish its eligibility for relief and the amount of its constructive average base period net income, such detailed information may be submitted later as a supplement to the application.

If the benefits of section 722 are claimed with respect to the tax shown on the return for a taxable year beginning in 1942 or a subsequent year, an application must be filed in the same manner as is prescribed with respect to applications filed for years beginning in 1940 or 1941, except that the application for a taxable year beginning in 1942 or a subsequent year must be filed not later than six months after the date prescribed by law for the filing of the excess profits tax return. Such date includes the period of any extension of time granted for the filing of such return. Corporations claiming the benefits of section 710 (a) (5) of the Internal Revenue Code, as added by section 222 (b) of the Revenue Act of 1942, relating to deferment of payment of excess profits tax shown on the return, must attach Form 991 (revised January 1943) to their excess profits tax returns at the time of the filing of such returns. In such case, there must be set forth in the form the data and information relied upon, in sufficient detail to establish eligibility for relief, the amount of constructive average base period net income claimed, the amount of tax reduction claimed by the use of section 722, and the amount of tax deferment claimed on the return.

A corporation may, within a reasonable time after the time prescribed for the filing of Form 991 (revised January 1943), supplement its application for relief by furnishing additional data and information to prove the grounds for relief stated in such application and to establish the amount of the constructive average base period net income. However, no new grounds for relief presented by a corporation after the date prescribed for the filing of its application for relief will be considered.

DATA ON "CONSTRUCTIVE AVERAGE BASE PERIOD"

At the direction of the NAB Research Committee, an effort has been made to collect figures which will be useful to stations which elect to file for relief from the Excess Profits Tax, under Section 722 of the Internal Revenue Code, as amended. It was the hope of Roger W. Clipp, WFIL Philadelphia, committee chairman, that concise figures of net profit before Federal tax could be devoloped by station classification and city size, which would enable stations to use the figures furnished in the tax returns they file. This objective has not been attained because of incomplete data, the lack of refinement of those data available, and insufficient detail to classify stations as to like Commission assignment and city size as a criterion of market service. The Research Committee and the Research Department are continuing their efforts to obtain useful data in this connection, but release that information which is available at this time to satisfy the numerous requests which have been received from stations.

There are but two sources of net income data outside of the books of broadcasting stations. These are the financial reports for broadcast stations and networks of the FCC and the U. S. Treasury Department. The Treasury is not able at this time to make available any information on the net income of stations and networks as filed in their tax returns for 1936 through 1939.

The FCC has prepared and made limited releases of such information for the years, 1937, 1938 and 1939. No such information is available for the year 1936. Some consideration has been directed to the possibility of preparing estimates for that year. However, it is the opinion of the Research Director that a reliable estimate of net income in the detail of station classification and city size cannot be made from existing data within acceptable limits of error to render such information valuable in filing tax returns.

In the following table, broadcast service income (net profits before Federal tax) is presented by class of station and network affiliation showing the detail of the number of stations reporting the total net income and average per station for the years, 1937, 1938 and 1939:

BROADCAST SERVICE INCOME*
BY CLASS OF STATION AND NETWORK AFFILIATION
1937, 1938 AND 1939

	1937			1938			1939		
	Stations Reported	Total Broadcast Service Income	Average Per Station	Stations Reported	Total Broadcast Service Income	Average Per Station	Stations Reported	Total Broadcast Service Income	Average Per Station
Clear Channel—50 kw & Over Unlimited									
Network	29	$8,469,603	$292,055	31	$7,642,445	$246,530	33	$9,375,101	$284,094
Non-Network	...	....	....	...	....	....	...	....	....
Total.......	29	8,469,603	292,055	31	7,642,445	246,530	33	9,375,101	284,094
Clear Channel—50 kw & Over Part Time									
Network......	4	484,269	121,067	4	384,095	96,024	4	401,331	100,332
Non-Network..	...	....	....	...	....	....	...	....	....
Total.......	4	484,269	121,067	4	384,095	96,024	4	401,331	100,332
Clear Channel—5–25 kw Unlimited									
Network......	8	796,812	99,601	14	433,086	30,935	19	775,845	40,834
Non-Network..	...	....	....	...	....	....	...	....	....
Total.......	8	796,812	99,601	14	433,086	30,935	19	775,845	40,834
Clear Channel—5–25 kw Part Time									
Network......	9	228,718	25,413	4	53,927	13,482	5	89,331	17,866
Non-Network..	1	(d) 11,673	(d) 11,673	...	....	....	...	....	....
Total.......	10	217,045	21,704	4	53,927	13,482	5	89,331	17,866
Regional Channel—Unlimited									
Network......	163	7,448,726	45,697	169	5,645,771	33,407	177	6,393,853	36,123
Non-Network..	33	(d) 319,639	(d) 9,686	34	(d) 177,141	(d) 5,210	29	(d) 26,502	(d) 914
Total.......	196	7,129,087	36,372	203	5,468,630	26,939	206	6,367,351	30,909
Regional Channel—Limited & Day									
Network......	9	(d) 8,435	(d) 937	12	(d) 25,467	(d) 2,122	14	59,930	4,281
Non-Network..	59	(d) 10,604	(d) 179	56	(d) 63,368	(d) 1,132	59	104,385	1,769
Total.......	68	(d) 19,039	(d) 279	68	(d) 88,835	(d) 1,306	73	164,315	2,251
Regional Channel—Part Time									
Network......	15	322,276	21,485	15	236,809	15,787	16	281,712	17,607
Non-Network..	22	140,631	6,392	18	65,025	3,612	16	71,798	4,487
Total.......	37	462,907	12,511	33	301,834	9,146	32	353,510	11,047
Local Channel—Unlimited									
Network......	54	294,583	5,455	91	276,237	3,036	125	520,450	4,164
Non-Network..	133	315,120	2,369	136	6,888	51	164	100,218	611
Total.......	187	609,703	3,260	227	283,125	1,247	289	620,668	2,148
Local Channel—Day & Part Time									
Network......	4	12,870	3,217	10	7,542	754	4	16,621	4,155
Non-Network..	81	96,746	1,194	66	19,489	295	40	42,643	1,066
Total.......	85	109,616	1,290	76	27,031	356	44	59,264	1,347
All									
Network......	295	18,049,422	61,184	350	14,654,445	41,870	397	17,914,174	45,124
Non-Network..	329	210,581	640	310	(d) 149,107	(d) 481	308	292,542	950
Total.......	624	18,260,003	29,263	660	14,505,338	21,978	705	18,206,715	25,825

* Broadcast Service Income is the figure of profit and loss from operation before Federal Taxes are deducted. These are the figures, insofar as the FCC has maintained accounting comparability between the three years involved. In the physical set-up of the financial reports there have been numerous changes in accounting terms ascribed to various items of income and expense which leaves some question as to whether strict comparability has been maintained.

Source: "Financial and Employee Data for the Broadcast Industry" compiled and published by the FCC.

(d) Deficit.

February 8, 1943

The following table presents broadcast service income by city size and class of station for the years 1937 and 1939. This detail of information was not prepared by the FCC for the year 1938, and it is reported that the Commission cannot furnish such information without resorting to a costly and time-consuming re-tabulation of some 660 station reports. In presenting this information, some adjustments were necessary to establish direct comparison of the two years. The FCC report for 1939 contained finer population brackets than that for 1937. As an example, the top city size was 2,000,000 population and over. The second bracket was 1,000,000 to 2,000,000. These two were combined to enable comparison. Any adjustments made were accomplished by straight addition without need for any estimating or apportioning.

BROADCAST SERVICE INCOME
BY CITY SIZE AND CLASS OF STATION
1937 AND 1939

		1937			1939		
City Size	Class of Station	Stations Reported	Total Broadcast Service Income	Average Per Station	Stations Reported	Total Broadcast Service Income	Average Per Station
1,000,000 & Over	Clear Channel:						
	50kw—Unlimited	16	$5,608,920	$350,557	16	$5,734,116	$358,382
	Other	5	584,811	116,962	6	288,643	48,107
	Regional Channel:						
	Unlimited	32	1.026,322	32,073	34	1,032,604	30,371
	Limited & Day	16	(d) 65,621	(d) 4,101	16	193,873	12,117
	Part-time	15	344,870	22,991	14	291,448	20,818
	Local Channel:						
	Unlimited	12	162,903	13,575	14	52,428	3,745
	Other	13	35,765	2,751	11	2,186	199
Total		109	7,697,970	70,624	111	7,595,298	68,426
250,000–1,000,000	Clear Channel:						
	50kw—Unlimited	9	2,300,490	255,610	12	2,786,459	232,205
	Other	7	507,536	72,505	8	458,950	57,369
	Regional Channel:						
	Unlimited	57	4.099,140	71,915	61	3,642,067	59,706
	Limited & Day	8	(d) 11,439	(d) 1,430	9	(d) 27,681	(d) 3,076
	Part-time	9	45,927	5.103	5	45,679	9,136
	Local Channel:						
	Unlimited	20	175,132	8,757	27	209,549	7,761
	Other	11	30,085	2,735	5	(d) 3,956	(d) 791
Total		121	7,146,871	59,065	127	7,111,067	55,993
100,000–250,000	Clear Channel:						
	50kw—Unlimited	3	426,711	142,237	4	608,029	152,007
	Other	6	327,063	54,510	9	400,596	44,511
	Regional Channel:						
	Unlimited	39	1,199,371	30,753	39	963,960	24,717
	Limited & Day	5	9,852	1,970	4	(d) 32,623	(d) 8,156
	Part-time	4	31,183	7,796	7	68,294	9,756
	Local Channel:						
	Unlimited	22	31,019	1,410	32	104,586	3,268
	Other	6	8,113	1,352	1	(d) 1,620	(d) 1,620
Total		85	2,033,312	23,921	96	2,111,222	21,992
50,000–100,000	Clear Channel:						
	50kw—Unlimited	3	215,885	71,962	1	246,497	246,497
	Other	...	....	....	2	98,306	49,153
	Regional Channel:						
	Unlimited	18	505,865	28,104	19	367,448	19,339
	Limited & Day	8	92,455	11,557	8	54,852	6,856
	Part-time	...	....	....	1	29,603	29,603
	Local Channel:						
	Unlimited	...	....	....	26	54,095	2,081
	Other	18	136,961	7,609	1	(d) 2,786	(d) 2,786
Total		47	951,166	20,237	58	848,015	14,621
25,000–50,000	Clear Channel:						
	50kw—Unlimited	...	....	....	2	30,858	15,429
	Other	...	....	....	...	....	....
	Regional Channel:						
	Unlimited	26	184,004	7,077	26	208.568	8,022
	Limited & Day	9*	32,479	3,609	9	1,141	127
	Part-time	...	....	....	...	....	....
	Local Channel:						
	Unlimited	31	35,491	1,145	55	65,986	1.200
	Other	12	22,054	1,838	5	14,122	2,824
Total		78	274,028	3,513	97	320,675	3,306
10,000–25,000	Clear Channel:						
	50kw—Unlimited	...	....	....	...	....	....
	Other	...	....	....	1	(d) 10,846	(d) 10,846
	Regional Channel:						
	Unlimited	14	132,627	9,473	18	128,233	7,124
	Limited & Day	11	389	35	16	(d) 21,182	(d) 1,324
	Part-time	6*	(d) 26,127	(d) 4,354	4	(d) 47,031	(d) 11,758
	Local Channel:						
	Unlimited	53	71.368	1,347	91	78,801	866
	Other	30	11,153	372	10	45,535	4,553
Total		114	189,410	1,661	140	173,510	1,239

BROADCAST SERVICE INCOME — *Continued*

BY CITY SIZE AND CLASS OF STATION

1937 AND 1939

City Size	Class of Station	1937			1939		
		Stations Reported	Total Broadcast Service Income	Average Per Station	Stations Reported	Total Broadcast Service Income	Average Per Station
Under 10,000	Clear Channel:						
	50kw—Unlimited	...	....	....	...	....	....
	Other	...	....	....	...	....	....
	Regional Channel:						
	Unlimited	10	(d) 18,242	(d) 1,824	9	24,471	2,719
	Limited & Day	13	(d) 30,925	(d) 2,379	11	(d) 4,065	(d) 370
	Part-time	3	17,138	5,713	1	(d) 34,483	(d) 34,483
	Local Channel:						
	Unlimited	33	1,593	48	44	55,223	1,255
	Other	11	(d) 2,318	(d) 211	8	5,783	723
Total		70	(d) 32,754	(d) 468	76	46,929	617
Grand Total		624	$18,260,003	$29,263	705	$18,206,716	$25,825

* Includes one part-time, clear channel station, which the FCC classified as regional, so that single station information would not be disclosed.

Copies of the above tables have been sent to officials of the Treasury Department and the Bureau of Internal Revenue. The letters transmitting the tables set forth the objective in preparing this information as that of aiding stations seeking relief under Section 722 of the Internal Revenue Code, as amended, which provides for the establishment of a constructive average base period net income. It is pointed out that the information contained in the two tables constitutes all of the official information on the subject which is immediately available to the industry. It is mentioned that the Treasury and the Bureau of Internal Revenue have the basis information from which the exact data desired could be prepared. The query is made whether the Department will elect to assist the taxpayer in establishing a constructive average base period net income on the experience of similar station business situations. It is realized that to follow this procedure would involve a tremendous amount of work on the part of the Department for broadcasting alone. The task for all business would be staggering. NAB is in a fortunate position to offer material assistance, if that course is followed, through the use of the historical station file maintained in the Research Department. Complete information has been maintained in this file on the Commission assignments of power, frequency, operating time, size of city, and network affiliation which appear to be the principal criteria for establishing like situations among station businesses. New developments along this line will be reported to the membership.

48 - Hour Questions

Here are answers from the War Manpower Commission to some of the questions raised about the application of the President's Executive Order of February 9, 1943, establishing the minimum 48-hour week for the duration of the war:

1. Q. Does this order apply to everyone in this country?

A. At the outset, the War Manpower Commission is making it mandatory in 32 labor shortage areas, although other industrial areas will be added as labor shortages become acute. The 32 areas are: Bath, Maine; Bridgeport, Conn.; Hartford, Conn.; New Britain, Conn.; Portsmouth, N. H.; Springfield, Mass.; Waterbury, Conn.; Buffalo, N. Y.; Somerville, N. J.; Baltimore, Md.; Elkton, Md.; Hampton Roads, Va.; Washington, D. C.; Akron, Ohio; Dayton, Ohio; Detroit, Mich.; Manitowoc, Wis.; Sterling, Ill.; Brunswick, Ga.; Charleston, S. C.; Macon, Ga.; Mobile, Ala.; Panama City, Fla.; Pascagoula, Miss.; Wichita, Kans;. Beaumont, Tex.; Cheyenne, Wyo.; Ogden, Utah; Las Vegas, Nev.; Portland, Ore.; San Diego, Calif.; Seattle, Wash.

2. Q. Does it apply to everyone in these areas?

A. To all full-time employment. If you don't employ anyone but yourself, it doesn't apply. Such persons, however, have an obligation to their country and themselves to contribute to the extent of their ability.

3. Q. How about part-time workers?

A. It doesn't apply. Here, however, both employer and employe have the same obligation to produce as much as they can for the war.

4. Q. Should firms in other areas try to go on the 48-hour week?

A. Yes, if by doing so they can reduce their labor requirements and not have to discharge workers now on their payroll. Most war plants in all areas are expanding their work-weeks, so as to utilize available labor better. Non-war plants would be well advised to plan similar action, in view of the drain of their workers into the armed forces, and into war industries.

5. Q. Must time and one-half be paid for all time over 40 hours in any and all employment?

A. Yes, with certain exceptions. The President's order provides expressly that no change is made by it in any collective bargaining agreement as to the rate of overtime pay. The order, of course, abrogates labor contracts which restrict the work-week to less than 48 hours, in the areas to which the mandatory order is applied.

6. Q. What about jobs not covered by the Wage-Hour Act, such as farm workers, domestic workers?

A. The order does not require time and one-half for overtime worked by these people.

7. Q. Should a store or office now working employes less than 48 hours go up to 48 hours at once?

A. Yes, but only if going to 48 hours would result in more effective use of employes, or if it would avert employment of additional employes. However, the purpose of the order is to release workers for war and essential jobs. Mere increase of hours that will not result in this was not intended.

8. Q. Who is putting the order into effect, and enforcing it?

A. The War Manpower Commission was directed by the

President to interpret and apply the order, and to permit longer or shorter work weeks if they will help win the war.

9. Q. When is the order effective?

A. The President's order is effective immediately in the 32 areas designated by WMC Chairman McNutt, and workers should be paid overtime rates as overtime is instituted. However, the War Manpower Commission has announced that employers have until March 31 to bring their work week up to 48 hours, or to report how much longer it will take them to do so, in these critical areas.

10. Q. Does the order apply to establishments whose hours are limited by state law—bars in most states, for instance?

A. No. The Executive order says "nothing in this order shall be construed as superseding or in conflict with any Federal, State or local law limiting hours of work."

11. Q. With whom should local plant, union, and employer problems, created by the order, be taken up?

A. With area or regional officials of the War Manpower Commission. The WMC intends to decentralize administration of the order as much as possible, leaving decisions in the hands of local WMC Officials and their Management-Labor committees.

12. Q. How can the order be enforced, if an employer is recalcitrant?

A. All departments and agencies of the Federal Government shall require their contractors to comply with the order. The USES which has control of hiring in the areas will not refer employes to any employers not complying with the order, unless they are specifically exempted from its terms by the WMC. Smaller establishments not influenced by these conditions will probably comply for patriotic or economic reasons. Few objections are expected.

13. Q. Suppose an employer or worker contends that the 48-hour week is impossible in his shop or plant?

A. The WMC will investigate and make such exceptions or exemptions so as to make possible the fullest possible contribution to the war.

14. Q. Does the order apply to coal miners, most of whom have a 35-hour week under union contract?

A. The first areas designated include no coal-mining centers. But successful efforts are being made now by the government to have the work week extended in many areas to meet war fuel needs. Some hazardous occupations or industries may be exempted.

15. Q. How much additional productive power is made available by this order?

A. No statistics are available. It has been estimated that if the 48-hour week were in effect, in all industries and areas where it would result in maximum use of labor that it would add the equivalent of 1,000,000 men to the labor force.

16. Q. Will the 48-hour week be applied in the steel mills of Detroit and Buffalo, which are labor shortage areas, and not in Pittsburgh, which is not now listed as a labor shortage area?

A. This will be decided later, upon investigation by the WMC and consultation with the industry, to determine whether it is possible and feasible. A few industries may have to be handled on an industry-wide instead of an area basis.

17. Q. Will OPA permit prices to be raised on a showing of increased costs?

A. That is governed by OPA regulations, but it is unlikely that the increased labor cost will add more than a small fraction to the cost of production.

18. Q. Does the order apply to government arsenals and navy yards?

A. Yes, but practically all these are on a work week of 48 hours or more already.

19. Q. What about Government offices?

A. The Government recently adopted a 48-hour work week for the duration, with overtime pay for work in excess of 40 hours as fixed by Federal law.

20. Q. Does the order apply to newspapers and retail stores?

A. Yes, in the critical areas. But it should be emphasized that the purpose of the order is to economize on manpower, and not to increase hours of work where it will not contribute to the war.

21. Q. What about little one-man business and professional people like doctors and dentists?

A. The order applies only to employment, and self-employed persons are not regarded as employes.

22. Q. Does the order apply to laundries?

A. Yes, in the critical areas.

23. Q. Suppose an employer declines to increase the weekly pay of an employe although he increases the work week to 48 hours. What can the worker do?

A. If the employer is governed by the Wage-Hour Act, the employer is required to pay time and one-half for all overtime over 40 hours in a week. There is no law covering the employer whose workers are not covered by the law. However, such an employer as described in this question would be likely to lose his employes to employers who are paying time and one-half for overtime.

24. Q. Could an employer get away with paying a worker straight-time for pay over 40 hours?

A. If the worker is covered by the Wage-Hour Act, the employer would be violating Federal law. If the worker is not covered, he would be likely to leave his job for employment with an employer who is paying time and one-half.

25. Q. Should State and local governments adopt the 48-hour week under this order?

A. Yes, if their employes' hours of work are not fixed by State or local law. The order does not change any rate of wage or overtime pay fixed by local, State or Federal law.

26. Q. Is the order inflationary, in that workers will get much larger pay checks?

A. No, because of the great production needs of the war; because the worker will produce more; because the work in any given plant will be spread out among fewer employes; and because price ceilings and wartime limits on luxury goods production will prevent workers from excessive and inflationary spending. In addition, income taxes will recapture part of the workers' added income.

32 Labor Shortage Areas

The list of 32 labor-shortage areas is as follows:

Bath, Maine: Bath, Brunswick (town), Gardiner, Hallowell, Lisbon.

Bridgeport, Conn.: Bridgeport, Fairfield, Milford, Stratford, Trumbull.

Hartford, Conn.: Bloomfield, Canton, East Hartford, East Windsor, Enfield, Farmington, Glastonbury, Hartford, Manchester, Newington, Rockville, Rocky Hill, Simsbury, South Windsor, Suffield, Vernon, West Hartford, Wethersfield, Windsor, Windsor Locks.

New Britain, Conn.: Berlin, Bristol, New Britain, Plainville, Plymouth.

Portsmouth, N. H.: Amesbury, Mass., Dover, N. H., Exeter, N. H., Farmington, N. H., Kittery, Maine, Newburyport, Mass., Newmarket, N. H., Portsmouth, N. H., Rochester, N. H., Somersworth, N. H., South Berwick, Maine, York, Maine.

Springfield, Mass.: Agawam, Amherst, Belchertown, Chicopee, Easthampton, East Longmeadow, Hadley, Holyoke, Longmeadow, Ludlow, Monson, Northampton, Palmer, South Hadley, Springfield, Ware, Warren, Westfield, West Springfield, Wilbraham.

Waterbury, Conn.: Cheshire, Haugatuck, Thomaston, Waterbury, Watertown.

Buffalo, New York: Buffalo, Depew, East Aurora, Gowanda, Hamburg, Kenmore, Lackawanna, Lancaster, Lockport, Niagara Falls, North Tonawanda, Sloan, Springville, Tonawanda, Williamsville.

Somerville, N. J.: Bound Brook, Manville, Raritan, Somerville.

Baltimore, Md.: Baltimore.

Elkton, Md.: Elkton.

Hampton Roads, Va.: Norfolk, Phoebus, Portsmouth, South Norfolk, Virginia Beach, Williamsburg.

Washington, D. C. (Md., Va., D. C.): Alexandria, Va., Arlington, Va., Falls Church, Va., Greenbelt, Md., Hyattsville, Md., Mt. Rainier, Md., Takoma Park, Md., Washington, D. C.

Akron, Ohio: Akron, Barberton, Cuyahoga Falls, Medina, Tallmadge, Wadsworth.

Dayton, Ohio: Dayton, Eaton, Fairfield, Miamisburg, Oakwood, Springfield, Urbana, Xenia.

Detroit, Michigan: Allen Park, Berkley, Centerline, Clawson, Dearborn, Detroit, Ecorse, Ferndale, Garden City, Grosse Pointe, Grosse Pointe Farms, Grosse Pointe Park, Grosse Pointe Woods, Hamtramck, Highland Park, Inkster, Lincoln Park, Melvindale, Northville, Pleasant Ridge, Plymouth, River Rouge, Royal Oak, Trenton, Wayne, Wyandotte, Ypsilanti.

Manitowoc, Wisconsin: Manitowoc, Two Rivers.

Sterling, Illinois: Dixon, Morrison, Oregon, Rochelle, Rock Falls, Sterling.

Brunswick, Georgia: Brunswick.

Charleston, South Carolina: Charleston, Summerville, Walterboro.

Macon, Georgia: Fort Valley, Macon, Milledgeville.

Mobile, Alabama: Mobile, Prichard.

Panama City, Florida: Panama City.

Pascagoula, Miss.: Biloxi, Gulfport, Moss Point, Pascagoula, Pass Christian.

Wichita, Kansas: Augusta, El Dorado, Newtown, Wichita.

Beaumont, Texas: Beaumont, Orange, Port Arthur, Silsbee.

Cheyenne, Wyoming: Cheyenne, Wyoming.

Ogden, Utah: Brigham, Ogden.

Las Vegas, Nevada: Boulder City, Las Vegas, Midway, North Las Vegas, Whitney.

Portland, Oregon: Camas, Wash., Hillsboro, Ore., Oregon City, Ore., Portland, Ore., St. Helens, Ore., Salem, Ore., Vancouver, Wash.

San Diego, California: Chula Vista, Coronado, Escondido, La Mesa, National City, Oceanside, San Diego.

Seattle, Washington: Auburn, Bremerton, Enumclaw, Kent, Port Orchard, Renton, Seattle, Shelton.

The most recent listing of labor market areas classifies in four groups all labor market areas in which there is a central city of 50,000 or more, or in which at least 5,000 additional workers will be needed before peak production is reached.

The four groups are defined as follows:

Group I—Areas of current acute labor shortage—32 areas.

Group II—Areas of labor stringency and those anticipating a labor shortage within six months—102 areas.

Group III—Areas in which a general labor shortage may be anticipated after six months—59 areas.

Group IV—Areas in which labor supply is and will continue to be adequate to meet all known labor requirements—76 areas.

Order for 48-Hour Week

President Roosevelt's executive order establishing a national forty-eight-hour work week read as follows:

"By virtue of the authority vested in me by the Constitution and statutes, as President of the United States, and in order to meet the manpower requirements of our armed forces and our expanding war production program by a fuller utilization of our available manpower, it is hereby ordered:

"1. For the duration of the war, no plants, factories or other place of employment shall be deemed to be making the most effective utilization of its manpower if the minimum work week therein is less than forty-eight hours per week.

"2. All departments and agencies of the Federal Government shall require their contractors to comply with the minimum work week prescribed in this order and with policies, directives, and regulations prescribed hereunder, and shall promptly take such action as may be necessary for that purpose.

"3. The chairman of the War Manpower Commission shall determine all questions of interpretation and application arising under this order and shall formulate and issue such policies, directives, and regulations as he determines to be necessary to carry out this order and to effectuate its purposes. The chairman of the War Manpower Commission is authorized to establish a minimum work week greater or less than that established in Section 1 of this order or take other action with respect to any case or type of case in which he determines that such different minimum work week or other action would more effectively contribute to the war effort and promote the purposes of this order.

"4. All departments and agencies of the Federal Government shall comply with such policies, directives, and regulations as the chairman of the War Manpower Commission shall prescribe pursuant to this order, and shall so utilize their facilities, services, and personnel, and take such action under authority vested in them by law, as the chairman determines to be necessary to effectuate the purposes of this order and promote compliance with its provisions.

"5. Nothing in this order shall be construed as superseding or in conflict with any Federal, State or local law limiting hours of work or with the provisions of any individual or collective bargaining agreement with respect to rates of pay for hours worked in excess of the agreed or customary work week, nor shall this order be construed as suspending or modifying any provision of the Fair Labor Standards Act (act of June 25, 1938; 52 Stat. 1060; 29 U. S. C. 201 et seq.) or any other Federal, State or local law relating to the payment of wages or overtime.

FRANKLIN D. ROOSEVELT.

White House, Feb. 9, 1943."

917 STATIONS

During the month of December, 1942, the Federal Communications Commission granted no permits for the construction of new stations. Operating license was issued to one station, and one station was deleted. A comparative table by month follows:

	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1
Operating	887	891	893	897	899	906	906	905	905	907	909	908	909
Construction	36	32	31	27	25	18	19	16	15	12	10	10	8
	923	923	924	924	924	924	925	921	920	919	919	918	917

FEDERAL LEGISLATION

SENATE

S. 682 (Johnson, D-Colo.) LIQUOR ADVERTISING—To prohibit the paid advertising of alcoholic beverages by radio in certain circumstances, and for other purposes. Referred to Committee on Interstate Commerce.

STATE LEGISLATION

ARKANSAS:

H. 182 (Pickering) ADVERTISING OF ALCOHOLIC BEVERAGES—To provide punishment for the advertising for sale of any liquor, wine or beer. Referred to Committee on Labor.

CALIFORNIA:

S. 607 (Tenney) DEFAMATION—Amend Sections 45 and 46 and add Sections 45c, 46d, and 46e to the Civil Code, relating to defamation. Referred to Committee on Judiciary.

DELAWARE:

H. 145 (McIlvaine) MUSIC BOXES—IN TAVERNS—An act to prohibit radios, nickolodions, music boxes or musical machines of any kind, in hotels, restaurants, stores or taverns where alcoholic liquors, wines, or beer is sold. Referred to the Miscellaneous Committee.

MASSACHUSETTS:

H. 94 (Recommendation of Dept. of Public Health) FOODS AND DRUGS—Making various changes in the laws relating to foods and drugs so that said laws may be more nearly in conformity with the federal food, drug, and cosmetic act in so far as it pertains to drugs and foods. Referred to the Committee on Public Health.

MICHIGAN:

H. 98 (Engstrom & Warner) ADVERTISING—INTERLOCHEN—$10,000 appropriation to advertise national music camp at Interlochen, the advertising media to be restricted to motion picture and broadcasting publicity. Referred to Committee on Ways and Means.

NEW MEXICO:

H. 98 (Gonzales & Dunham) MUSICAL PERFORMING RIGHTS—Prescribing performing rights in musical compositions. Referred to Committee on Corporations.

NEW YORK:

A. 643 (Same as S. 522) (Knauf) ADVERTISING—EYEGLASSES—Makes it misdemeanor to include in any newspaper, radio, display sign or other advertisement, any statement which misrepresents material, frames or mounting or price of lenses or complete eyeglasses or the price of any frame unless advertised with words "without lenses" or which misrepresents service or credit terms. Referred to Committee on Codes.

S. 234 (Same as A. 281) (Quinn) UNEMPLOYMENT INSURANCE BENEFITS—Increases from 20 to 26 times benefit rate total maximum unemployment insurance benefits to which an employee shall be entitled in any fiscal year. Referred to Committee on Labor.

S. 522 (Same as A. 654) (Anderson) ADVERTISEMENT—EYEGLASSES—Makes it misdemeanor to include in any newspaper, radio, display sign or other advertisement, any statement which misrepresents material, frames or mounting or price of lenses or complete eyeglasses or price of any frame unless advertised with words "without lenses" or which misrepresents service or credit terms. Referred to Committee on Codes.

S. 538 (Mahoney) ADVERTISING—OPTOMETRIST—Authorizes education dept. to revoke license or certificate of any optometrist advertising by use of handbills, posters, motion pictures, radio or newspapers or other printed publications or by means of glaring signs or any sign having representation of human eye or appliance. Referred to Committee on Education.

NORTH CAROLINA:

H. 260 (Uzell) EXEMPTION FROM JURY DUTY—Amends section 2329 of the Consolidated Statutes, as amended to include among those exempted from jury duty, radio broadcast technicians and announcers. Referred to Committee on Judiciary No. 2.

NORTH DAKOTA:

H. 112 (Williams et al) LIQUOR ADVERTISING—Prohibits advertising intoxicating liquor by newspaper, circular, billboard or radio. Referred to Committee on Temperance.

OREGON:

H. 12 (Harvey) BREWERIES—ADVERTISING—Required breweries and distilleries to pay fifty percent of cost of advertising for permit to advertise. Referred to Committee on Alcohol control. Tabled or Indefinitely Postponed, 1/26/43.

WASHINGTON:

H. 180 (Zent) BROADCASTING LIABILITY—Defines liability in broadcasting of defamatory matter. Referred to Committee on Judiciary.

S. 151 (Parker) RADIO BROADCASTING—Relating to broadcasting of defamatory matter over radio stations. Referred to Committee on Judiciary.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, February 15. They are subject to change.

Monday, February 15

Further Consolidated Hearing

NEW—R. O. Hardin and J. C. Buchanan, d/b as Nashville Broadcasting Co., Nashville, Tenn.—C. P., **1240 kc.**, 250 watts, unlimited, facilities of WXIX when vacated.

NEW—Tennessee Radio Corporation, Nashville, Tenn.—C. P., **1240 kc.**, 250 watts, unlimited.

WQBC—Delta Broadcasting Company, Inc., Vicksburg, Miss.—Modification of license, **1470 kc.**, 500 watts night, 1 KW day, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WCAR—Pontiac Broadcasting Co., Pontiac, Mich.—Granted special service authorization to operate from 7 a. m. to local sunrise during December, January, February and March, with power of 250 watts, subject to termination if interference arises (B2-SSA-56).

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Granted construction permit (B3-P-3521) to move auxiliary transmitter to new location. Granted construction permit (B3-P-3520) to move main transmitter, subject to applicant's submission of proof that the antenna system is capable of producing an effective field of 175 mv/m and installation of a tower lighting system in accordance with Specification A.

KSRO—Ernest L. Finley (assignor), Ruth W. Finley, Executrix of the estate of E. L. Finley (deceased) (assignee), Santa Rose, Calif.—Granted consent to involuntary assignment of license for broadcast station KSRO from Ernest L. Finley (deceased) to Ruth W. Finley, Executrix of the estate of Ernest L. Finley (B5-AL-359).

WINX—WINX Broadcasting Co., Washington, D. C.—Granted petition for waiver of Section 2.53 of the Commission's Rules so as to permit operation of petitioner's synchronous amplifier by remote control, subject to the following conditions: (1) that authority to operate the synchronous amplifier in connection with Station WINX upon a remote control basis is granted until such time as, in the opinion of the Commission, qualified operators become available for operation of said amplifier in accordance with Sections 2.53 and 13.61 of the Commission's Rules, but in no event beyond June 1, 1943; (2) that all meters of the synchronous amplifier be read and logged daily; and (3) that the remote control operation of the synchronous amplifier be carried on at all times by at least one licensed operator at the main transmitter location of Station WINX.

LICENSE RENEWALS

KHBC—Hawaiian Broadcasting System, Ltd., Hilo, Hawaii.—Granted renewal of license (B-R-885) subject to the condition that the licensee shall install an antenna in accordance with the Standards of Good Engineering Practice and determine power by direct measurement, when requested to do so by the Commission.

KAST—Astoria Broadcasting Co., Astoria, Ore.—Granted extension of license for a period of 90 days.

WJHP—The Metropolis Co., Jacksonville, Fla.—Granted renewal of license on a regular basis (B3-R-1083). (Commissioners Fly and Durr voted "No.")

WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Granted renewal of license on a regular basis (B3-R-434). (Commissioners Fly and Durr voted "No.")

Granted renewal of following station licenses for the period ending in no event later than February 1, 1945:

KFUN, Las Vegas, N. Mex.; KHAS, Hastings, Nebr.; KOOS, Marshfield, Ore.; KVNU, Logan, Utah; KVOS, Bellingham, Wash.; WAIM, Anderson, S. C.; WBHP, Huntsville, Ala.; WCAT, Rapid City, S. D.; WITH, Baltimore, Md.; WJNO, West Palm Beach, Fla.; WLOG, Logan, W. Va.; WTHT, Hartford, Conn.; WTOL, Toledo, Ohio.

KGEZ—Donald C. Treloar, Kalispell, Mont.—Granted renewal of license for the period ending not later than June 1, 1943 (B5-R-126).

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Granted renewal of license for the period ending not later than December 1, 1944 (B4-R-557).

MISCELLANEOUS

KMA—May Broadcasting Co., Shenandoah, Iowa.—Granted modification of construction permit as modified, which authorized installation of directional antenna for night use and increase in power, for extension of completion date from February 22 to April 23, 1943 (B-4-MP-1691).

KGDM—E. F. Peffer, Stockton, Calif.—Granted modification of construction permit as modified, which authorized change in frequency, hours of operation, increase in power, install directional antenna for night use and new transmitter, for extension of completion date from January 20 to February 20, 1943 (B5-MP-1686). Granted further extension to March 20 (B5-MP-1692).

KGHI—Arkansas Broadcasting Co., Little Rock, Ark.—Granted license to cover construction permit which authorized installation of new transmitter (B3-L-1748); granted authority to determine operating power by direct measurement of antenna power (B3-Z-1491).

KFDM—Beaumont Broadcasting Corp., Beaumont, Tex.—Granted license to cover construction permit which authorized installation of new transmitter (B3-L-1749).

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted license to cover construction permit as modified, for installation of new transmitter and directional antenna for day and night use, increase in power, change hours of operation, and move transmitter (B4-L-1736).

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-1478).

WRBL—The Columbus Broadcasting Co., Inc., Columbus, Ga.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-1490).

KICA—Hugh DeWitt Landis, Clovis, N. Mex.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-1487).

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-1492).

WKAQ—Radio Corp., of Puerto Rico, San Juan, P. R.—Granted modification (B-MP-1638) of construction permit (B4-P-3489) for extension of completion date to 7-26-43.

WAUQ—Onondaga Radio Broadcasting Corp., area of Syracuse, N. Y.—Granted modification of license for relay broadcast station to change designation of type and serial number of transmitter to show: Mfg.-Tenco; Serial No. 111.

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted modification of construction permit as modified, which authorized increase in power, change hours of operation, install new transmitter and directional antenna for night use, for extension of completion date from February 2 to April 4, 1943 (B3-MP-1693).

The Commission approved a power of attorney for the affairs of licensee Philip Weiss, to be handled by his brother, Jack Weiss, during his service in the armed forces. Philip Weiss is licensee of Station WSYB, Rutland, Vt.

WRUS—World Wide Broadcasting Corp.—Cancelled the special temporary authorization for the operation of Station WRUS.

Tennessee Radio Corp., Nashville, Tenn.—Granted petition to dismiss without prejudice application for construction permit for new broadcast station to operate on **1240 kc.**, 250 watts, unlimited. (Docket No. 6193)

APPLICATIONS FILED AT FCC

1070 Kilocycles

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—License to cover construction permit (B3-P-3098) as modified for change in frequency, increase power, change hours and installation of directional antenna for night use.

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—Authority to determine operating power by direct measurement.

1110 Kilocycles

KPAS—Pacific Coast Broadcasting Co., Pasadena, Calif.—License to cover construction permit B5-P-3261 as modified for new 10 KW station.

KPAS—Pacific Coast Broadcasting Co., Pasadena, Calif.—Authority to determine operating power by direct measurement.

1150 Kilocycles

WDEL—WDEL, Incorporated, Wilmington, Del.—License to cover construction permit (B1-P-2758) as modified for increase in power, installation of new transmitter and directional antenna for day and night use.

1170 Kilocycles

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Modification of construction permit (B3-P-2539 as modified which authorized increase in power, change in hours, install new transmitter and directional antenna for night) for extension of completion date from 2-2-43 to 4-4-43.

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Extension of special service authorization to operate unlimited time, with power of 25 KW night, 50 KW day, employing directional antenna at night, using transmitter described in construction permit B3-P-2539 as modified, for period ending 4-4-43.

1250 Kilocycles

KWSC—State College of Washington, Pullman, Wash.—Construction permit to change frequency from **1250 kc.** to **1030 kc.**, change power from 5 KW to 1 KW night, 5 KW day, hours from share with KTW to unlimited and make changes in antenna and ground systems. Requests facilities of KOB.

1400 Kilocycles

WGRC—North Side Broadcasting Corp., Louisville, Ky.—Construction permit to move studio and transmitter from New Albany, Ind., to Louisville, Ky.

1450 Kilocycles

WILM—Delaware Broadcasting Co., Wilmington, Del.—License to cover construction permit (B1-P-3387) for move of transmitter and use of WDEL's South Tower of directional array.

WILM—Delaware Broadcasting Co., Wilmington, Del.—Authority to determine operating power by direct measurement.

WDEL—Delaware Broadcasting Co., Wilmington, Del.—Authority to determine operating power by direct measurement.

1490 Kilocycles

WKBV—Knox Radio Corp., Richmond, Ind.—Transfer of control from William O. Knox to Central Broadcasting Corporation (1000 shares).

WKBB—Sanders Brothers Radio Station, Dubuque, Iowa.—Voluntary assignment of license to Dubuque Broadcasting Company.

MISCELLANEOUS APPLICATIONS

W9XMB—Moody Bible Institute of Chicago, Chicago, Ill.—Modification of construction permit (B4-PST-4 as modified which authorized new studio transmitter station) for extension of completion date from 2-16-43 to 5-16-43.

NEW—The Associated Broadcasters, Inc., San Francisco, Calif.—Construction permit for new International Broadcast Station to be operated on **6030, 7230, 9570, 11870, 15290, 17760, 21610 kc.**, power 50 KW. Hours: share with WBOS and KWID on **6960, 9570, 11870**; and share with KWID on **7230, 15290, 17760, 21610 kc.**

WBEZ—Board of Education, City of Chicago, Chicago, Ill.—Modification of construction permit (B4-PED-22 as modified, which authorized new non-commercial educational station) for extension of completion date from 3-7-43 to 4-7-43.

W6XDU—Don Lee Broadcasting System, Portable-Mobile, Area of Los Angeles, Calif.—License to cover construction permit (B5-PVB-83) as modified, which authorized addition of aural equipment using special emission.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

American Refractories Institute—Thirty-nine corporations manufacturing more than 75 per cent of the refractory products produced annually in the United States, and their trade association, American Refractories Institute, Pittsburgh, are charged in a complaint with combination and conspiracy to fix prices and eliminate competition in the sale of their products, including standard 9-inch brick, special shape brick and tile, fire brick, fire brick cement and high temperature mortars.

Large consumers of refractory products, which are required in furnaces and other devices where the intensity of the heat produced is sufficient to melt metals and ceramic materials, are the iron and steel, glass, copper smelting, cement, and wood pulp industries. The complaint alleges that one of the effects of the practices and the delivered price systems maintained by the corporate respondents is to unduly enhance the costs of refractory products used by industries directly engaged in producing materials of war.

The complaint states that the membership of the respondent institute constitutes a class so numerous and changing as to make it impracticable to specifically name in the complaint all of the members. (4900)

Home Diathermy Co., et al.—Misrepresentation of the provisions of an order issued by the Federal Communications Commission and unfair and deceptive acts in commerce are charged in a complaint against two distributors of home diathermy apparatus and two officials of the companies. The respondents are Home Diathermy Co.. Inc., 1780 Broadway, New York, Home Diathermy Co.. Inc., 15 Public Square, Wilkes-Barre, Pa., and Arnold Steindler and Isadore Teitelbaum. (4901)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Lentheric, Inc., 745 Fifth Ave., New York, has stipulated that in selling, advertising, or labeling its perfumes it will cease representing, through use of the word "Paris" or "French" or any other word, term or picturization indicative of French or foreign origin, that perfumes made or compounded in the United States are made or compounded in France or any other foreign country. The stipulation provides, however, that the country of origin of the various ingredients of the perfumes may be stated when immediately accompanied by a statement that the perfumes are made or compounded in the United States. (3604)

Lion Neckwear Co., 4626 North 10th St., Philadelphia, engaged in the sale of men's neckwear, has entered into a stipulation to cease and desist from misrepresenting its business status and the fiber content of the products it sells. (3606)

Dr. Propper Manufacturing Co., 127 West 24th St., New York, engaged in the sale of surgical supplies including wound clips designated "Serature," has stipulated that they will cease and desist from use of the word "Manufacturing" or the abbreviation "Mfg." or other word or term of like meaning as part of their trade name, and from the use of such word or term in any manner implying that they actually own or operate or directly control the factory in which the products they sell are manufactured. (3605)

Weisfield & Goldberg, Inc., 414 Pike St., Seattle, stipulated that it will cease and desist from representing that watches or other jewelry products it sells are made in the United States when, in fact, they are manufactured in whole or in part in other countries and that any watch it receives in trade or as partial payment for another article will be given to men or women in the armed services, unless the watch actually is disposed of in the manner indicated. The corporation agrees to discontinue the use of statements such as "Uncle Sam Wants Your Old Watches for the Boys in the Service" which may tend to convey the belief that the Government has requested used watches for men or women in the armed services. (3607)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

S. & M. Grand Rapids Furniture Factories, Inc.—An order to cease and desist from misrepresentation in the sale of household furniture has been issued against S. & M. Grand Rapids Furniture Factories, Inc., 123 Ferry St., Newark, N. J., also trading as S. & M. Grand Rapids Furniture Co. of Newark, New Jersey, and as Grand Rapids Showrooms. (4642)

Purity Products, Inc., 1060 Broad St., Newark, N. J.—The Journal of Living Publishing Corporation, 1819 Broadway, New York, and Victor H. Lindlahr have been ordered to cease and desist from misrepresentation in advertising and selling a medicinal preparation known as "VBev." (4021)

FTC COMPLAINT DISMISSED

The Federal Trade Commission has entered an order dismissing its complaint against Robert T. K. Hee, trading as The Eastern Herb Co., San Diego, Calif., engaged in the sale of a preparation designated "Chinese Herbs."

The complaint charged that in the dissemination of advertisements concerning the preparation the respondent had made misrepresentations with respect to its therapeutic value in the treatment of various ailments.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N STREET, N. W. WASHINGTON, D. C. Vol. 11, No. 8, February 19, 1943

FCC Under Fire in House

The House approved the FCC's 1943-44 appropriation this week only after considerable debate. It was proposed at one point to hold up any appropriation until the conclusion of the Cox investigation. This proposal was rejected, 162 to 87.

Most of the debate, as reported in the *Congressional Record*, pp. 1017-1018—1084-1088, is printed below.

February 15

The Federal communications testimony appears on page 1212 of the hearings. The recommendation of your committee is $7,609,000, as compared with the appropriations for the current year of $7,386,000. The recommendation reflects a reduction in the budget estimate of over $479,000.

It is difficult to escape the conviction that there is a good deal of duplication of effort between the F. C. C. on the one hand and the Army and the Navy on the other. The Army, I understand, has thousands of people in its radio intelligence companies. The Navy also has its own set-up. The F. C. C. admits that both services advised at one time that they did not require what the F. C. C. was furnishing them. The Bureau of the Budget, in its testimony, recognizes the conflict.

This agency shows a tremendous number of promotions in the past year or so, 1,806, to be exact, at an increase of $145,100. Details were furnished the committee with reference to the Legal Division and the Foreign Broadcast Intelligence Service. I shall not encumber the RECORD with those details. I may say in passing, however, that the number of promotions was not only enormous, but that in many instances the same individual has been given more than one promotion in the same year. Among other examples is one individual receiving $3,400 increase, or 105 percent, within a period of 8 months, another receiving $1,400, or a 75-percent increase, in 6 months, and another receiving $2,200, a 110-percent increase, in 16 months. There are many other examples that I could cite.

The record also indicates a request by this agency for deferments from the draft to the number of 442. Of this number, there have geen granted 391, in respect to which Chairman Fly expresses the hope that the deferments may be for the duration. All of these deferments may, in fact, be justified. It may be stated, however, that neither the description of the positions held, nor the salaries paid, nor the fact that many of them joined the force after Pearl Harbor, lends force to this conclusion in the first instance.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. Yes.

Mr. O'HARA. With reference to the deferments of this agency, dces the gentleman mean deferments from going into the armed forces?

Mr. WIGGLESWORTH. Yes.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. Yes.

Mr. COX. It is common gossip all over town that there is a higher percentage of draft dodgers as a result of the requests of the departments in the Communications Commission than in any other department of the Government. If the gentleman will indulge me further, I am very much surprised to note the success of Mr. Fly in obtaining this large appropriation carried in this item. Apparently he is the witness that appeared in behalf of the Commission, on whose testimony the committee bases its finding. The committee says that the Commission is divided, and that the division differing with Mr. Fly says that the essential work of the Commission can be carried on and carried on effectively with a large reduction of personnel and a large reduction in appropriations. To be exact, it is contended by those in the know that with $2,000,000 the work of the Commission can be carried on. Mr. Fly, who heads the Commission, has no knowledge of communications, other than experience that he obtained as a switchboard operator before he was placed in the chairmanship. At the present time we find the Army and the Navy subordinated to him, and if the committee had found it possible to have consulted the Army and the Navy, disclosures would have been made to it that Mr. Fly is a terrible handicap to them in his effort to dominate completely in foreign communications of the Army and the Navy.

Others in the know have said to me that the larger part of the appropriations that are made for this Commission are wasted; that you may as well shovel the money out of the window as to expend it in the manner in which the Commission does. In view of the investigation that is going on, the item ought to be stricken from the bill altogether, and later the Congress will be able to make an appropriation that is proper.

Mr. WIGGLESWORTH. I was about to answer the gentleman by saying that the suggestion he makes was in fact made in the subcommittee, to the effect that inasmuch as an investigation has been authorized by the House to go into the activities of this Commission, it might be just as well to delete this item wholly and allow it to be considered later as a deficiency item. The money, of course, will not be required until the first of the fiscal year, July 1.

Mr. COX. I agree with the gentleman that the circumstance demands that the entire item be deleted until later on.

Mr. WOODRUM of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. Yes.

Mr. WOODRUM of Virginia. The same logic would apply to the War Production Board, and to the Army or the Navy, and to any other agency of the Government that is under fire by anybody. That is, put them out of business, convict them, and then afterward, if they are able to prove that they are innocent, give them enough money to carry on. I submit right here in the midst of the colloquy between my two friends that that is not a logical

(Continued on page 74)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Lewis H. Avery, *Director of Broadcast Advertising;* Howard Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Arthur C. Stringer, *Director of Promotion.*

FCC UNDER FIRE IN HOUSE

(Continued from page 73)

approach to the problem. I feel confident that the investigation of the Federal Communications Commission in the able hands of my friend the gentleman from Georgia [Mr. Cox] and the distinguished gentleman from Massachusetts [Mr. WIGGLESWORTH] will be thorough-going.

We may rest assured that long before July 1, when this bill will become law, these gentlemen will apprise Congress of everything they can find that would justify putting the Federal Communications Commission and Mr. Fly out of business. In the meantime it is an agency that Congress has set up to do business and has delegated to it important war functions. The monitoring work of the Federal Communications Commission is very important. However we may feel about individuals in it, let no Member of this House be under any misapprehension that they are performing a very vital and critical service in the war effort. Somebody has to perform that service.

Mr. WIGGLESWORTH. May I say to the gentleman from Virginia that I certainly do not want to place myself in the position of failing to accord this agency every consideration to which it is entitled. It does not seem to me, however, that the deletion of this item has anything to do with the findings which may be made in the course of the investigation. Of course, the Commission must have the money that is necessary on July 1, but it does not need any part of these funds until that time.

Mr. FITZPATRICK. Will the gentleman yield?

Mr. WIGGLESWORTH. I yield to the gentleman from New York.

Mr. FITZPATRICK. I do not recall any evidence before our subcommittee that the Federal Communications Commission was a handicap to either the Army or the Navy. Does the gentleman recall any such testimony?

Mr. WIGGLESWORTH. The gentleman from South Dakota [Mr. CASE] interrogated the representatives of the agency along that line, and I think substantiated the statement I have made.

Mr. FITZPATRICK. I am referring to the statement contained in a question asked the gentleman as to whether or not they were a handicap to both the Army and the Navy.

Mr. WIGGLESWORTH. A duplication.

Mr. FITZPATRICK. "Handicap" was the word used.

Mr. COX. I used the word "handicap" and I used it advisedly, and if the gentleman will take the pains and manifest sufficient concern in the public interest to call upon the Army and the Navy he will find that the statement is justified.

Mr. WOODRUM of Virginia. If the gentleman will permit, I will say to the gentleman from Georgia [Mr. Cox] that as soon as I can get to a telephone I shall certainly make inquiry of the responsible heads of the Army and the Navy, and if any of those gentlemen say that the Federal Communications Commission is a detriment to the war effort, I will take advantage of my seniority in the proceedings to move to delete the item myself. Now will the gentleman join me in saying that if the Army and the Navy say they are performing a useful war service, he will give them a chance to have a fair trial before he executes them?

Mr. COX. I am not trying to execute anybody.

Mr. WOODRUM of Virginia. Just take their money away from them?

Mr. COX. No; I am not. I am insisting that in view of existing circumstances the appropriation should not be made available at the time. I can tell the gentleman something that would interest him.

Mr. DWORSHAK. Will the gentleman yield?

Mr. WIGGLESWORTH. I yield to the gentleman from Idaho.

Mr. DWORSHAK. In spite of the demands throughout the country for economy, it would appear that most of these agencies are attempting to expand their functions under the guise of defense and war activities. In that respect, will the gentleman explain the item of $206,160 for a War Problems Division under the Law Department, and explain why that is being created? Is there not some existing agency which already has jurisdiction over such activities?

Mr. WIGGLESWORTH. That matter was given consideration by the committee in reducing the request $479,000 below the budget.

I shall not dwell further upon this item, in view of the fact that an investigating committee has been set up to consider the activities of this Commission in detail.

I may mention in passing, however, first, that the record indicates continued approval of the transfer of stations or control of stations for considerations far in excess of the value of the physical assets transferred, with all the danger we have seen in other fields in the capitalization of Government franchises.

Second, that the serious charges said to have been made in connection with former Commissioner Pickard and others have apparently been whitewashed to the satisfaction of the Commission and the Department of Justice in the absence of further evidence.

Third, that 3 of those included in the list of 38 recently published by the Dies committee are to be found on the pay rolls of this agency.

February 17

Mr. CASE. Mr. Chairman, this amendment, with two succeeding amendments which I propose to offer, would leave the title "Federal Communications Commission" in line 3 but strike out the appropriations relating to the Federal Communications Commission and defer their consideration until later. I had expected to offer the amendments together in the thought that that would save some time. However, this will accomplish the same result.

The purpose in offering this amendment is to permit an intelligent appropriation to be made. The House has adopted a resolution authorizing a select committee to investigate the Federal Communications Commission. In view of the action already taken by the House it would be nonsensical for us now to attempt to appropriate for the Federal Communications Commission for the fiscal year that begins after July 1. How can we appropriate intelligently in this bill when there is pending for a detailed investigation of the activities of the Commission? Some of us believe we cannot so appropriate at this time. Consequently, we believe this appropriation should be deferred.

This does not mean we expect the Federal Communications Commission to be abolished or its activities to be ended. I, for one, would be opposed to that, and so would the other Members of the House. We are acquainted with the work the Federal Communications Commission is doing, in a large way. Most of it should be continued; possibly some of it should not. Of course, the Deficiency Committee is meeting regularly, and it can handle appropriations for this Commission; or, if the special committee makes its report before the appropriation is considered in the Senate it can be handled there.

There are reasons for raising some question about this appropriation. We asked the Commission for its figures on the draft deferments it had asked for its employees, and found that the Commission had asked for 442 deferments, receiving 391. It is true that the Federal Trade Commission has to have some highly trained technical men. It is probably true that those men in the service of the Federal Communications Commission can do just as effective work as they could if they were in uniform. However, until the select committee is satisfied that these deferments, for example, are justified, we ought not to make appropriations to carry on activities which we may not approve.

Not only that, but there was evidence before the committee that the Commission was doing some work the Army and Navy have the personnel to do. We asked direct questions on that point about some of the inspections and some of the examinations the Federal Communications Commission was making.

It was testified they were doing this at the request of the War and Navy Departments, but upon pursuing the question, it was apparent that the Army and the Navy had the personnel to do these same things. If there is a shortage of manpower, why should we be deferring men to put them in the Federal Communications Commission in jobs that the Army and the Navy have personnel to do? Not only that, but there was some questioning of the promotions made in this agency during 1942. They totaled 1,800, at a total cost of $145,000. Doubtless some of them were necessary to hold personnel but they should be examined in detail. They should be gone into more fully, and the House has already provided for that. Then, why should we make this appropriation, based upon activities, some of which we may want to abandon after the committee has made its report?

There is another reason. Three or four of the men who are on the list about which there has been a great deal of debate are some of the employees of the Federal Communications Commission. If we were to get into a debate upon the entire appropriation, I have been told those names would come up, and until they have been investigated either by the select committee or the special committee of the Committee on Appropriations which have been authorized to hear these people, we could not appropriate intelligently. I for one do not want to pass judgment on them until they have been heard. It seems to me that we would save time and appropriate more intelligently, if we wait until we have a report from the special committee.

Mr. RAMSPECK. Mr. Chairman, will the gentleman yield?

Mr. CASE. Yes.

Mr. RAMSPECK. Is not the same logic applicable also to the Army and the Navy and the appropriations for those Departments?

Mr. CASE. They are not under specific investigation by select committees of the House. Their appropriations are not before us yet and we hope the regular committees will keep the subcommittees currently informed of matters that come to their attention. Remember that I am not striking out this activity. The amendment does not strike out the title in line 3. And as I have already stated there will be ample time to appropriate for this agency before July 1. Of course, if the select committee has not reported by July 1, then we will have to appropriate for Federal Communications as best we can. And the gentleman knows we will appropriate for the Army and the Navy in due course when their estimates come before us.

Mr. RAMSPECK. And the same thing is true about all of them.

Mr. WOODRUM of Virginia. Mr. Chairman, I ask unanimous consent that debate upon this amendment and all amendments thereto close in 25 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LAMBERTSON. Mr. Chairman, I ask unanimous consent to proceed for 1 minute out of order.

The CHAIRMAN. Is there objection?

Mr. WOODRUM of Virginia. Mr. Chairman, I object.

Mr. LAMBERTSON. Mr. Chairman, I was not on the floor yesterday when the very able floor leader, the gentleman from Massachusetts [Mr. McCORMACK], made his speech attacking Herbert Hoover, who in the minds of a great many people is the greatest living American. He made the direct charge that Mr. Hoover had opposed recommendations to prepare our country for defense, and then went on to cast a long line of suspicion about Mr. Hoover being for appeasement. I want to dismiss it by using the words of the gentleman himself that he used on a recent occasion:

> Any such thought is without foundation, and if the gentleman had the courage to make the direct accusation within the rules, I would say that he is making a complete misstatement of the facts. Outside of the House anyone making such statements I would say tells a deliberate lie.

Mr. RAMSPECK. Mr. Chairman, I rise in opposition to the amendment. I am astonished that the gentleman from South Dakota [Mr. CASE] takes the position he does in this matter. He is generally a very level-headed member of this subcommittee, but the proposal he makes today seems to me to be absurd. He bases his amendment upon the theory that we should not appropriate money for this agency, which was created by this Congress, because we have authorized an investigation under the leadership of my colleague from Georgia [Mr. COX]. If his reason is sound and logical, then we should not bring in any appropriation for the Army or the Navy or practically any other agency of the Government until these investigating committees report. We have also authorized the Smith committee to look into the actions of all of the agencies of the Government practically, to see whether they are operating in accordance with the acts of Congress. It seems to me that this type of legislation that is contained in the amendment which we are to vote on here this morning is a type of action that brings Congress into disrepute in the eyes of the country. It is demagogery, and while I do not impute any motive of that sort to the gentleman from South Dakota, I do say that the critics of Congress will look upon it in that way, and to me I think that criticism will be justified. It is our duty as members of Congress to finance the agencies that Congress sets up. We have a splendid gentleman from my own State who is going to investigate the operations of this Commission.

He is going to do a good job, and if there is anything wrong with this Commission I am sure that the gentleman from Georgia will find out about it, and Congress then can take such action as the facts justify, but this is not the proper method of legislation, it is not in keeping with the dignity and the importance of a legislative body, for us to say that we are not going to appropriate any money for an agency we created, an agency that is doing important war work. If the subcommittee could not get the information it desired in the usual manner it could have resorted to the subpena power recently given to the Appropriations Committee.

Mr. CASE. The committee did not have that power when this bill was prepared.

Mr. RAMSPECK. We have a committee appointed, headed by the gentleman from Georgia [Mr. Cox], that has the power of subpena and all the power of this Congress with it, and that is the orderly way to act. That is the orderly way to do it. The gentleman did not take the same position the other day about William Pickens. Did we not vote to investigate first before we took him off the pay roll? Are you going to take all these men off the pay roll who are monitoring war messages from across the seas? No; that is not the way to legislate.

Mr. CASE. Will the gentleman yield?

Mr. RAMSPECK. Yes; I yield.

Mr. CASE. Does not the gentleman feel that the Congress would be in a more ridiculous position if it appropriated money for this independent agency and then the special committee set up by the House came in and said, "Here is something that should have been cut out" and the money has already been appropriated?

Mr. RAMSPECK. I certainly do not. I think that is the orderly way to proceed. We have a committee to investigate them and we should not usurp their functions through an appropriation bill.

Mr. CASE. We are not usurping their functions; we are simply withholding action until the full story is before us. The gentleman knows, of course, that this does not touch a dollar of their current appropriation.

Mr. RAMSPECK. I am aware of that fact.

Mr. CASE. And there is plenty of time to appropriate for next year between now and July 1 after the special committee has a chance to report.

Mr. RAMSPECK. Yes, and there is plenty of time to cut off their appropriation after the committee makes its report, if we should so desire.

Mr. HARE. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from South Carolina.

Mr. HARE. If it is abolished between now and July 1 the appropriation will not be necessary.

Mr. RAMSPECK. The gentleman is correct. If as a result of this investigation the Congress decides to abolish the commission or change its function or its personnel, then the appropriation would not be effective.

Mr. FORD. Will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. FORD. It this not about equivalent to convicting a man in advance without an investigation?

Mr. RAMSPECK. Well, that is true, too. It is an interference with the prerogatives of the investigating committee headed by my colleague, the gentleman from Georgia [Mr. Cox].

The CHAIRMAN. The time of the gentleman from Georgia [Mr. RAMSPECK] has expired.

Mr. EDWIN ARTHUR HALL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in supporting the amendment offered by the gentleman from South Dakota [Mr. CASE], I welcome one of the first opportunities that I have had to cast my vote against the rising tide of bureaucracy that is daily encroaching upon the prerogatives and powers of the people's Congress. I welcome this opportunity, and I hope I will have many more occasions to cast my vote against these bureaucrats who are day by day destroying the people's rights with the excuse that they are justified in so doing because they are doing it to win the war. I question very much whether using iron-handed tactics such as the Federal Communications Commission has used over individual and separate radio stations, in choking off free expression as they have done on numerous occasions, is contributing very much to winning the war.

In my locality, just as in every other section of the country, there is a radio station that I beileve is serving the community in a patriotic manner. It has opened its air waves to every call of the Government. It has functioned just as the Federal Government would have it function, and it has given wide expression to wishes of the Government in helping put on War Bond sales, in making announcements for the Army and the Navy, in giving out uncensored information of all kinds. I submit today that this same radio station of which I speak has every right to conduct its business in a private and individual way. I maintain that the Government has no right to step in and question its patriotism, its right to proceed in an orderly, patriotic manner.

Therefore, I welcome the opportunity today to cast my vote for this amendment. I will welcome any other such opportunities. I hope this is but the beginning of an attempt to place the power where the people originally intended it to be placed, to bring prestige back to the House and the Senate. Heaven knows within the past 2 years, due to the encroachments of these bureaucrats, we have lost plenty, at least with the folks back home, and they are the ones who count.

Mr. HARE. Mr. Chairman, will the gentleman yield?

Mr. EDWIN ARTHUR HALL. I yield.

Mr. HARE. Assuming that the statement of the gentleman is correct, what would happen in case this amendment were adopted and the war would continue beyond July 1 of this year and the communications systems of the world would be free to communicate any message to inform our enemies? Does not the gentleman think there would be chaos in our war program and in our war effort?

Mr. EDWIN ARTHUR HALL. I am informed by the gentleman from South Dakota [Mr. CASE] that nothing will happen before July 1, as far as the continuation of this Commission goes. Furthermore, I would be the first to raise my voice in indignation against the insinuation of any Government bureau that the people in the radio station in my community would be guilty of any unpatriotic act or of disseminating any propaganda over the radio that would in any way obstruct the war effort.

I pledge my vote to this amendment and I welcome the chance to cast it this way.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. COX. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I know there are those of you who think I am sometimes too severe, and yet I speak the truth when I say to you that there is not one of you to whom I would not give the coat off my back did I think you were cold.

My position on this amendment is not an easy one. You know that I happen to be a member of a special committee that has been set up to investigate this agency of the Government. For that reason I am not going to appeal to my friends to support the amendment. That is a matter that they will have to determine for themselves without any appeal on my part. I will not under the circumstances vote on this amendment.

I have no brother nor son—no kinsman—who holds a job with the Federal Communications Commission whose continuance in service is dependent upon my support. On the other hand, I have been maligned, blackmailed, and criminally misrepresented by this agency of the Government.

I have expressed my views heretofore and you know what they are. Exception was taken to an observation I made on the floor that the Chairman of this Commission was in the hair of everybody in Washington, and particularly the Army and the Navy. I would have liked it better had the gentleman from Virginia [Mr. WOODRUM] made his statement before I submitted these remarks to you. I think I know that he is this morning armed with a statement furnished by the Secretary of War and the Secretary of the Navy negativing the statement that I made the other day. I am wondering if the gentleman from Virginia on Monday, after the colloquy we had on the floor, communicated over the telephone with Mr. Fly with respect to this matter and if he knows that Mr. Fly appealed to the Secretary of War and the Secretary of the Navy for the statements which I think he holds. And I am wondering too if the gentleman from Virginia [Mr. WOODRUM] happens to know that this Uriah Heep of the Commission brought political pressure to bear upon the Secretary of the Navy and forced into retirement the man who knew more about communications than any other man connected with the Navy, Admiral Hooper?

Now, Mr. Chairman, I am not urging that you take one position or the other; I will say, however, that I do not consider this motion to strike as being a piece of demagogery.

You will remember that at the beginning of this session we talked about the use of the appropriating power of this Congress as a means of repressing the bureaucrats who are governing America at this time. Now, I know this statement is disappointing to some of my friends, and I regret to make it, but I would feel ashamed of myself if I did not manifest sufficient courage and sufficient decency to say something on this subject. I could say more; I could say much more if the proprieties of the moment made it permissible; but I will say this to you: That I am not the only Member of this House who has been criminally maligned and falsely represented by this Commission; there are others I could name, and I could name them now; and if challenged I might do so.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The Chair regrets to inform the gentleman that debate on this amendment has been limited and time allocated. The Chair feels constrained to recognize the gentleman from Virginia. If time remains after the gentleman from Virginia has concluded the Chair will recognize the gentleman from Massachusetts.

The gentleman from Virginia [Mr. WOODRUM] is recognized.

Mr. WOODRUM of Virginia. Mr. Chairman, it may be that because of the great disparity of numbers, that one who tries to defend the action of this subcommittee is crying in the wilderness.

Mr. O'KONSKI. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield.

Mr. O'KONSKI. Where are the Members on the gentleman's side?

Mr. WOODRUM of Virginia. That is what I should like to know. If the gentleman could inform me where they are I should like to know; certainly they are not helping me very much today, I will say to the gentleman.

On a strictly political division of the House awhile ago, strictly political, every Member on the Republican side stood up in support of a motion and every Member on the Democratic side stood up; and there were 84 Republicans and 36 Democrats, I think. I feel that the people should know that, I feel that the Democrats of the country should know that.

But I have got a little bit of a job to do here and I am going to try to do it. First I should like to try to relieve my dear friend from Georgia, because he has been worried as to what I might have said to the Chairman of the Communications Commission and what he might have said to somebody else. Well, I did not call the Chairman of the Communications Commission; I had a clerk call and tell him that it had been stated on the floor of the House that his agency was a detriment to the war effort; and to tell him that if that was so I could not defend it. Mr. Fly replied that he had already gone to the War and the Navy Departments some time ago when the charge was made and that he did not like to annoy them again but that he would enclose me copies of the letters they had written. This he did, and the gentleman from Georgia is already familiar with them.

I have here, though, Mr. Chairman, a little folder which he sent me, about 12 or 15 sheets. I cannot read them; I cannot put them in the *Record*. Their nature is so highly confidential, so vitally concerned with the heart of the war effort—they are from high-ranking Army and Navy officers, and State Department officials showing the vital, critical work this Federal Communications Commission is doing. I will be delighted, if any Member interested wants to come to my office, to lay them before him and let him read them; and I think he will agree when he sees them that they could not be made public because of their confidential nature.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield.

Mr. TABER. It would be possible for the investigating committee to proceed with its efforts and make a report promptly and to have whatever appropriation might be needed for the Commission provided before the first of July. In this way the Appropriations Subcommittee could have the benefit of the work the investigating committee does.

Mr. WOODRUM of Virginia. No; I do not think that position is tenable at all.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM of Virginia. Not for a few minutes: I have but limited time and several very important things I want to say.

Our committee felt there was some duplication in certain of the activities of the Federal Communications Commission and we cut the appropriation over $400,000 because of the suggestions made by the gentleman from South Dakota, and brought out in the hearings, which showed that some of the work the Communications Commission was doing the Army was doing and had the personnel to do it. We made that cut in the appropriations.

Here is the core of the whole business. If you want to take the responsibility you may do so. The Federal Communications Commission in its monitoring work, in its control of the airways, has to have highly technically skilled, trained personnel, mostly young people, and that is the reason for the high number of deferments in that branch. They have had the greatest difficulty in keeping their people. They have had to get young people, train them, start them at the bottom and work them on up, hence the great number of promotions. They have had great difficulty in keeping this personnel. They are jittery anyway.

Let the Congress today strike out this appropriation and those twelve or fifteen hundred people, who want to work, who want to eat, and who want to serve, not knowing where they are going to be, or when their jobs are going to be cut off, or whether they will have a job after July 1; and I say to you, you have demoralized that agency, you have thrown confusion into the work of this vital, critical agency, and I do not believe any Member of this House ought to be willing to take the responsibility for doing that.

We have an investigating committee, with full powers, a zealous investigating committee, if you please. You and I may rest with the greatest feeling and security that speedily and thoroughly everything about the Communications Commission will be brought to us and the Congress may then take action.

[Here the gavel fell.]

Mr. RAYBURN. Mr. Chairman, I think I have a right to speak on this amendment because I happened to be the chairman of the committee that reported the bill to set up the Communications Commission and was the author of the bill. Before that time there was chaos in communications throughout the length and breadth of the land. The telegraph and telephone business had hardly been touched by the agencies that were supposed to handle them, the Interstate Commission. The old Radio Commission was devoting a little time to broadcasting and to broadcasting only. It was thought at that time that all communications should come under one commission of the Government. This was done back in 1934.

Now, Mr. Chairman, if the amendment offered by the gentleman from South Dakota should be brushed aside as sheer demagogy, that would be one thing. If the begging of the question by the gentleman from New York that if the investigating committee reported between now and the first of July were convincing, that would be another thing. I do not appeal to your prejudices or to your passions, and I do not accuse people of demagogy, but I do want to counsel with your reason, with your reason I repeat, with all the earnestness I can command. A great war is on, the world is aflame and the air is full of propaganda from every conceivable portion of the earth. There is only one agency in the United States of America, let me say to you, that has any control whatsoever over the air of the United States. Do you by your vote at this time want to strike down that only agency?

The CHAIRMAN. All time has expired. The question recurs on the amendment offered by the gentleman from South Dakota [Mr. CASE].

The question was taken; and on a division (demanded by Mr. CASE) there were—ayes 87, noes 162.

So the amendment was rejected.

The CHAIRMAN. May the Chair say at this time, that it is only fair to advise the Members that the Clerk, in the absence of any amendments on the desk and in the absence of any objection from members of the committee, was pursuing the course heretofore followed in the reading of bills.

The Clerk will read.

The Clerk read as follows:

Salaries and expenses, national defense: For all expenses necessary to enable the Federal Communications Commission, without regard to section 3709 of the Revised Statutes, to perform its functions related to national defense, including radio monitoring and foreign broadcast analysis, including all of the items of expenditure for which the appropriation "Salaries and expenses, Federal Communications Commission," is available and not to exceed $9,000 for salary of Director of the Foreign Broadcast Intelligence Service; not to exceed 56 passenger-carrying automobiles; not to exceed $50,000 for the temporary employment of persons or organizations, by contract or otherwise, without regard to the civil service and classification laws and, in the case of language or other experts, without regard to any requirements of this act with respect to citizenship, where citizens qualified to perform such work are not available; allowances for living quarters, including heat, fuel, and light (not exceeding $1,700 for any one person), as authorized by the act approved June 26, 1930 (5 U. S. C. 118a); and printing and binding, $5,590,314.

Mr. DIRKSEN. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: Page 13, line 14, strike out the period, insert a colon and the following: "*Provided*, That upon the expiration of 60 days after the cessation of hostilities between the United States and the principal enemy powers or after the date of an armistice between the United States and the principal enemy powers, this appropriation shall cease to be available for obligations unless Congress shall otherwise provide by law."

Mr. WOODRUM of Virginia. Mr. Chairman, I have no objection to that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DIRKSEN].

The amendment was agreed to.

Mr. DWORSHAK. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. DWORSHAK: Page 13, line 4, strike out "$5,590,314" and insert "$5,384,154."

Mr. DWORSHAK. Mr. Chairman, this amendment simply proposes to eliminate $206,160 which has been provided in the bill for the use of the war-problems division of the law department of the Federal Communications Commission. Unlike the amendment which has just been disposed of, I do not believe there will be much opposition or controversy over this proposed amendment. I believe the subcommittee which has considered this bill probably will be inclined to support my amendment. In proof of that assertion I quote one paragraph of the committee's report:

The committee calls attention to the provisions in the bill providing $206,160 for a war-problems division under the law department. The committee has not eliminated these funds because they are requested as a national defense measure, but it does regard the value of such projcts with some skepticism and recommends that the Commission carefully consider the desirability of discontinuing them.

Mr. Chairman, I think it is our responsibility, not that of the Federal Communications Commission, to determine whether this particular division shall be continued or discontinued.

Mr. AUGUST H. ANDRESEN. Mr Chairman, will the gentleman yield?

Mr. DWORSHAK. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. Was any attempt made by an official of the Commission to justify this appropriation?

Mr. DWORSHAK. Yes. The officials pointed out in the hearings that this new War Problems Division was created early in 1942 to take care of the peculiar problems arising because of our participation in the war. However, the normal functions of the law department certainly can be carried on and expanded in wartime. The hearings disclosed that normally the law department employs 56 attorneys. The War Problems Division has 15 attorneys and 8 other employees.

I call attention to the fact that while it has been said that the proposed funds for this Commission have been cut by $479,686, that is only reduced from the Budget request; and even with the adoption of my amendment this bill carries more than the amount provided during the current year for the operation of this Commission.

May I stress the point that for the regular activities of this Commission $2,000,000 is provided, and that under the heading of national defense activities more than $5,000,000 is provided, so that with the adoption of my amendment no effort will be made to interfere with or frustrate the work of the Commission insofar as the war program is concerned.

Much has been said about duplication; that it is time to eliminate 1,000,000 Federal employees of the 3,000,000 now on the pay roll. The only way we can retrench is to retrench. It seems to me this is an evidence of the good faith of Congress in serving notice upon these commissions that existing peacetime personnel should be readjusted and utilized to the fullest extent, so that the emergency activities arising from our participation in the war can be carried on successfully and efficiently.

I do not want to interfere with the operation of this Commission, but I believe it is time to consider the serious aspects of the manpower problem now confronting our country.

I ask the Committee at this time to support this amendment, which eliminates only $206,160 for a war-problems division. Let us serve notice that the regular law department of the Federal Communications Commission should carry on effectively.

Mr. WOODRUM of Virginia. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOODRUM of Virginia. Mr. Chairman, I direct the attention of the Committee especially to the fact that this is a part of the national-defense program of the Federal Communications Commission, a particular appropriation for that purpose, not a part of their regular activities.

The War Problems Division, a very small unit, with a small amount of money involved, was set up by the Federal Communications Commission at the request of the Board of War Communications, which is composed of representatives of the Army, the Navy, the State Department, the Marine Corps, and the other agencies interested in communications. It has to deal and it is the only agency having to deal with the broad subject of international communications, the priority of war communications, the sufficiency of telegraph and telephone communications, and the various and sundry complicated legal questions that arise.

When we are establishing and maintaining this intensive network of international communications which are brought about by this war effort, as our committee says, we felt and we suggested that the Federal Communications Commission ought to survey it carefully to see whether it is necessary. They say it is necessary. The War Communications Board says it is necessary. The Army and the Navy say it is necessary. It is a small item, and I believe we ought not now to delete it and deprive them of the functions of that activity.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho.

The question was taken; and on a division (demanded by Mr. DWORSHAK) there were—ayes 76, noes 99.

So the amendment was rejected.

The Clerk read as follows:

National defense activities: For all necessary expenses (excepting printing and binding) to enable the Federal Power Commission to perform additional activities in connection with the national security and defense, including activities under the provisions of the Federal Power Act, activities under Executive Order No. 9165, dated May 19, 1942, and activities for the protection of the electric power supply against hostile acts, such expenses to include all items of expenditure for which the appropriations under the heading "Salaries and expenses, Federal Power Commission," are available, $519,255: *Provided*, That the Commission may make expenditures in addition to the foregoing, for duties connected with the national security and defense from other appropriations available to it.

Mr. DIRKSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: On page 14, line 21, strike out the period and insert a colon and the following: "*Provided*, That upon the expiration of 60 days after the cessation of hostilities between the United States and the principal enemy powers or after the date of an armistice between the United States and the principal enemy powers, this appropriation shall cease to be available for obligations unless Congress shall otherwise provide by law."

Mr. WOODRUM of Virginia. I have no objection to the amendment, Mr. Chairman.

The amendment was agreed to.

COX INVESTIGATION

The House on Thursday approved the Cox resolution (H. Res. 122) asking for an appropriation of $60,000 to carry on his investigation of the FCC. The Resolution which has been referred to the House Committee on Accounts is as follows:

"That the expenses of the study and investigation by the select committee created by H. Res. 21 not to exceed $60,000, including expenditures for the employment of clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee conducting such investigation and study or any part thereof, signed by the Chairman of the committee and approved by the Committee on Accounts.

"The official stenographers to committees may be used at all hearings held in the District of Columbia unless otherwise officially engaged."

Labor

48-HOUR WEEK

If usually well-informed sources are correct, smaller radio stations in the 32 "labor shortage areas" will not need to institute the 48-hour week ordered last week by President Roosevelt (NAB REPORTS, p. 55).

The War Manpower Commission has not yet issued its rules and regulations for administering the Executive Order, and nothing definite can be said until these come out, probably next Tuesday.

However, it is said that these rules will exempt not only employers of less than eight but also *groups* of employees when putting such groups on a longer work week would not enable an employer to release manpower.

If this is true, a station now getting along with four or five technicians on a 40-hour week would be allowed to continue this schedule if it could show that lengthening the work week to 48 hours would not permit the release of a technician.

It would be well for every station in the labor shortage areas to canvass each department—technical, program, clerical, etc.—to see whether the institution of a 48-hour week would permit the release of any employees. If not, why not? Each station may be required to answer this question.

TWO RATES OF PAY

A few stations have employees who work at two different rates of pay during the week. In the past, the Wage and Hour Division has required computation of the overtime rates by dividing total earnings at the two rates by total hours at the two jobs, and multiplying the result by one and one-half. Now the Wage and Hour Division says that one and one-half times the rate in effect when the overtime occurs is acceptable. Please make a note of this change on page 7 of your green Wage and Hour pamphlet.

FARM RADIO BATTERIES

The farm battery situation this month received the attention of legislators, both state and national.

The North Dakota legislature has memorialized the Congress of the United States appealing for relief and Representative Karl Stefan of Nebraska discussed the problem in the House.

Said Representative Stefan:

If conditions that exist in northeast Nebraska respecting the procurement of radio batteries are general throughout the United States, thousands of radio listeners who must depend upon battery receiving sets will be cut off from valuable radio service.

Hundreds of owners of battery receiving sets in northeast Nebraska cannot get batteries. One radio station has told its listeners that because zinc is needed so badly for war purposes it may be impossible for them to get batteries, and as a result a great many letters have been received indicating that large numbers of radio receiving sets have already been put out of use.

There are hundreds of families in my district who do not have electricity. Many of them have applied for R.E.A. hook-up. In some parts of my district the poles, insulators, and transformers have been installed, but, due to the inability to get copper conductors, these projects must wait over until after the war for completion. This means that hundreds of people who have planned to convert their battery receiving sets to electric-powered sets will have to rely on battery sets for the duration.

A very great number of families that depend solely on radio for news and information are threatened with the discontinuation of this service because they can get no batteries, and the result will be that radio stations will lose thousands upon thousands of listeners.

There are many farmers in my district who do not take newspapers, who do not have telephones, and who have depended entirely on radio for news about livestock markets, and so forth.

One radio station in my district made a survey a few days ago and received over 300 letters from owners of battery receiving sets. Out of the first 234 tabulated, the report is that in a very small area 384 radio sets are now out of use or soon will be. Forty listeners mentioned the time that their machines have been out of use as follows:

One, 6 months
Four, 5 months
Eight, 3 months
Twenty-five, 2 months
Two, 2 weeks

Radio is a valuable and absolutely necessary part of the life of the people of my district. The people there are most patriotic. They have sent their sons to war. With less than the needed amount of farm help, they have produced a record-breaking amount of food. They are preparing to follow the suggestions of our Government to plant more and more in order to raise more crops, and to produce more meat to feed our fighting men, our allies and our own civilian population. The work of our farms will be more important than ever before in the history of our country during the coming planting time and the time when harvest approaches. The farmer, his wife, and children are and will continue to be the busiest people in our land. They will work from the early dark hours of the morning until far into the night without regard to minimum hours or minimum wages. Their time is just as precious as is the time of the factory or the office in the cities. They must depend upon information about condition of roads, weather, markets, and so forth, which is so vitally important and necessary to keep the farm business going. These farmers have conducted their business in spite of the fact that they face this labor shortage and have faced a shortage of farm machinery and repairs for that machinery. Many of them would like to have their farms electrified through the extension of R.E.A., which had to be curtailed because we could get no more copper and other material for projects, even those partially completed. Now, hundreds of them have a just complaint because they cannot get a battery to keep the medium of information—the radio receiving set—in condition to get the valuable reports which are so necessary to keep the farm fully informed on conditions as they exist in our country and elsewhere, the progress of the war, markets, and weather and road conditions. These farmers listen carefully to the Government-planned programs on drives for the sale of bonds and other matters so vital for the successful prosecution of the war. They invest heavily in bonds and the Treasury Department is largely dependent upon the information which the radio stations broadcast regarding the bond sales and other matters. Should the radio stations lose hundreds of thousands of listeners because these listeners can no longer get batteries for their receiving sets, our Government departments that depend upon the radio stations to furnish that information to these listeners, will lose, in my opinion, thousands of supporters of their programs and, as a result, the war effort will be the loser.

You may be interested to know that the Treasury Department, in its war savings program publicity, does not pay anything for radio announcements and radio programs which the stations use. The Department has prepared radio announcemente and there is a little printing expense, but the radio stations have not charged the Government 1 cent for millions of dollars' worth of free publicity which has gone to our people over many of these stations.

I am not prepared to say that zinc or other materials which go into the construction of a radio battery are so scarce that we must now discontinue service for the people who have no means of receiving absolutely necessary news over the radio other than battery receiving sets. I feel that the situation is so serious that immediate attention should be given to it in order that something be done, if that is at all possible, to give these people some immediate assistance. If some assistance could be given to them now, I am sure that we will not only be aiding them to continue to receive the radio service to which they are entitled, but we will be doing a service to our war effort by keeping thousands of people fully informed, whereas, if the service is discontinued, our Government will lose the attention of some of the most patriotic people in our land. Do not forget that a radio receiving set is almost as necessary on a farm today as is a plow.

NAB supplemented its basic information on the subject through the cooperation of the industry, other civilian groups and several Government agencies. Final requests for information from broadcasters was made in NAB REPORTS of January 22 and February 5.

Procedure for preventing the situation becoming acute follows the pattern employed when broadcast equipment was involved.

TECHNICIAN TRAINING

A substantial number of men and women are now employed in the industry who hold restricted operator permits. Many of them have only a very limited technical knowledge of radio, but are anxious to improve their usefulness through spare time study. Chief engineers and other experienced technical personnel can be very helpful in directing this study effort.

Several recent government publications, used in vocational training of war workers, are suggested for this purpose.

1. "Unit Course, Mechanic Learner—Radio," used in training civilian personnel of the U. S. Army Signal Corps. This publication may be obtained from the printer, John Spencer, Inc., Chester, Pa., at $1.35 per copy, f.o.b. Chester. The course comprises 380 pages of extensively illustrated lessons. Described are mechanical operations, such as soldering practices, soldering wires to terminals, cable forming, hardware used in radio work, drilling and tapping, chasis fabrication, use of the multimeter, resistance and continuity checking, testing tubes, capacitor testing, removal and reinstallation of components from radio chassis and coil repairing.

Descriptive material covers power supplies, audio oscillators, Hartley oscillators, resistance coupled oscillators, radio frequency amplifiers and simple receivers.

The course is particularly recommended for training broadcast station maintenance personnel and home receiver service men. Only limited electrical knowledge is necessary to absorb the instructions.

2. The New York State Education Department, in cooperation with the U. S. Office of Education, has prepared a series of monographs. These publications comprise a laboratory course, well suited to the training of technical personnel for broadcast stations and radio service work, who lack even an elementary knowledge of electricity. The courses do not prepare the student for FCC operator examinations, but are useful in acquiring a good general background of radio fundamentals. The laboratory experiment type of presentation is used throughout the courses.

Each of these monographs present a suggested course dealing with basic principles. The training supervisor should select from these monographs those units and lessons which fit the needs of the individual student, and omit or modify the other portions of the course.

It is suggested that study be in the order listed below.

(a) "Direct Current Fundamentals," 245 pages, price $1.35.

(b) "Alternating Current Fundamentals," 164 pages, price $1.25.

(c) "Measurements," 108 pages, price $.90.

(d) "Fundamentals of Radio Receivers," 320 pages, price $1.50.

(e) "Electronics," 148 pages, price $1.10.

This series of publications is obtainable from the New York State Education Department, Albany, New York. Prices indicated are postpaid.

Station engineers can assist radio service organizations by passing this information along to individuals interested in training men and women in the servicing of home receivers.

FLY COMMENTS ON STATIONS' FINANCIAL CONDITION

The results of the 1942 preliminary survey of financial conditions of the broadcast stations are about roughly what the Commission had expected, FCC Chairman James Lawrence Fly told a press conference early this week. There are still a sizable number of stations that failed to get in the returns on this series of questions, the Chairman said.

"The results of this survey," the Chairman said, "are so far roughly about what we expected. 1942, due to the various stimuli in most of the communities, and due further to the fact that the restrictions had not had their full impact during the major portion of the year was on the whole a pretty good year. We are fearful that 1943 and 1944 are likely to be much worse for very obvious reasons."

Mr. Fly said that a handful of stations folded up; six or eight of them have surrendered their licenses, and there have been other possibilities of surrendering licenses, but the number that have lost money recently, "have been pushed into the red due to the present conditions is to date not a startling number. I think it is however obviously a very significant problem and something that we must do whatever we can to alleviate."

Questioned about the Petrillo suggestions for royalties Mr. Fly said that he did not feel competent to pass on the merits of the proposal. He said that he believed as a practical matter that the industry ought to be careful "in any potentiality, to be practical in settling the whole difficulty, and I should be very reluctant to say that it should not be given serious consideration. It is conceivable that something could be worked out of it, or in any event that a good faith attempt to settle the matter around the table will lead to some form of arriving at a satisfactory settlement."

NETWORK RULES ARGUMENT

Continuing the argument before the Supreme Court last week on the validity of the FCC's chain broadcasting regulations, E. Willoughby Middleton, attorney for Stromberg Carlson Mfg. Co., licensee of WHAM, relied on the legal points made by Mr. Cahill for NBC, and introduced two others: (1) the intimation by the trial court that the affiliated stations considered their affiliation contracts burdensome was wrong so far as his client was concerned, their contract being "entirely satisfactory and in fact one of our most valuable assets"; and (2) WHAM had never had its day in court on the question of the validity of its affiliation contract, the FCC's announcement having indicated only an investigation of the networks and not the affiliation contracts.

Charles Fahy, Solicitor General, argued the case for the FCC. Admitting that the parties to the Commission's investigation were entitled to a full hearing, he contended that such had been the case. Nothing in the Constitution, he said, required a full hearing to be had before a court.

Arguing to Mr. Cahill's point that the regulations would abridge the right of free speech guaranteed by the First Amendment to the Constitution, Mr. Fahy declared that nothing in the regulations would deny any person the right to say whatever he might say under the First Amendment, or deny any radio station the right to rebroadcast any such statement. No restraint of free speech was intended or will be effected by the regulations, he averred.

Ample statutory authority exists for the regulations, he said, under the Communications Act which authorizes whatever regulations may be necessary in the public interest, excepting only those expressly prohibited by the Act.

Referring to Section 311 of the Act, the Chief Justice inquired what section empowered the Commission to revoke a station license in the absence of court adjudication that the licensee was guilty of a violation of the Sherman Act. The Solicitor General replied that the Commission has power to consider monopolistic practices under its power to determine what is in the public interest, and cited the legislative history of the Act in support of his contention.

Charles E. Hughes, Jr., representing CBS, argued that the trial court seemed to rely neither on the Commission's rule-making power nor on its licensing power, but rather on the two powers together. These two powers are separate and distinct, Mr. Hughes declared, and a decision based upon a loose integration of the two in order to support the Commission's authority is not a valid basis for affirmance of the regulations.

Mr. Justice Jackson, referring to Section 303(i), which empowers the Commission "to make special regulations applicable to radio stations engaged in chain broadcasting," asked: "What does Section 303(i) refer to unless it refers to relations between radio stations and network chains?"

"If you read 303(i) alone," Mr. Hughes replied, "the question is raised 'special regulations as to what?' The Commission has authority to make a wide variety of general regulations. The only conclusion is that that power means regulations of the same general type as authorized elsewhere in the Act but applicable only to chain stations rather than being applicable generally. The Government's construction of the Act that this section means something completely dissimliar from other associated provisions of the Act is offensive to all recognized rules of statutory construction."

As to the validity of the regulations under the Commission's licensing power, Mr. Hughes argued that it was beyond the authority of the Commission to follow such inflexible rules as to selection between applicants for facilities. The licensing power, he maintained, was given for the sole purpose of selecting the most competent operators in view of the physical limitations on radio service, and was not intended to be used as a threat to force stations to comply with the Commission's views as to how the business of broadcasting was to be conducted.

Mr. Justice Frankfurter asked if it would make any difference if the Commission came to the same conclusion on similar facts in an individual case. "Yes, a great difference," Mr. Hughes replied. "Whether these competitive facts can be considered in individual applications need not be decided here, but there can be no single controlling test as the one contained in these regulations."

Mr. Fahy, again arguing for the FCC in the CBS case, stressed the point that if the Commission can consider competition in individual cases, it must have the power to promulgate general regulations on the basis of its experience in passing on individual cases. Such a general rule is beneficial both to the administration of the Act and to the radio industry, he maintained, for the stations will know in advance what the Commission's policy will be with regard to license applications.

Louis G. Caldwell, representing MBS, maintained that the obvious purpose of the Radio Act of 1927 and the Communications Act of 1934 was to guard against monopolis, chiefly the development of chains driving out local programs and controlling local stations. He argued that under the regulations the networks could still obtain options and engage in chain broadcasting, but that they could not keep new networks out of the majority of the cities in the country.

Both NBC and CBS presented motions at the outset seeking a stay of the operation of the regulations for ten days after the court's decision in the event the case should be decided in favor of the Commission. The motions were unopposed. It is expected that the decision of the court will be handed down late next month or early in April. Conclusion of the argument marks the final opportunity in court for NBC and CBS to overthrow the regulations, unless the Supreme Court remands the cases to the statutory three-judge court for trial on the merits.

FREE TIME AND PER INQUIRY

Newby, Peron and Flitcraft Advertising Co., Chicago, is soliciting broadcasting stations with a deal for the "Parfax Gas Booster" on a per-inquiry basis.

The United Advertising Companies, Inc., Chicago, again joins the P-I caravan, this time in the interests of a client selling drinking glasses, and another offering "Money Belts."

Union Fork and Hoe Company, Columbus, Ohio, is attempting to "favor" the broadcasting industry by giving them the privilege of donating free time, as a service to the nation's Victory Gardeners, to promote the company's manual on tool repairs.

All of these companies should be informed by the stations that these methods of advertising are unethical and business will be accepted only on a standard card-rate basis.

CHARLES KAHLER

Any station desiring information about Charles Kahler, alias Dale Tyler, Charles Bennett or Ben Mason should communicate with the NAB. He has been on the Pacific Coast.

PRICE PRAISES RADIO

In a letter to Vice-President Wallace and Speaker Rayburn this week, Byron Price, Director of Censorship, praised the cooperation of the broadcasting industry with his office.

He said that "the entire group of large and small broadcasters have cooperated magnificently in this voluntary enveavor."

CODE MANUAL

New pages for substitution in the Code Manual were mailed to member stations on Tuesday of this week. Extra sets of these new pages may be obtained on request to the Secretary of the Code Compliance Committee at NAB Headquarters, Washington, D. C.

WBAP AND KGKO JOBBERS COOPERATE

WBAP and KGKO, Fort Worth, and radio jobbers of same city cooperated in bringing information and instruction concerning occupational deferment of radio servicemen to the service fraternity.

The stations paid for the printing of the material and the jobbers did the mailing. "A good mutual proposition," said R. C. Stinson, technical supervisor. "Jobbers and servicemen both appreciated it."

N. Y. C. JOBBER TELLS SERVICEMEN

H. L. Dalis, Inc., radio parts jobber, New York City, next week will mail 1,500 copies of the procedure to be followed by self-employed radio servicemen or their employers in handling deferment cases. The mailing covers firms in metropolitan New York including southern Connecticut and northern Jersey.

WALL MAINTENANCE PROGRAM

WALL, Middletown, N. Y., has scheduled a 3 p. m. Sunday program featuring Joe Gibbons, local radio technician. Joe gives radio set maintenance hints and is supported with excellent amateur talent. Show is titled "Keep Listening."

TRADE PAPER PROMOTES SERVICE

Alex H. Kolbe, managing director, Radio & Television Journal, has launched a promotion to the trade in furtherance of keeping radios in first-class operating condition. He has distributed thousands of two color window posters among dealers and servicemen.

Top display reads: "Don't Let Your Radio Die!" Then follows: "If your radio is not in first-class condition, have our service department take care of it at once . . . and keep it so for the duration."

FEDERAL LEGISLATION

SENATE

S. 569 (Capper, R-Kans.) LIQUOR ADVERTISING—To prohibit the transportation in interstate commerce of advertisements of alcoholic beverages, and for other purposes. Referred to Committee on Interstate Commerce.

STATE LEGISLATION

ARIZONA:

S. 104 (Minotto) ADVERTISING EXPENSES—CANDIDATES—To exempt from limitations of expenditures by public office candidates the amounts spent for magazine and radio broadcasting.

CALIFORNIA:

A. 1311 (Thurman & Call) ADVERTISING—PHOTOGRAPHY—No person's portrait, name, or picture can be used for advertising or exhibit without obtaining permission from the individual first. Referred to Judiciary Committee.

A. 1824 (Lyons) (For Substitution) FOOD AND DRUGS—To amend Section 26825 and 26826 of the Health and Safety Code, so as to include food. Referred to Committee on Public Health.

IDAHO:

S. 55 (Hanis and Manville) ADVERTISING OF LIQUOR—Amends Section 907, Chapter 222 Idaho Session Laws 1939 prohibiting advertising of spirituous, vinous malt or other alcoholic or intoxicating liquor or beverages and providing an exception. Referred to Committee on State Affairs in Senate, 1/23/43. Passed the Senate, 2/3/43. Referred to Committee on State Affairs in House, 2/5/43. Reported out of Committee without Recommendation, 2/6/43 and recommitted to Committee on State Affairs, 2/8/43.

NORTH CAROLINA:

H. 373 (Hatch et al) LIBEL AND SLANDER—RADIO STATIONS—Partially safeguarding radio stations from libel and slander suits. Referred to Committee on Judiciary.

NORTH DAKOTA:

HCR R (Dahlen & Forseth) RADIOS ON FARMS—Memorializing U. S. Congress to lift restrictions on batteries for radios on farms. Referred to Committee on Federal Relations.

SOUTH DAKOTA:

H. 163 (Hyde) LIBEL—POLITICS—Relating to the writing, printing, or circulating through the mails. or otherwise, of letter, circular, bill, placard, or poster, relating to any election or candidate at any election, without showing source and authorship; false statements in such letter, circular, bill, placard or poster; what constitutes political criminal libel.

TEXAS:

H. 290 (Knight) RADIO—ELECTION CAMPAIGNING—Providing that any representative, etc., of any radio station who sells, leases, or gives an option on any radio time or services for any purpose designed to advance or defeat the candidacy of any person for State office, must make a report within three (3) days to the Secretary of State, etc. Referred to Committee on State Affairs.

WASHINGTON:

HJM 8 (Behm) ALCOHOLIC BEVERAGES—ADVERTISING—To prohibit circulation in interstate commerce and on the radio of advertising of alcoholic beverages. Referred to Committee on Memorials.

S. 205 (Marsh) COPYRIGHTS—GROSS SALES—Repeals chapter 218, laws of 1937. Relates to use of copyrights and public performance rights of musical compositions. It leaves a three per cent tax on gross receipts of sales.

916 STATIONS

During the month of January, 1943, the Federal Communications Commission issued operating license to one station, and one station was deleted. A comparative table by month follows:

	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1
Operating	891	893	897	899	906	906	905	905	907	909	908	909	909
Construction ...	32	31	27	25	18	19	16	15	12	10	10	8	7
	923	924	924	924	924	925	921	920	919	919	918	917	916

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, February 22. They are subject to change.

Tuesday, February 23

WBNY—Roy L. Albertson, Buffalo, N. Y.—Modification of license, **680 kc.,** 250 watts, unlimited.

Thursday, February 25

WORK—York Broadcasting Company, York, Pa.—Modification of C. P., **1350 kc.,** 1 KW, DA-night, unlimited.

Further Consolidated Hearing

WALB—Herald Publishing Company, Albany, Ga.—Renewal of license, **1590 kc.,** 1 KW, DA-night, unlimited.

WALB—Herald Publishing Co. (Assignor), Albany Herald Broadcasting Co. (Assignee), Albany, Ga.—Voluntary assignment of license Station WALB, **1590 kc.,** 1 KW, DA-night, unlimited.

WALB—Herald Publishing Co., Albany, Ga.—C. P., **1550 kc.,** 1 KW, DA-night, unlimited.

Friday, February 26

W55NY—William G. H. Finch, New York, N. Y.—Modification of C. P., **45500 kc.,** 8,500 sq. miles, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WOOD—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Granted modification of license to change hours of operation from sharing WASH to unlimited with facilities of WASH (B2-ML-1152).

KTBC—A. W. Walker, Jr., R. B. Anderson, and R. A. Stuart, Transferors, and (Mrs.) Claudia T. Johnson, Transferee, Austin, Texas.—Granted transfer of control (B3-TC-316) of State Capital Broadcasting Association, Inc., licensee of station KTBC, from A. W. Walker, Jr., R. B. Anderson and R. A. Stuart to Claudia T. Johnson, for a consideration of $17,500 in cash.

WORK—York Broadcasting Co., York, Pa.—Granted petition for reconsideration of Commission's action of July 7, 1942, designating for hearing application for modification of construction permit (B2-MP-1560), to install new transmitter, and granted said application.

DESIGNATED FOR HEARING

KRBA—Ben T. Wilson, R. A. Corbett and Thomas W. Baker, co-partners, d/b as Red Lands Broadcasting Corp., Lufkin, Texas.—Designated for hearing application (B3-R-962) for renewal of license.

KRBA—Ben T. Wilson, R. A. Corbett and Thomas W. Baker, co-partners, d/b as Red Lands Broadcasting Association (Assignor), Darrell E. Yates (Assignee), Lufkin, Texas.—Designated for hearing application (B3-AL-355) for voluntary assignment of license from Ben T. Wilson, R. A. Corbett and Thomas W. Baker, etc. (Assignor), to Darrell E. Yates (Assignee).

MISCELLANEOUS

KQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted petition for a 30-day continuance of the hearing set for February 15, 1943, on application for modification of license to operate on **1470 kc.,** with 1 KW day, 500 watts night, unlimited time; hearing continued to March 15, 1943 (Docket No. 6166).

The Liberty Life Insurance Co., Portable Mobile, Area of Columbia, S. C.—Granted modification of license of relay station to change name of licensee from The Liberty Life Insurance Co. to Surety Life Insurance Co. (B3-MLRE-110).

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-1489).

WEGO—Wayne M. Nelson, Concord, N. C.—Granted modification of construction permit as modified, for new broadcast station, for extension of completion date from February 9 to March 9, 1943 (B3-MP-1697).

WBAL—Hearst Radio, Inc., Baltimore, Md.—Approved cancellation of Special Service Authorization expiring April 1, 1944, upon request of applicant.

APPLICATIONS FILED AT FCC

570 Kilocycles

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Modification of construction permit (B2-P-2547 as modified.

which authorized increase in power, installation of new transmitter and directional antenna for night use, and change hours of operation) for extension of completion date from 3-1-43 to 4-1-43.

600 Kilocycles

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Modification of construction permit (B3-P-2814 as modified which authorized installation of new equipment and directional antenna for day and night use, change of frequency, increase in power and move) for extension of completion date from 3-22-43 to 6-22-43.

710 Kilocycles

WFTL—Ralph A. Horton, Fort Lauderdale, Fla.—Modification of construction permit (B3-P-3355 as modified which authorized change in frequency, increase in power, installation of new transmitter and directional antenna for night use, and move of transmitter) for extension of completion date from 3-5-43 to 5-5-43.

930 Kilocycles

WPAT—North Jersey Broadcasting Co., Inc., Paterson, N. J.—Transfer of control of licensee corporation from Frank Falknor and Rex Schepp to Donald Flamm (50 per cent of stock).

1410 Kilocycles

WEGO—Wayne M. Nelson, Concord, N. C.—Modification of construction permit (B3-P-3007 as modified which authorized new broadcast station) for extension of completion date from 2-9-43 to 3-9-43.

1490 Kilocycles

WSAP—Portsmouth Radio Corp., Portsmouth, Va.—License to cover construction permit (B2-P-3097 as modified) for a new broadcast station.

WSAP—Portsmouth Radio Corp., Portsmouth, Va.—Authority to determine operating power by direct measurement of antenna power.

WOSH—Howard H. Wilson, Oshkosh, Wis.—Voluntary assignment of license from Howard H. Wilson to Oshkosh Broadcasting Company.

MISCELLANEOUS APPLICATIONS

KEJK—National Broadcasting Co., Inc., Portable-Mobile, Area San Francisco, Calif.—Construction permit to install new transmitter.

KNBC—National Broadcasting Co., Inc., Portable-Mobile, Area San Francisco, Calif.—Construction permit to install new transmitter and reduce power from 100 watts to 75 watts.

NEW—The Crosley Corporation, Mason, Ohio.—Construction permit for a new International Broadcast Station. Frequencies **6080, 9590, 11710, 15250, 17800** and **21650.** Power: 200 kilowatts. Emission: A3.

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FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Bausch & Lomb Optical Co., Rochester, N. Y., is charged in a complaint with misrepresenting the superiority of the Orthogon type of spectacle lenses it manufactures for resale by dealers, opticians and optometrists. (4903)

Conway Tailors—Use of lottery methods in the sale of men's clothing is alleged in a complaint issued against Ben Cottonbrock, trading as Conway Tailors, 434 Elm St., Cincinnati. (4910)

Freedom Chemical Co., Inc.—Misrepresentation of the quality and performance of a so-called anti-freeze solution designated "60 Below" is alleged in a complaint issued against Freedom Chemical Co., Inc., 815 Superior Ave., East, Cleveland, Ohio. The preparation is sold by the respondent to jobbers, garages and service stations for resale to the public and is advertised in newspapers, trade journals, pamphlets and circular letters. (4905)

Hollywood Film Studios, 7021 Santa Monica Boulevard, Hollywood, is charged in a complaint with misrepresenting the quality of photographic enlargements he sells and the terms on which they may be obtained. (4902)

Master Laboratories, Inc., 27th and N Streets, Omaha, Nebr., compounding and selling hog and poultry medicinal preparations designated "Master Liquid Hog Medicine," "One-Shot Hog Wormer," "Master Floresine," "Master Fluid," "Master Liquid Poultry Medicine," and "Masterol" recommended for use in the prevention of and treatment for various hog and poultry diseases and ailments, are charged in a complaint with misrepresentation. (4908)

H. L. Robinson Company—A complaint has been issued charging Hubert L. Robinson, trading as H. L. Robinson Co., 1447 Northwest Sandy Blvd., Portland, Oreg., with concealing the true terms or conditions under which he sells or leases the Neon display signs he manufactures. (4906)

Superior Hatchery, Windsor, Mo., engaged in the hatchery business and in the sale of chickens and baby chicks, is charged in a complaint with misrepresentation. (4909)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

STIPULATION

During the past week the Commission has announced the following stipulation:

Allied Laboratories, Inc., also trading as Pitman-Moore Co., Indianapolis, has entered into a stipulation to cease and desist from misleading advertising in connection with the sale of biological products used in the treatment of diseases of domestic animals. (3608)

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N STREET, N. W. WASHINGTON, D. C. Vol. 11, No. 9, February 26, 1943

48-HOUR WEEK

The War Manpower Commission will consider the possibility of issuing a directive about radio to its local enforcement officials and to local draft boards relative to the 48-hour week to take effect in 32 "critical" labor shortage areas before March 31.

Meantime, the NAB is making a study of working schedules in representative stations in several of the 32 areas to present to the WMC. The NAB believes that this study will show that an increase in present schedules would in few, if any, instances help to relieve the manpower shortage.

The NAB Labor Executive and Wage and Hour Committees, at a joint meeting February 23, heard a representative of the WMC explain the dual purpose of the 48-hour week order:

(1) To release men to war industries.

(2) To obviate the necessity for hiring more men.

The order is to be enforced locally. In all cases, the employer will be called upon to justify not going to a 48-hour week. To do this, he will be asked to explain in detail why the two purposes of the order (stated above) would not be served by increasing schedules to 48 hours.

Rules and regulations for enforcement of the order have not yet been made public.

SMALL STATIONS

At a press conference early this week FCC chairman James Lawrence Fly said that he will see that the financial statement of broadcast stations for 1942 will be made public. In this connection the chairman said, "As you know the material has come in from week to week more recently in driblets and I am rather convinced that before we get out any definite statement we will consider the regular annual reports. They will be in very shortly now and they will give us a very comprehensive coverage of the whole problem, and I think that the financial figures which we make up will be based on the regular financial reports of the stations." He explained this because it had been thought at one time that a preliminary report would take care of early needs. Mr. Fly said that the stations' annual reports are generally all in by March 15.

Referring still to the financial reports the chairman was told that there seems to be an idea among some advertisers that the financial plight of some of the small stations is not particularly a war problem—that they have been in financial straights for some time. Mr. Fly said that he did not believe that that "is quite accurate."

CONGRESSIONAL COMMITTEES

The membership of the Congressional committees to which bills affecting radio broadcasting are referred are listed on page 88 of this issue. For convenient reference, the various members are also listed by States within the NAB Districts.

GAS COUPONS

Effective February 24, workers in any industry are made eligible by OPA for additional mileage over and above the limit allowed on Class B coupon books. The additional mileage is ONLY for driving between home and a FIXED place or places of work in connection with the principal occupation of the individual.

The procedure is to apply to the local War Price and Rationing Board under Section 1394.7707(a) of the Gasoline Regulations as amended by Amendment 23 to Ration Order 5C.

Paragraph (b) of that section provides that an applicant for such additional mileage must establish "by clear and convincing proof" that: (1) such driving is between home and a fixed place or places of work, in connection with the principal occupation of the applicant or the person entitled to the use of the vehicle, (2) a bona fide ride-sharing arrangement has been made pursuant to which at least four persons (including the operator) are regularly carried in the vehicle for the purpose of going to and from their occupations, or that no such ride-sharing arrangement exists but that the vehicle carries as many persons as could reasonably be expected under the circumstances, and (3) there are no reasonably adequate alternative means of transportation.

If the local Rationing Board recommends allowance of additional mileage, it forwards the application to the "State Director" for final decision. The State Director is the person appointed by the Regional Administrator to decide appeals from the decisions of local rationing boards in a given area. Any person may appeal to the Regional Administrator from an adverse decision of the State Director, pursuant to Procedural Regulation No. 9.

GAS FOR REMOTES

An amendment to the Gasoline Regulations to allow "preferred mileage" for radio engineers and technicians on temporary remotes may be expected any day, NAB is unofficially informed. Network engineers and Washington, D. C., station men met on January 29 with Richard C. Harrison, OPA Chief of Eligibility, Gasoline Rationing. Strong pleas for relief were made, the actual equipment that may be involved was exhibited, and supporting data was filed.

Present were: Ken Berkeley, WMAL; Burton Harkins, WOR; Clyde Hunt, WJSV; George McElrath, NBC; George Milne, Blue; and Russell P. Place, NAB Counsel.

FILE PD-1A'S LOCALLY

Another long step in the decentralization of War Production Board activities was made public today, when Chairman Donald M. Nelson announced a new WPB administrative order which directs that, after March 1, applications for priority assistance on Form PD-1A be filed with the nearest of the 131 WPB district offices.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Lewis H. Avery, *Director of Broadcast Advertising;* Howard Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Arthur C. Stringer, *Director of Promotion.*

STRESS MATTER OF APPEAL IN CONTACTS WITH RADIO REPAIRMEN

A meeting of St. Louis radio repairmen in the studios of KMOX has been scheduled by Harry Harvey, chief engineer. The NAB folio on Selective Service Occupational Bulletin No. 42 will be distributed.

At such meetings the matter of appeal should be discussed thoroughly because all local board members previously may not have given thought to the importance of maintaining broadcast service.

It is simple, however, to appeal the findings of the local board: Perhaps the simplest way is to write a letter to the local board, stating that you wish to appeal the classification to the Board of Appeals.

Another way is to go to the local board and sign the appeal form on the back of the registrants questionnaire. Ten days from date of mailing of notice of classification are allowed to make appeal. Also, it should be pointed out to radio servicemen that they must use the term radio repairman to indicate their business, because this is the language of occupational Bulletin No. 42.

IS THIS BELIEF CORRECT?

Radio Station WOW believes it carries the oldest non-denominational Sunday church service of any radio station in America. It is called "The World Radio Congregation" and has been on the air every Sunday, without a single interruption, since April 8, 1923. Rev. R. R. Brown is its pastor.

Has any station anywhere broadcast an identical type of program over a longer period? Write NAB.

CLARIFICATION OF MERCHANT MARINE TERMS

Such terms as "Merchant Marine," "United States Maritime Service" and the "United States Maritime Commission" are frequently manhandled on radio programs and in the press.

UNITED STATES MERCHANT MARINE is the over-all term which includes commercial vessels of all kinds and the personnel who operate and man them. It is never "The Marines," "The Coast Guard" or "The Navy." These ships are manned by officers of the Merchant Marine and seamen who are called *merchant seamen.* Term like "merchant marines" should never be used.

UNITED STATES MARITIME COMMISSION, established by an Act of Congress in 1936 as a separate federal agency, is composed of five commissioners appointed by the President. Its purpose is to foster the development and encourage the maintenance of a merchant marine, described above. It is a permanent agency whose war job is the construction of a cargo fleet—the Victory Fleet. During the war its peacetime operating function is assumed by the War Shipping Administration. Post-war job is to restore and maintain the peacetime merchant marine.

WAR SHIPPING ADMINISTRATION, established in February 1942 by the President, assumes (for the duration of the war plus six months) the functions, duties and powers of the United States Maritime Commission with respect to the operation, purchase, charter, insurance, repair, maintenance and requisition of merchant cargo vessels. The War Shipping Administration is also charged with the operation of the Division of Training which is composed of two principal branches:

(1) UNITED STATES MERCHANT MARINE CADET CORPS. Here young men without sea experience are trained to become officers.

(2) UNITED STATES MARITIME SERVICE. Here young men are trained to become seamen. Also the service gives refresher courses to experienced seamen to become officers.

BRINGING IN THE SETS

Listeners of the following stations also have received advice to take radio sets needing repairs to the servicemen:

KGIW—Alamosa; WNBF—Binghamton; WHFC—Cicero; WOSU—Columbus, Ohio; WDAY—Fargo; WFIN—Findlay; WEBQ—Harrisburg, Ill.; KOMA—Oklahoma City; KVOE—Santa Ana; KRRV—Sherman; WDZ—Tuscola, and WJSV—Washington, D. C.

FM AND TELEVISION

Because of extreme shortages in material, equipment and skilled personnel, and in order to sustain the interest in television and high frequency (FM) broadcasting, the FCC has adopted the following policies:

FM Broadcasting Stations

The Commission will not dismiss or deny any FM applications which cannot qualify under the provisions of the Memorandum Opinion of April 27, 1942 (freeze order), for construction permits or for modification of construction permits requesting extension of the periods of construction. Instead, the Commission will take no action at this time upon such applications but will retain them in the pending file. Applicants for construction permits whose applications were surrendered or dismissed pursuant to the Memorandum Opinion of April 27, 1942, may request reinstatement of their applications.

This policy is in addition to the policy announced August 4, 1942, which provided for the issuance of licenses for high frequency (FM) broadcast stations during the war provided construction had reached a point where substantial service could be rendered.

Television

Holders of construction permits for television stations, experimental and commercial, may obtain licenses during the war to operate existing facilities on either an experimental or commercial basis, provided construction has reached a point where the station is capable of rendering a substantial service. Licenses issued under this policy will be subject to the condition that construction will be completed in accordance with the Rules, Regulations and Standards of the Federal Communications Commission as soon as the necessary materials and engineering personnel become available.

The Commission also decided to continue its policy of not dismissing or denying television applications which cannot qualify under the provisions of the Memorandum Opinion of April 27, 1942. Instead, no action will be taken at this time upon such applications and they will be held in the pending file. Applicants for construction permits for television stations whose construction permits have been surrendered or dismissed pursuant to the freeze order may request reinstatement of their applications.

COX COMMITTEE COUNSEL

The House Committee headed by Edward E. Cox (D-Ga) to conduct the investigation of the Federal Communications Commission pursuant to the Cox Resolution, announces the engagement of Honorable Eugene L. Garey, senior member of Garey, Desvernine and Garey, New York City, as its counsel.

"Mr. Garey is an eminent lawyer of great ability and high standing," said a Committee spokesman, "and will do his work without prejudice or predilection and with the single purpose of constructive service in the public interest. The Committee deems itself fortunate in having Mr. Garey connected with the investigation."

Mr. Garey, 51 years old, was born in Chicago and educated and practiced in Illinois for some years. He has been engaged in the practice of law in New York for the past quarter of a century. He is a member of the Committee on Administrative Law of the American Bar Association which collaborated in drafting the Walter-Logan bill. His office is at 63 Wall Street, New York.

Radio Bills in Congress

Radio Advertising

Three Bills would prohibit the advertising of alcoholic beverages by radio.

Senator Johnson (D-Colo.) introduced S. 682, which provides criminal penalties and loss of station license for broadcasting advertising or information concerning any alcoholic beverage, if the broadcast is received or receivable by means of any ordinary receiving set in any State of the United States or any Canadian Province at any time when the broadcasting of similar advertising by a radio station located in such State or Province is prohibited by the laws or regulations of such State or Province. This is identical with his bill (S. 517) introduced in the 77th Congress, which died in Committee, no hearings having been held. In the 76th Congress, his first bill (also S. 517) was favorably reported out, but action was spiked when Senator Clark of Missouri threatened on the floor to introduce the anti-lynching amendment if the bill was brought up. The present bill was referred to the Senate Committee on Interstate Commerce. NAB has written Chairman Wheeler, asking to be advised if public hearings are held; no reply has been received as yet.

Senator Capper (R-Kans.) put in a bill (S. 569) making it unlawful to broadcast any advertisement of alcoholic beverages (Sec. 4) and imposing criminal penalties for violation. The bill would also bar the transportation in interstate commerce of any kind of liquor. No word has been received from Senator Wheeler as to hearings.

Representative Culkin (R-N. Y.) last week introduced H. R. 1924, to the same effect as Sec. 4 of the Capper Bill. It was referred to the House Committee on Interstate and Foreign Commerce. NAB has written Chairman Lea, asking to be notified of public hearings if scheduled.

Copyright

H. R. 80 introduced by Rep. Keogh (D-N. Y.), would amend Sec. 25 of the Copyright Act. In general, it limits the liability of broadcasters for innocent infringements and would be beneficial to radio. At the present time no hearings whatever are contemplated on the bill by the House Committee on Patents.

Rep. Scott (D-Penna) put in two bills to amend the Copyright Act. H. R. 1571 would make the rendition of musical compositions on coin-operated machines a public performance for profit, even though no admission fee is charged. H. R. 1570 would give the recording artist copyright in the recorded renditions of his work; this bill parallels the Sachs Bill in the 77th Congress and the McGranery Bill in the 76th Congress, both of which were NAPA inspired, and is decidedly unfavorable to radio. Hearings have never been scheduled on similar bills, and it is believed there will be no hearings or action on the Scott Bill at this session.

"Executive E," providing for adherence to the Berne International Copyright Convention, remains in the Senate Foreign Relations Committee. Strongly backed by the State Department and vigorously opposed by NAB and all other users of copyright at the 1st session of the 77th Congress, no report has yet been made by the Committee.

Communications

The Holmes Bill (H. R. 1490) amends the Communications Act and is like the Sanders Bill (H. R. 5497, 77th Cong.), which NAB supported last spring.

Rep. Marcontonio (Am. Labor-N. Y.) introduced H. R. 1562 to amend Sec. 310(a) of the Communications Act. It would tighten up the requirements against foreign ownership or control of radio stations, and seems unobjectionable.

The Cox Resolution (H. Res. 21) passed the House, and the investigation of the FCC by a select committee is expected to begin late in March or early in April. A resolution introduced by Rep. Sparkman (D-Ala.), H. Res. 55, calling for an investigation of the FCC and the broadcasting industry, has been referred to the Committee on Rules. Chairman Sabbath has indicated that no hearings will take place, in view of the Cox Resolution.

Daylight-Saving Time

H. Con. Res. 9, by Rep. Brehm (R-Ohio), and H. Con. Res. 10 by Rep. Cole (R-Mo.), would both repeal the War Time Act of January 20, 1942. Hearings have not yet been scheduled.

A. F. of M.

Sen. Clark of Idaho reintroduced his bill amending the Clayton Act to make it unlawful to refuse to make recordings if a purpose or effect "of the contract, agreement, conspiracy or combination" is to limit or curtail the supply or use of records or transcriptions by radio stations or juke boxes. Such contracts, etc., would not be unlawful if based on a dispute concerning compensation, hours, health, safety, or conditions of employment. The amendment would remain in effect for the duration of the war plus six months, unless sooner repealed. Senator Clark is chairman of the committee investigating the A. F. of M. recording ban.

Administrative Law

Rep. Celler (D-N. Y.) has introduced H. R. 816 to revise the administrative procedure of Federal agencies. It would establish the Office of Federal Administrative Procedure, provide for hearing commissioners, and authorize declaratory rulings by administrative agencies. The measure is identical with the recommendations of the majority of the Attorney General's Committee on Administrative Procedure made in 1941 (See Senate Document No. 8, 77th Cong., 1st Sess.).

FEDERAL LEGISLATION

HOUSE

H. R. 1924 (Culkin, R-N. Y.) LIQUOR ADVERTISING—To prohibit the advertising of alcoholic beverages by radio, and for other purposes. Referred to Committee on Interstate and Foreign Commerce.

STATE LEGISLATION

MISSOURI:

H. 243 (Gill et al) LIQUOR ADVERTISING—Enacting a new section to the revised statutes regarding liquor advertising.

NEW YORK:

S. 873 (Farrell) (Same as A. 964) RADIO BROADCAST—TAX—Imposes tax of 10 cents on each person over 14 years attending as spectator, radio broadcast show or exhibition in radio station or theatre, except show to encourage sale of U. S. war bonds where admission is contingent on their purchase; exempts firemen, police and peace officers assigned to attend and representatives of press. Referred to Committee on Taxation.

WEST VIRGINIA:

H. 281 (Knight) PUNITIVE DAMAGES—LIBEL—Prohibiting recovery of punitive damages for libel if retraction is published, unless malicious premeditation is shown. Referred to Committee on Judiciary.

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* Indicates new members on Committee.

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WEST VIRGINIA

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HOUSE:

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Malcolm C. Tarver (D), Dalton, Appropriations

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Wilbur D. Mills (D), Keasett, Ways and Means
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HOUSE:

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SENATE:

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HOUSE:

Karl Stefan (R), Norfolk, Appropriations

DISTRICT 11

MICHIGAN

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HOUSE:

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John D. Dingell (D), Detroit, Ways and Means
Louis C. Rabaut (D), Grosse Pointe Park, Appropriations
Roy O. Woodruff (R), Bay City, Ways and Means
Albert J. Engel (R), Muskegon, Appropriations

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SENATE:

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SENATE:

Gerald P. Nye (R), Cooperstown, Foreign Relations

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HOUSE:

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HOUSE:

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Frank B. Keefe (R), Oshkosh, Appropriations

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KANSAS

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Jed Johnson (D), Anadarko, Appropriations

DISTRICT 13

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WYOMING

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NEVADA

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SENATE:

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FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, March 1st. They are subject to change.

Monday, March 1

Broadcast

KMTR Radio Corporation, Los Angeles, Calif.—Renewal of license, **570 kc.**, 1 KW, unlimited.

Further Hearing

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Renewal of license (main and auxiliary), **1520 kc.**, 50 KW, unlimited, DA-day and night.

WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Renewal of license (main and auxiliary), **550 kc.**, 1 KW night, 5 KW day, unlimited, DA-night.

Tuesday, March 2

WLAN—Thomas J. Watson, Endicott, N. Y.—Modification of C. P., **1450 kc.**, 250 watts, unlimited.

Thursday, March 4

NEW—Chattahoochee Broadcasting Co., Columbus, Ga.—C. P., **1450 kc.**, 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KIDO—Frank L. Hill, as surviving co-partner of Hill and Phillips, co-partners, and Georgia Phillips, Executrix of the Estate of C. G. Phillips, deceased (assignors), and Georgia Phillips, d/b as Boise Broadcast Station (assignee), Boise, Idaho.—Granted consent to assignment of license of station KIDO from Frank L. Hill, as surviving co-partner of Hill and Phillips, co-partners, and Georgia Phillips, Executrix of the Estate of C. G. Phillips, deceased, to Georgia Phillips, d/b as Boise Broadcast Station (B5-AL-351).

KORE—Frank L. Hill, as surviving co-partner of Hill and Phillips, co-partners, and Georgia Phillips, Executrix of the Estate of C. G. Phillips, deceased (assignors), and Frank L. Hill and Violet G. Hill, co-partners, d/b as Eugene Broadcast Station (assignees), Eugene, Ore.—Granted consent to assignment of license of Station KORE, from Frank L. Hill, as surviving co-partner of Hill and Phillips, co-partners, and Georgia Phillips, Executrix of the Estate of C. G. Phillips, deceased, to Frank L. Hill and Violet G. Hill, co-partners, d/b as Eugene Broadcast Station (B5-AL-350).

Evangelistic Mission, Pontiac, Mich.—Granted authority to transmit programs from Pontiac, Mich., to Canadian Station CKLW, Windsor, Canada (B2-EP-107).

W47NY—Muzak Radio Broadcasting Station, Inc., New York City.—Granted modification (B1-MPH-112) of construction permit (B1-PH-48) for new FM station, to extend completion date to February 4, 1943. Also granted license (B1-LH-31) for FM broadcast station to use **44700 kc.**, with service area of 8,500 square miles, subject to condition that licensee will take steps to comply fully with the Rules and Regulations, and Standards of the Commission when materials and personnel become available or when required by the Commission to do so.

W51C—Zenith Radio Corp., Chicago, Ill.—Granted extension of time within which to submit field intensity measurements required by Sec. 3.229 of the Rules.

LICENSE RENEWALS

Licenses for the following stations were further extended on a temporary basis only, pending determination upon application for renewal of license, for the period ending April 1, 1943:

KBST, Big Springs, Texas; KCMC, Texarkana, Texas; KCRJ, Jerome, Ariz.; KFMB, San Diego; KGGF, Coffeyville, Kans.; KGKL, San Angelo, Texas; KIEM, Eureka, Calif.; KPLT, Paris, Tex.; KRBC, Abilene, Texas; KRLH, Midland, Texas; KVGB, Great Bend, Kans.; KXL, Portland, Ore.; WBBZ, Ponca City, Okla.; WBNX, New York; WBRW, Welch, W. Va.; WCBT, Roanoke Rapids, N. C.; WEDC, Chicago; WFCI, Pawtucket, R. I.; WFTC, Kinston, N. C.; WHOM and auxiliary, Jersey City; WING, Dayton; WJBK, New Orleans; WNBZ, Saranac Lake, N. Y.; WOCB, near Hyannis, Mass.; WSYB, Rutland, Vt.; WTEL, Philadelphia; WTRC, Elkhart, Ind.

KGFW—Central Neb. Broadcasting Corp., Kearney, Neb.—Granted renewal of license for the period ending June 1, 1943.

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Granted renewal of license for the period ending April 1, 1944.

WLOF—Hazlewood, Inc., Orlando, Fla.—Granted renewal of license for the period ending February 1, 1945.

KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Granted renewal of license for the period ending April 1, 1945.

WNBT—National Broadcasting Co., Inc., New York City.—Granted renewal of license for the period ending February 1, 1944.

W2XWE—WOKO, Inc., Albany, N. Y.—License for facsimile broadcast station was extended upon a temporary basis only, pending receipt of and action on application for renewal, for the period ending April 1, 1943.

W9XWT—Courier-Journal and Louisville Times Co., Louisville, Ky.—License for facsimile broadcast station was extended upon a temporary basis only, pending receipt of and action on application for renewal, for the period ending April 1, 1943.

W8XUM—WBNS, Inc., Columbus, Ohio.—License for facsimile broadcast station was extended upon a temporary basis only, pending receipt of and action on application for renewal, for the period ending April 1, 1943.

W9XBT—Balaban and Katz Corp., Chicago, Ill.—Present experimental television broadcast station license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending April 1, 1943.

W9XUI—State Univ. of Iowa, Iowa City, Iowa.—Present experimental television broadcast station license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending April 1, 1943.

KWKH—International Broadcasting Corp., Shreveport, La.—Granted renewal of license for station KWKH on a regular basis, **1130 kc.**, 50 KW, using DA at night (B3-R-452).

WRUL—World Wide Broadcasting Corp., Boston, Mass.—Granted renewal of international broadcast station license (B1-RIB-12).

W5XAU—WKY Radiophone Co., Oklahoma City, Okla.—Present high frequency broadcast station license further extended upon a temporary basis pending determination upon application for renewal of license, for the period ending April 1, 1943.

W9XLA—KLZ Broadcasting Co., Denver, Colo.—Present high frequency broadcast station license further extended upon a temporary basis pending determination upon application for renewal of license, for the period ending April 1, 1943.

DESIGNATED FOR HEARING

KGNC—Plains Radio Broadcasting Co., Amarillo, Texas.—Designated for hearing application (B3-ML-1151) for modification of license to change frequency from **1440** to **860 kc.**, and decrease nighttime power from 1000 to 500 watts.

FINDINGS OF FACT

The Commission has announced adoption of its Proposed Findings of Fact and Conclusions (B-168), proposing to deny without prejudice the application of Kanawha Valley Broadcasting Co.

(WGKV), Charleston, W. Va., for construction permit to make changes in transmitting equipment and increase power from 100 to 250 watts (Docket No. 6367).

The Commission also announces adoption of its Proposed Findings of Fact and Conclusions (B-167), proposing to deny without prejudice the application of Paducah Broadcasting Co., Inc. (WSON), Henderson, Ky., for modification of construction permit to increase power from 250 watts to 500 watts, daytime only, using the frequency 860 kilocycles, and for authority to make changes in transmitting equipment (Docket No. 6235).

In reaching decision in the above cases, the Commission based its conclusions upon the policy announced in the Memorandum Opinion of April 27, 1942, which specifically refers to the use and not to the acquisition of materials.

MISCELLANEOUS

WORK—York Broadcasting Co., York, Pa.—Dismissed petition to continue hearing scheduled for February 25 on application for modification of license, since Commission granted application on February 16.

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Granted motion to take depositions in re application for construction permit (B5-P-3499).

WWNC—Asheville Citizen-Times Co., Inc., Asheville, N. C.—Granted motion to dismiss without prejudice application (B3-MP-1437) for modification of construction permit to operate on **570 kc.**, 5 KW, DA-night, unlimited.

KARM—KARM, The George Harm Station, Fresno, Calif.—Granted petition to dismiss without prejudice application (B5-ML-1122) for modification of license to operate on **1030 kc.**, 5 KW, DA-day and night, unlimited.

Central Broadcasting Co., Wilkes-Barre, Pa.; Key Broadcasters, Inc., Wilkes-Barre, Pa.; Wilkes-Barre Broadcasting Corp., Wilkes-Barre, Pa.—Denied petitions requesting that proposed findings of fact and conclusions of law as required by Sec. 1.231(d) of the rules in connection with the further hearing ordered by the Commission on September 15, 1942, be waived.

Central Broadcasting Co., Wilkes-Barre, Pa.; Key Broadcasters, Inc., Wilkes-Barre, Pa.; Wilkes-Barre Broadcasting Corp., Wilkes-Barre, Pa.—Granted joint supplemental petition of applicants requesting that proposed findings heretofore filed by them be accepted as complying with the requirements of Sec. 1.231(d) in these proceedings.

WOW—Radio Station WOW, Inc., Omaha, Neb.—Granted authority to determine operating power by direct measurement of antenna power.

W9XMB—The Moody Bible Institute of Chicago, Chicago, Ill.—Granted modification (B4-MPST-12) of construction permit which authorized a new ST broadcast station, for extension of completion date to 5-16-43.

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Granted modification of construction permit which authorized installation of directional antenna for night use and increase in power, for extension of completion date to 4-15-43 (B3-MP-1699).

WEEU—Berks Broadcasting Co., Reading, Pa.—Denied Special Service Authorization to operate from 7 a. m. to sunrise during months of January, February and March, 1943 (B2-SSA-63).

National Broadcasting Co., Inc.—Passed for one week consideration on petition for indefinite continuance of hearing on petition for rehearing filed by National Broadcasting Co., Inc. (KOA), directed against the action of the Commission in granting modification of construction permit to WJW, Inc. (WJW), Akron, Ohio (B2-MP-1662; Docket No. 6485).

KMTR—KMTR Radio Corp., Los Angeles, Calif., and Gloria Dalton (intervenor).—Granted petition for continuance of hearing now set for March 1 to April 15, 1943, on application for renewal of license of KMTR to operate on **570 kc.**, 1 KW, unlimited time, and continued until March 24, 1943, consideration of the request to transfer the hearing to Los Angeles, Calif. (Docket No. 6437).

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted motion for continuance of hearing now scheduled for March 16 to April 19, 1943, on application for renewal of license (Docket No. 6476).

APPLICATIONS FILED AT FCC

560 Kilocycles

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Modification of license to operate unlimited time at site specified in construction permit (B4-P-2827) as modified with 310′ vertical antenna and indirect power measurement. Amended: to omit request for unlimited time.

620 Kilocycles

WKAQ—Radio Corporation of Porto Rico, San Juan, P. R.—Modification of construction permit (B-P-3501 which authorized move of auxiliary transmitter) for extension of completion date from 3-1-43 to 7-26-43.

1010 Kilocycles

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Modification of construction permit (B3-P-3049 as modified which authorized move of transmitter, new transmitter, change in frequency, increase in power, changes in directional antenna for night use) for extension of completion date from 3-13-43 to 6-13-43.

1190 Kilocycles

WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Extension of Special Service Authorization to operate unlimited time for period ending 4-1-44.

1290 Kilocycles

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Modification of construction permit (B3-P-2944 as modified which authorized installation of directional antenna for night use and increase in power) for extension of completion date from 2-15-43 to 4-15-43.

1420 Kilocycles

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Extension of Special Service Authorization to operate on **1010 kc.**, 5 KW night, 10 KW day, directional antenna night, using transmitter as authorized by B3-P-3049 as modified for period ending 12-1-44.

1430 Kilocycles

WBYN—WBYN-Brooklyn, Inc., New York, N. Y.—Special Service Authorization to operate with main studio at 132 W. 43rd St., New York, instead of 1 Nevins St., Brooklyn, N. Y.

TELEVISION APPLICATION

W6XYZ—Television Productions, Inc., Los Angeles, Calif.—Modification of construction permit (B5-PVB-33 as modified, which authorized new experimental television station) for extension of completion date only, from 3-15-43 to 9-15-43.

MISCELLANEOUS APPLICATIONS

KNBC—National Broadcasting Co., Inc., area San Francisco, Calif.—Construction permit to install new transmitter and reduce power from 100 watts to 75 watts. File No. changed from B5-PRE-435 to B5-PRY-290.

W69PH—WCAU Broadcasting Co., Philadelphia, Pa.—Modification of license for reduction of service area pursuant to August 4, 1942, policy and for reduction of input power from 16,000 watts to 6,150 watts.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Book Give-Away Plan, 80 Willoughby St., Brooklyn, selling and distributing books which include a 13-volume set designated the "Family Medical Library" and a 15-volume set designated "Modern Concise Encyclopedia," are charged in a complaint with misrepresentation. (4913)

Bureau of Engraving, Inc., and Art Instruction, Inc., both located at 500 South Fourth St., Minneapolis, are charged in a complaint with misrepresentation. Bureau of Engraving, Inc., is engaged in the commercial printing and engraving of advertising matter. Art Instruction, Inc., is a subsidiary of and was organized by Bureau of Engraving, Inc., which, the complaint charges, controls all the acts and practices of Art Instruction, Inc. (4914)

Dentists' Supply Company—Violation of both the Robinson-Patman and the Federal Trade Commission Acts is alleged in a complaint issued against the Dentists' Supply Company of New York, 220 West 42nd St., New York, said to be the largest manufacturer and distributor of artificial teeth in the United States. Operating factories at York, Pa., and Philadelphia, the respondent corporation's sales constitute approximately 70 percent of the total production of artificial teeth in the United States and its annual net sales are estimated at about $3,000,000. (4915)

Milton Goldenberg, also known as Milton Golden, Natalie Goldenberg, also known as Natalie Golden, and Leonard Goldenberg, also known as Leonard Golden, 2857 Sedgwick Ave., New York, engaged in selling and distributing post cards designed for the use of creditors and collection agencies in obtaining information concerning debtors, are charged in a complaint with misrepresentation. (4907)

Grodin Pen Company—A complaint involving alleged misrepresentation of the quality and price of fountain pens and pen points has been issued against Theodore, Ida, Jack and Fred Grodin, doing business as Grodin Pen Co., Grodin Pen & Pencil Co., and Underwood Pen Co., with their principal place of business at 693 Broadway, New York. The respondents are in the business of assembling fountain pens which they sell at wholesale. (4916)

Howard Hunt Pen Company—Misbranding of fountain pen points is alleged in a complaint issued against C. Howard Hunt Pen Co., Camden, N. J. The respondent corporation is a manufacturer and distributor of stationery supplies, including pen points which it sells to others for use in manufacturing and assembling fountain pens. (4918)

C. F. Lusk Company, 6523 Euclid Ave., Cleveland, selling and distributing a product called "Lusco," used to repair cracks and leaks in radiators and water-cooled motors and for other industrial repair purposes, is charged in a complaint with misrepresentation. (4911)

Standard Chemical Manufacturing Co., 703 South 42nd St., Omaha, Nebr., selling and distributing medicinal preparations, one for livestock and poultry designated "P-O" and one for poultry designated "Standard Poultry Pills," is charged in a complaint with misrepresentation. (4912)

Super-Cold Corp.—A complaint has been issued charging Super-Cold Corp., 1020 West 59th St., Los Angeles, manufacturer of refrigerators and refrigerator display cases, with misrepresenting its own products and disparaging those of certain competitors. The respondent's refrigerators are principally of the type used by merchants for the preservation and display of meat and other food products. (4904)

William H. Wise & Co., 48 West 47th St., New York, and its president, John J. Crawley, are charged in a complaint with misrepresentation in connection with the sale of certain books they publish, including a ten-set volume known as "Universal World History" which they advertise extensively in magazines, newspapers, catalogs, circulars and by other means. (4917)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Donna Kiddie Togs, et al.—Four stipulations have been accepted under which the signers, all engaged in the sale of children's dresses, agree to discontinue use of the word "silk" or words connoting silk to designate a product not composed of silk.

Signers of the stipulations are, respectively, William H. Jacobsen, 201 Plymouth Building, Minneapolis (3612); Alfred Lewis and Abraham Goldman, co-partners trading as Donna Kiddie Togs, 519 Eighth Ave., New York (3613); Samuel Topp, trading as Alpine Children's Dress Co., 519 Eighth Ave., New York (3614); and Charles Edelman, Broad St. and Lehigh Ave., Philadelphia (3615).

Freitag & Sons, Inc., 400 Concord Ave., New York, manufacturer and distributor of buttons, has stipulated to cease and desist, in connection with the advertising of its products, from use of the word "horn" either alone or in connection with the word "genuine" or any other words as descriptive of buttons not made of horn and from use of the word "horn" in any way which may convey the belief that the products are made of horn or composed of the same tough fibrous material of which true horns are composed; from use of the word "ivory" as descriptive of buttons not made of ivory, the dentine of the tusks of large mammals, and from use of the word to describe buttons cut from a type of a nut, a vegetable product, unless in such use the word "ivory" shall be immediately accompanied by the word "vegetable" or other words so as to indicate clearly that the products are not made of ivory; and from use of the words "Official U. S. Army" as descriptive of its buttons so as to imply that the War Department, or any other official agency of the U. S. Government, has approved or endorsed the buttons made by it or that the buttons manufactured by it have been adopted or established by the U. S. Government, or any agency thereof, as the official button or insignia for its armed forces; provided, however, that this shall not be construed to prevent the corporation from representing that its buttons conform with the specifications as approved and used by the U. S. Army, when and if such is the fact. (3610)

Hollywood Liquefier Sales, 4156 Beverly Boulevard, Los Angeles, Calif., selling and distributing a device designated "Hollywood Liquefier" for use in pulverizing and reducing fruits and vegetables and other products to a puree or a semi-liquid condition, has stipulated to cease and desist from certain misrepresentations made in connection with the sale of his product. Among the misrepresentations to be discontinued are that the digestion of man cannot make available to the body the vitamins or mineral salts contained in vegetable cells, that the human alimentary tract is incapable of liberating and assimilating the nutrient contained in fruits or vegetables, that it is necessary that fruits or vegetables be reduced to a semi-liquid or puree in order to be assimilated by the digestive process; that the nutritive substances contained in fruits, vegetables, meats or nuts processed in the Hollywood Liquefier are more easily digested or more quickly assimilated than when such food products are eaten in their customary forms; that the ordinary diet is deficient in vital organic materials contained in fresh fruits or vegetables or that the cells of fruits or vegetables must be broken down by a mechanical device such as the Hollywood liquefier in order that the food elements may be assimilated. (3611)

Walter C. Leute, 54 Day St., New York, selling and distributing luggage, has stipulated to cease and desist from representing as the customary or regular retail prices of his merchandise, prices which are fictitious and in excess of prices at which the merchandise is regularly and customarily sold at retail and from using fictitious price figures on the labels of the merchandise or in pricing sheets pertaining to it; representing that prices at which he actually sells his merchandise constitute a discount to purchasers when in fact they are the usual and customary prices at which it is sold in the normal course of business; representing his business as a wholesale business or that the prices at which he sells his merchandise are wholesale prices, and using or disseminating any so-called discount cards or any similar writing or device purporting to enable the holder to receive a discount or other financial advantage in the purchase of merchandise when the holder does not, in fact, receive such a discount, deduction, or other material financial or trade advantage based upon the actual prices at which the merchandise is customarily sold. (3609)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

D. M. Alachuzos Company, 336 South Fourth St., Philadelphia, selling and distributing sponge and chamois skin products, has been ordered to cease and desist representing that it is a sponge producer and packer. (4051)

Northwest Film Ad Service, Inc., 505 Guardian Building, Portland, Oreg., and its president, Frank D. Atkins, have been ordered to cease and desist from misrepresentation in the sale of films and moving picture trailers used for displaying nationally advertised articles and sold to retail dealers. (4007)

Pasadena Products, Inc., 300 North Lake Ave., Pasadena, Calif., selling and distributing a medicinal preparation designated "Sal-Ro-Cin," has been ordered to cease and desist from disseminating false advertisements of the product in newspapers, over the radio or by other means. (3945)

Pergande Institute—An order issued directs G. F. Pergande, trading as Pergande Institute, Washington, D. C., to cease and desist from misrepresentations concerning the correspondence courses he sells and which are intended to prepare students for examinations for civil service positions in the Government. At the time the complaint was issued Pergande's address was given as 314 Randolph Place, N. E. (4583)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON, D. C. Vol. 11, No. 10, March 5, 1943

48-Hour Week

A full account of the 48-hour week situation, together with the WMC's rules, regulations, etc., will be found on page 108 of this issue.

NAB Board Meets

The Board of Directors held a two-day meeting in New York, Thursday and Friday (February 25-26). All members, except Edwin Craig who was prevented by illness, attended.

Petrillo

The developments in the Petrillo situation were fully discussed. The communication sent by the transcription companies in response to Petrillo's demands was read. (See AFM Bulletin No. 17). The Board decided to assist and cooperate with the transcription companies in any course of action which they determined to take. The majority of the transcription companies being NAB associate members, it was felt that such aid as could be rendered should be offered.

48-Hour Week

Joseph L. Miller, NAB Labor Relations Director, reported upon the joint meeting of the Labor Executive Committee and the Wage and Hour Committee to discuss the 48-hour week. The status of radio stations in the 32 critical areas thus far designated by WMC is uncertain. Mr. Miller reported the results of a conference with representatives of WMC which indicates that ultimately 190 areas will be affected. Any employer in any of these areas who does not go on the 48-hour week will, according to the committee, have to justify his action and show that by so doing he would not release men or obviate the employment of more men.

To determine the application of the rules to various situations a spot check is being made by the Labor and Wage and Hour Committees in certain critical areas and the results of this check will be discussed with WMC. Mr. Miller reported further that it is probable that regional offices of the WMC will be established to administer the regulations.

Batteries and Tubes

The question of batteries and tubes for home sets was discussed. In both of these matters NAB has been working for some time with WPB officials to bring about a solution. Considerable progress in the matter of tubes was reported in the inauguration of the Victory Line. It was further revealed that the battery situation was progressing satisfactorily and action was expected soon.

Legislation

The legislative situation, including the hearing on the Cox Resolution, and the Holmes Bill, was outlined. With respect to the Cox Resolution it was felt that the industry should preserve a neutral attitude, since the subject matter of the inquiry is one between Congress and the FCC, one of its creatures. The Holmes Bill, being identical to the Sanders Bill in the 77th Congress, has been the subject of a full hearing and NAB has presented its testimony and views. Therefore, unless called upon by some committee of Congress to submit further testimony, no action will be taken.

Retail Promotion Plan

Paul Morency, Chairman of the Retail Promotion Committee, reported that the response to the financial campaign while quite satisfactory and having resulted in the pledge of $80,000, needed encouragement from the members of the Board. A resolution commending the committee upon the splendid work thus far done, reaffirming the confidence of the Board in the plan and pledging individual cooperation of each of the Directors to the successful consummation of the project was unanimously adopted.

Radio-War Conference

The Board determined to hold an annual membership meeting in the form of a radio war conference instead of a convention, the conference to be held sometime between April 15 and May 15 in either Chicago or New York. The conference is to be devoid of any entertainment features. Breakfast roundtables, mass meetings and forum discussions are to be arranged.

Membership

The following new members were elected to membership in NAB:

KBUR—Burlington, Iowa; KFUN—Las Vegas, New Mexico; KLBM—La Grande, Oregon; KOL—Seattle, Washington; KSLM—Salem, Oregon; KTKN—Ketchikan, Alaska; KTRB—Modesto, California; KWG—Stockton, California; WABY—Albany, New York; WHLS—Port Huron, Michigan; WJPR—Greenville, Mississippi; WPDQ—Jacksonville, Florida; WTTM—Trenton, New Jersey.

A membership campaign was suggested and the Secretary-Treasurer was instructed to proceed immediately in the formulation of such a campaign.

1943 Budget

Frank King, Chairman of the Board Finance Committee, submitted the 1943 budget with the Committee's recom-

(Continued on page 98)

NAB Reports
The National Association of Broadcasters
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Arthur C. Stringer, *Director of Promotion.*

NAB BOARD MEETS

(Continued from page 97)

mendations. The budget as finally approved by the Board calls for a normal operations outlay of $258,000 for 1943. This figure is some $3,000 below the normal expenditures of the Association for the past year.

C. E. Arney, Jr., who for the past three years has served as Assistant to the President, was elected to the office of Secretary-Treasurer.

By-Law Amendments

The Board voted to submit three amendments for the consideration of the membership. The first relates to the method of election of Directors-at-Large; the second transfers the State of Maryland from the Fourth into the Third District along with Pennsylvania and Delaware. The third amendment corrects the By-Laws and eliminates all references to the Executive Committee. The full text of these suggested amendments will be printd in a subsequent issue of the REPORTS.

New Radio Bill

Senator Wheeler (D-Mont.), Chairman of the Senate Interstate Commerce Committee joined with Senator White (R.-Maine) in introducing this week a bill (S. 814) to amend the Communications Act of 1934. The bill was referred to the Interstate Commerce Committee.

Drafted along the lines previously introduced by its sponsors, the bill provides for changes in the organization of the FCC, in its procedure, in judicial review, and authorizes declaratory judgments. It seeks to assure equality of right and opportunity among those who utilize radio for public discussion, and to further provide against censorship. It writes into the statute the language of the Supreme Court in the Sanders Brothers case, designed to spell out in "black and white" the Congressional intent that the Commission shall not concern itself with the business phases of broadcasting and the source of program material. These changes "make the bill of supreme importance," Senator White declared, "and justify its study and approval in substantially its present form by the present Congress."

Senator White explained the purposes of the bill to the Senate as follows:

"The radio bill today introduced by Senator Wheeler and Senator White has its source in S. 1268, a bill introduced by Senator Wheeler in a previous Congress; in S. 1806 and S. 1520, introduced in previous sessions by Senator White; in recommendations made to the Federal Communications Bar Association by a committee thereof; in court decision; and in recommendations found in the Report of the Attorney General's Committee on Administrative Procedure.

"This measure should not be regarded as a general revision of our Communications Act of 1934, but the changes in the organization of the Federal Communications Commission, in its procedure, in the sections of present law with respect to appeals to the courts, in the efforts made to assure equality of right and opportunity among those who utilize radio for public discussion, in the attempt to further provide against censorship and in the authorization of declaratory judgments, make this bill of supreme importance and justify its study and approval in substantially its present form by the present Congress.

"There follows an explanation of the sections of the bill.

Section 1

"This section defines the terms 'license', 'station license', or 'radio station license' appearing throughout the act as that instrument of authorization required by the act or the Commission's rules and regulations for the use or operation of radio apparatus. This definition is made necessary because of a recent tendency upon the part of the Commission to treat what are in fact licenses as instruments of a different character and lesser import, thereby making possible avoidance of compliance with procedural and appellate provisions of the act intended as safeguards against arbitrary administrative action, provisions necessary to be respected if orderly procedure is to be had. This broad definition of the term 'license' tends to insure that result.

Sections 2 and 3

"Sections 2 and 3 basically change the administrative set-up and functions of the Commission. They can be summarized as the separation of the Commission of seven members into two statutory divisions of three members each and a clarification of the status and functions of the Chairman of the Commission.

"Under this plan the whole Commission would have power and authority to adopt and promulgate any rule or regulation of general application required or authorized by the act, including procedural rules and regulations for the Commission and each division. The whole Commission would have plenary authority over amateur services, emergency services, the qualification and licensing of operators, the selection and control of personnel, the assignment of bands of frequencies to the various radio services and many other subjects and services as at present. But the present judicial and quasi-judicial functions of the Commission would be vested in the proposed divisions insofar as those functions relate to the most important and controversial subjects within the present jurisdiction of the Commission.

"Jurisdiction to hear and determine all cases arising under the act or regulations, relating to broadcast, television, facsimile, and kindred communications intended for public reception is vested in the Division of Public Communications. Similar jurisdiction with respect to common carriers and communications intended for a designated addressee is vested in the Division of Private Communications. This plan not only recognizes the basic and fundamental differences between the two types of communications involved and the nature of the questions presented by each, but it also provides a method for obtaining proper consideration of those cases by persons who will be able to devote their time and attention to the questions committed to them without undue interruption or interference occasioned by the demands of basically different problems.

"Under the plan proposed, the status of the chairman would be that of an executive officer and coordinator participating fully in all matters within the jurisdiction of the Commission except the determination and decision of contested matters which are made the exclusive business of the divisions. Experience has amply demonstrated that the chairman cannot be expected to devote the time and attention necessary to the proper handling and disposition of these matters and also efficiently to discharge the many other duties which are unavoidably his under the act. As to these other duties, an attempt has also been made to clarify the status of the chairman and to make him, and him only, the official spokesman and representative of the Commission in certain important respects.

"When the present act was before the Congress in 1934, the bill passed by the Senate provided for a mandatory separation of the Commission into divisions as is now proposed but this plan was later abandoned and the present Commission has been operating under a law which permitted but did not require it to organize itself into divisions. In recent years, the division plan has been entirely abandoned by the Commission and it seems certain that such abandonment has operated to the detriment of orderly procedure and to wise administration and regulation. We believe students of our legislation are thoroughly convinced of the wisdom of the mandatory division plan for at least two important reasons. They recognize that there are fundamental differences in the two classes of communications above referred to; that rate making and public utility concepts are the very essence of private communications but have little, if any, application to communications with the public directly; that there has been a tendency upon the part of the Commission to confuse the two and to apply the same concepts and philosophies in the regulation of the two. This must be avoided. In the second place, it is apparent that the subject of public or mass communications and the problem incident to the regulation thereof are so interesting and attractive that they draw public attention; that on the other hand, there is very little of news value or opportunity for publicity in the regulation of common carriers and this has had the result of centering the attention of the Commission and its personnel almost exclusively on broadcasting and related problems and of preventing the giving of sufficient attention to equally important problems relating to private communications.

"The changes proposed in these two sections would bring about a much needed and desired separation of the judicial and legislative functions of the Commission; would contribute to a sounder knowledge on the part of the commissioners of the communication problems committed to them; would make for orderly procedure and harmony of decision; and would speed up the disposition of cases before the Commission and the divisions thereof.

"The last paragraph of section 3 gives definite authority to the Commission or to either division to assign or refer to an individual commissioner or to a board composed of an employee or employees, any portion of its work, business, or functions but with an assured right of review by the Commission or the appropriate division. This obviates the necessity for full Commission or division action in cases where this is not believed necessary. It should result in speedier consideration and decision.

SECTIONS 4 AND 5

"These sections propose certain amendments to the procedural sections of the present act (secs. 308 and 309). These amendments are made necessary by the restrictive character of the language now employed and by the disposition of the Commission to give that language an extremely literal rather than a broad interpretation. The result has been to deprive applicants for certain types of licenses of the right to be heard before their applications are denied and also to deprive persons who are adversely affected by the action of the Commission in granting the application of others, of an opportunity to be heard before the Commission.

"The first amendment to section 308 will make it clear that all instruments of authorization granted by the Commission entitling the holders to construct or operate radio apparatus should in general be the subject of a written application. The next amendment adding new language to paragraph (a) of section 308 authorizes in emergencies or in time of war the issuance of construction permits of stations or the operation of radio apparatus during the emergency or war without the filing of a formal application.

"The amendments to section 309 make it clear that any person filing an application described in section 309 is entitled as a matter of right to have his application handled in a definite procedural way. This is not assured under present practice of the Commission.

- "The procedure to be followed in the handling of applications is that which was successfully followed by the Commission for a considerable period of time pursuant to rules and regulations enacted by it, but which method was recently abandoned apparently upon the theory that the Commission was according to applicants and others in interest greater rights than those which the act guaranteed to them. Since the right to notice and hearing is the very essence of orderly procedure, amendments to the act which leave no doubt that such right is secured are absolutely imperative. The amendments proposed would assure this result.

SECTION 6

"This section proposes a redraft of the transfer section of the present act (section 310 (b)). As now drafted, this section in terms relates only to station licenses and does not apply to construction permits or other instruments of authorization which the Commission may issue under its rules and regulations. The redraft would remedy this deficiency. The present transfer section is also silent concerning the procedure to be employed by the Commission in passing upon such applications and the proposed amendment would remedy this defect by providing that transfer applications be handled in the same manner and in accordance with the same procedure employed in the handling of applications for original instruments of authorization.

"Aside from these questions of procedure, the decisions of the Commission relating to transfer applications have given rise to the theory that the proposed transferee of a station license may be subjected to conditions not required of an applicant for an original license. This is believed to be unsound and has been due, at least in part, to the fact that the statutory standard employed in the present transfer section differs slightly in phraseology from that used elsewhere in the act. By providing for the use of the same statutory standard in the proposed amendment and by the use of other clarifying language, it is believed that this cause for controversy will be eliminated. Language is included to make the paragraph apply not only to the instrument which may be the subject of assignment, but to any rights the holder of the license may have by virtue of his license.

SECTION 7

"This section proposes amendments to section 315 of the present act relating to the use of broadcast facilities by candidates for public office. The amendments proposed are the deletion of the proviso clause now appearing in that section which provides that the licensee shall have no power of censorship over the material broadcast under the provisions of this section and the substitution therefor of clearer language to the same purpose found in a proposed new section 330. This present proviso has been the source of much uncertainty and controversy. We believe the change urged clarifies and enforces the congressional intent.

SECTION 8

"Section 8 of the bill proposes a new sentence as an amendment to section 326 of the present act, which codifies an interpretation placed upon the act by the Supreme Court of the United States in the case of the *Federal Communications Commission* v. *Sanders Brothers Radio Station*, decided March 25, 1940. In this case the Supreme Court said:

"But the act does not essay to regulate the business of the licensee. The Commission is given no supervisory control of the programs, of business management or of policy. In short, the broadcasting field is open to anyone, provided there be an available frequency over which he can broadcast without interference to others, if he shows his competency, the adequacy of his equipment, and financial ability to make good use of the assigned channel.

"Notwithstanding this pronouncement of the Supreme Court, notwithstanding the fact that no language can be found in the act which confers any right upon the Commission to concern itself with the business phases of the operation of radio broadcast stations and notwithstanding the further fact that section 3 (h) of the act provides that a person engaged in radio broadcasting should not be regarded as a common carrier, the Commission has nevertheless concerned itself more and more with such matters. The charge is made that the Commission is attempting to control both the character and source of program material and the contractual or other arrangements made by the licensee for the acquisition of such material.

"The amendment proposed spells out in black and white what it is believed was not only the original intention of Congress but is its present intention, with respect to this subject, in the hope that confusion and controversy can be eliminated. The amendment preserves the prohibition now contained in the act against interference with the right of free speech and that against the utterance of obscene, indecent, or profane language by means of radio communication.

SECTION 9

"This section of the bill proposes the addition of an entirely new section to the act (sec. 330), which will require the identification of the speaker in the case of broadcasts dealing with public or political questions either local, State, or national in their scope and application. Ever since the enactment of the Radio Act of 1927, the law has carried a provision requiring that in the case of the commercial use of a station the person or organization sponsoring such broadcast be identified in connection with the broadcast. Such a provision is found in section 317 of the present act. The proposed new section would merely carry the principle of identification further and make it obligatory in the discussion of political or public questions to make clear not only who the speaker is but whose views he expresses. It is unfortunately a fact that most propaganda by radio is found in sustaining programs or programs which have no commercial sponsor. The adoption of this new section would carry the salutary principle of identification into a field where it is much needed.

SECTION 10

"Section 10 of the bill proposes the inclusion of a new section (sec. 331) the effect of which would be to require the licensee of any station to afford a right of reply where public officers, other than the President of the United States, use his station for the discussion of public or political questions. This right of reply is to be exercised by the accredited representatives of the opposition political party or parties, and is to be afforded upon the same terms and conditions as the initial discussion. This substantially enlarges the scope of section 315 of the 1934 act. The subject matter of this proposed section merits immediate consideration.

SECTION 11

"Section 11 of the bill proposes the addition of another new section (sec. 332), the effect of which would be to clarify the duties and responsibilities of a licensee where his station was used by a candidate for public office or by public officers or others for the discussion of public or political questions. The no-censorship clause of section 315 of the present act does not adequately define the duties of a licensee under such circumstances. The proposed new section (sec. 332) affords the licensee an opportunity to examine the material to be broadcast before its intended use and to delete therefrom any material which is slanderous or libelous or which the licensee may have reason to believe would subject him or his station to any action for damages or to a penalty or forfeiture under any local, State, or Federal law or regulation. This section specifically provides that no licensee of any broadcast station shall have the power to censor, alter, or in any way affect or control the political or partisan trend of any material submitted by a candidate for public office or by public officers or others discussing public and political questions. With the exception of material which might subject the licensee to damages or penalties or material which is submitted for broadcast by or upon behalf of any person or organization which advocates the overthrow of government by force or violence, the licensee has no control over the subject matter of any broadcast.

SECTION 12

"Section 12 is designed to clarify provisions of existing law relative to proceedings to enforce or set aside orders of the Commission and in appeals from decisions of the Commission. The present law upon this subject is now found in section 402 of the act.

"Paragraph (a) of section 402 of the pending bill deals with actions to enforce or set aside orders of the Commission except those appealable under paragraph (b) of that section. More specifically, paragraph (a) of this section as it now stands relates to those orders of the Commission entered in matters involving common carriers and certain other orders relating to radio broadcast stations not now appealable to the United States Court of Appeals for the District of Columbia under paragraph (b) of section 402. Under the proposed amendment, all orders entered by the Commission in the performance of its licensing functions would be appealable under paragraph (b) and would not be brought before a statutory three-judge district court. Moreover, suits brought before a statutory three-judge court to enjoin the enforcement of an order of the Commission could be brought in the District Court of the District of Columbia as well as in other judicial districts.

"The principal changes proposed in paragraph (b) of section 402 can be summarized as follows: (1) Persons desiring to appeal from orders of the Commission entered in all cases where the Commission exercises its licensing functions, must appeal to the United States Court of Appeals for the District of Columbia; (2) language is adopted which will remove doubt as to which cases are appealable and which will extend the right of appeal to persons which should have such right but which have been excluded due to imperfections in the present act; (3) the time in which an appeal must be taken is made 30 rather than 20 days, as at present, and the contents of the notice of appeal are specified with particularity along the lines now provided by the rules of the United States Court of Appeals for the District of Columbia; (4) jurisdiction is expressly conferred upon the court to which an appeal is taken to grant temporary relief either affirmative or negative in character; (5) the court is given authority to specify by rule what the record upon appeal shall contain; (6) the questions which can be raised upon appeal and which the court must consider in determining an appeal are specifically enumerated; and (7) the Commission will be required to comply with the mandate or decision of the court upon the basis of the record upon which an appeal is taken unless the court upon petition shall otherwise determine. Other provisions of the present act relating to the right of persons to intervene in an appeal are retained.

"All of these changes are, in our opinion, not only desirable but necessary if adequate judicial review of the Commission's exercise of its licensing function is to be made effective. Present language of section 402, and particularly paragraph (b) thereof, is so vague as to result in great doubt concerning the proper court in which to seek judicial review in many cases. Moreover, recent decisions of the United States Court of Appeals for the District of Columbia and of the Supreme Court of the United States are such as to cast further doubt upon the meaning and application of these provisions.

"Generally speaking, the same considerations which controlled the Attorney General's committee on administrative procedure in the making of its recommendations concerning judicial review of the decisions and orders of other administrative tribunals have prompted the amendments to section 402 here proposed. But we have gone further in certain respects than the Attorney General's committee and have attempted to adapt the theory of that report to the peculiar problems incident to the licensing of radio stations and the review of decisions and orders of the Commission in licensing such stations.

"An important instance of an adaptation peculiar to the subject matter has to do with judicial review of actions instituted by the Commission against the holder of a license.

"It is unfortunately the fact that since the organization of the Federal Radio Commission in 1927 certiorari has not been granted by the Supreme Court in any case upon the application of an individual litigant, while on the other hand only one such request for review has been denied when made by the Commission. From 1927 to 1942 the Supreme Court granted a review in seven cases upon petition by this governmental agency and denied only one; it granted no review in behalf of a private litigant, although many were requested. Obviously the road to the Supreme Court for persons unsuccessful before the Court of Appeals is a one-way street.

"We have attempted to deal with this situation and subject in such a way as to insure review by the Supreme Court in a limited but most important class of cases, namely those cases in which the Commission on its own motion proceeds against the holder of an existing license. This is by a provision which would make Supreme Court review in this class of cases obligatory upon the Court rather than optional with it. Such a provision is not unique or without precedent. In other important classes of cases it has been in effect and it should be adopted here if judicial review of Commission action is to be a meaningful rather than an empty term.

SECTION 13

"Section 13 of the bill provides for such changes in section 405 of the present law relating to the subject of rehearings as are necessary to conform to the changes in the administrative organization of the Commission proposed in sections 2 and 3 of the bill. Further provision is made for delaying the effective date of any decision, order or requirement made in any case which is the subject of petition for rehearing until after final decision upon such petition. An attempt has also been made to eliminate doubt now prevalent concerning when his petition for rehearing must be filed before judicial review of the Commission's order can be had. Under the provisions of the amendment proposed, the petition for rehearing will not be a condition precedent to judicial review except where the party seeking such review was not a party to the proceedings before the Commission resulting in such order or where the party seeking such review relies upon questions of law or fact upon which the Commission has been afforded no opportunity to pass.

SECTION 14

"Section 14 of the bill proposes an amendment to paragraph (a) of section 409 of the present act which deals with the cases heard by less than a quorum of the Commission or either division thereof. The procedure employed by the Commission in cases of this character has led to a great deal of controversy and there has been a decided lack of uniformity both in the handling of such matters and the character of reports submitted by the hearing officer. The proposed amendment requires not only the submission of a uniform type of report setting out in detail and with particularity all basic or evidentiary facts developed as a result of the evidence taken but also conclusions of fact and law upon each issue submitted for hearing. It further makes mandatory the hearing of oral argument by the Commission or the division having jurisdiction of any case upon request of any party before the entry of a final order. The Commission or division is also required to accompany any final order with a full statement in writing of all the relevant facts as well as conclusions of law upon those facts.

"Here again an attempt has been made to conform to the recommendations of the report of the Attorney General's committee on administrative procedure, and these provisions, if enacted, would be wholly consistent with those recommendations or any legislation which may result therefrom.

SECTION 15

"Section 15 authorizes the issuance of declaratory rulings respecting the rights and the legal relations of any person who is the holder of or applicant for a license or a construction permit.

"It is proposed that whenever necessary to end a controversy or to remove substantial doubt and uncertainty as to the application of this act or of any regulation of the Commission to any such person, the Commission upon petition therefor, may hear and determine the matters and things in issue and may enter a judgment ruling, which shall have, in the absence of reversal after judicial proceeding, the same force and effect as a final order of the Commission and in the case of proceedings by the Commission having as their purpose the revocation, modification, or failure to renew or extend an existing permit or license, the Commission shall be required to entertain such petition for declaratory relief.

"Provision is made for notice and hearing upon any such petition and for appeal to the Court of Appeals of the District.

"This proposal provides a means by which applicants and licensees may have a judicial determination as to questions of vital importance to their business without putting in jeopardy their very business existence.

SECTION 16

"Section 16 of the bill proposes the addition of an entirely new section. This section is designed to curb an alleged tendency upon the part of the Commission to discriminate in a manner not authorized by the statute between applicants for broadcast and other radio facilities and to require as a condition to grants made, the doing of acts which the Commission has no authority under the statute to require.

"When the Congress enacts a law creating an administrative tribunal and defines its powers, duties, and functions, we consider it as fundamental that the authority conferred must be limited by the enabling act. Such a tribunal has and must exercise those powers which are specifically enumerated. In addition, it must exercise those powers which are necessarily incident to the exercise by it of those powers expressly enumerated. It is not, however, authorized or permitted to set itself up as a general legislative body making its own rules of conduct and decision wholly apart from and beyond the language of the statute. The tendency to do this, prevalent among virtually all administrative tribunals, has recently become very aggravated at the Commission. This, in our opinion, must be arrested by the enactment of specific legislation along the lines here suggested."

We print the bill below:

THE WHITE-WHEELER BILL

S. 814

A BILL

To amend the Communications Act of 1934, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of title I of the Communications Act of 1934 be amended by adding after paragraph (aa) of said section the following:

"(bb) The term 'license', 'station license', or 'radio-station license' means that instrument of authorization required by this Act, or the rules and regulations of the Commission enacted pursuant to this Act, for the use or operation of apparatus for the transmission of energy, or communications, or signals by radio, by whatever name the same may be designated by the Commission."

SEC. 2. Amend paragraph (b) of section 4 of said title I by striking out the last sentence of said paragraph and by inserting in lieu thereof the following: "Not more than four members of the Commission and not more than two members of either division thereof shall be members of the same political party."

SEC. 3. Amend section 5 of said title I by striking out the whole of said section and by inserting in lieu thereof the following:

"(a) The members of the Commission, other than the Chairman, shall be organized into two divisions of three members each, said divisions to be known and designated as the Division of Public Communications and the Division of Private Communications, and no member designated or appointed to serve on one division shall have or exercise any duty or authority with respect to the work or functions of the other division, except as hereinafter provided. The President shall designate the Commissioners now in office who shall serve upon a particular division, but all Commissioners other than the Chairman subsequently appointed shall be appointed to serve upon a particular division and the Chairman subsequently appointed shall be appointed to serve in that capacity.

"(b) The Division of Public Communications shall have jurisdiction over all cases and controversies arising under the provisions of this Act and the rules and regulations of the Commission enacted pursuant to this Act relating to wire and radio communications intended to be received by the public directly, and shall make all adjudications involving the interpretation and application of those provisions of the Act and of the Commission's regulations.

"(c) The Division of Private Communications shall have jurisdiction over all cases and controversies arising under the provisions of this Act and the rules and regulations of the Commission enacted pursuant to this Act relating to wire and radio communications by a common carrier or carriers, or which are intended to be received by a designated addressee or addressees, and shall make all adjudications involving the interpretation and application of those provisions of the Act and of the Commission's regulations.

"(d) The whole Commission shall have and exercise jurisdiction over the assignment of bands of frequencies to the various radio services; over all matters arising under the provisions of part 2 of title III of this Act, as amended; over all signals and communications of an emergency nature, including distress signals by ships at sea and communications relating thereto, signals and communications by police and fire departments and other like emergent signals and messages; over all signals and communications by and between amateur stations; over the qualifications and licensing of all radio operators; over the adoption and promulgation of all rules and regulations of general application required or authorized by this Act, including procedural rules for the Commission and the Divisions thereof; over the selection and appointment of all officers and other employees of the Commission and the Divisions thereof; and generally over all matters with respect to which authority is not otherwise conferred by other provisions of this Act. In any case where a conflict arises as to the jurisdiction of the Commission or any Division thereof, such question of jurisdiction shall be determined by the whole Commission.

"(e) The Chairman of the Commission shall be the chief executive officer of the Commission. It shall be his duty to preside at all meetings and sessions of the whole Commission, to represent the Commission in all matters relating to legislation and legislative reports, to represent the Commission or any Division thereof in all matters requiring conferences or communications with representatives of the public or other governmental officers, departments, or agencies, and generally to coordinate and organize the work of the Commission and each Division thereof in such manner as to promote prompt and efficient handling of all matters within the jurisdiction of the Commission. The Chairman of the Commission shall not be a member of or serve upon either of said Divisions, except that in the case of a vacancy or the absence or inability of any Commissioner appointed to serve thereon, the Chairman may temporarily serve on either of said Divisions with full power as a member thereof until the cause or circumstances requiring said service shall have been eliminated or corrected.

"(f) Each Division of the Commission shall choose its own chairman, and, in conformity with and subject to the foregoing provisions of this section, shall organize its membership and the personnel assigned to it in such manner as will best serve the prompt and orderly conduct of its business. Each Division shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions over which it has jurisdiction. Any order, decision, report made, or other action taken by either of said Divisions with respect to any matter within its jurisdiction, shall be final and conclusive, except as otherwise provided by said Communications Act of 1934 as hereby amended. The secretary and seal of the Commission shall be the secretary and seal of each Division thereof.

"(g) In the case of a vacancy in the office of the Chairman of the Commission or the absence or inability of the Chairman to serve, the Commission may temporarily designate and appoint one of its members to act as Chairman of the Commission until the cause or circumstance requiring said service shall have been eliminated or corrected. During the temporary service of any such Commissioner as Chairman of the Commission, he shall continue to exercise the other duties and responsibilities which are conferred upon him by this Act.

"(h) The term 'Commission', as used in this Act, shall be taken to mean the whole Commission or a Division thereof as required by the context and the subject matter dealt with. The term 'cases and controversies', as used herein, shall be taken to include all adversary proceedings whether judicial or quasi-judicial in nature, and whether instituted by the Commission on its own motion or otherwise, and the term 'adjudications' means the final disposition of particular cases, controversies, applications, complaints, or proceedings involving named persons or a named res.

"(i) The Commission or either Division thereof is hereby authorized by its order to assign or refer any portion of its work, business, or functions to an individual Commissioner, or to a board composed of an employee or employees of the Commission, to be designated by such order for action thereon, and by its further order at any time to amend, modify, or rescind any such order or reference: *Provided, however,* That this authority shall not extend to duties specifically and exclusively imposed upon the Commission, either Division thereof, or the Chairman of the Commission, by this or any other Act of Congress. Any order, decision, or report made or other action taken by any such individual Commissioner or board in respect of any matter so assigned or referred shall have the same force and effect and may be made, evidenced, and enforced as if made by the Commission or the appropriate Division thereof: *Provided, however,* That any person affected by any such order, decision, or report may file a petition for review by the Commission or the appropriate Division thereof, and every such petition shall be passed upon by the Commission or that Division."

SEC. 4. Amend paragraph (a) of section 308 of title III of said Act by striking out all appearing before the first proviso clause in said paragraph and by inserting in lieu thereof the following:

"The Commission may grant instruments of authorization entitling the holders thereof to construct or operate apparatus for the transmission of energy, or communications, or signals by radio only upon written application therefor received by it."

Further amend paragraph (a) of said section 308 by adding at the end of said paragraph the following: "*And provided further,* That (1) in cases of emergency found by the Commission involving danger to life or property, or (2) during the continuance of any war in which the United States is engaged and when such action is necessary for the national defense or security or otherwise in furtherance of the war effort, the Commission or either Division thereof may grant and issue authority to construct or operate apparatus for the transmission of energy or communications or signals by radio during the emergency so found by the Commission or either Division thereof or during the continuance of any such war in such manner and upon such terms and conditions as it shall by regulation prescribe, and without the filing of a formal application."

SEC. 5. Amend section 309 of said title III by striking out paragraph (a) thereof; by relettering present paragraph (b) as paragraph (d); and by inserting in lieu of paragraph (a) as deleted the following:

"(a) If upon examination of any application provided for in section 308 hereof the Commission shall determine (1) that public interest, convenience, or necessity would be served by the granting thereof, and (2) that such action would not aggrieve or adversely affect the interest of any licensee or applicant, it shall authorize the issuance of the instrument of authorization for which application is made in accordance with said findings.

"(b) If upon examination of any such application the Commission is unable to make the findings specified in paragraph (a) hereof, it shall designate the application for hearing and forthwith notify the applicant and other parties in interest of such action and the grounds or reasons therefor. Any hearing subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest, whether originally notified by the Commission or subsequently admitted as interveners, shall be permitted to participate. Such hearings shall be preceded by a notice to all such parties in interest specifying with particularity the matters and things in issue and not including issues or requirements phrased generally or in the words of the statute.

"(c) When any instrument of authorization is granted by the Commission without a hearing, as provided in paragraph (a) hereof, such grant shall remain subject to protest as hereinafter provided for a period of thirty days. During such thirty-day period, any person who would be entitled to challenge the legality or propriety of such grant under the provisions of section 402 of this Act may file a protest directed to such grant, and request a hearing on said application so granted. Any protest so filed shall contain such allegations of fact as will show the protestant to be a proper party in interest and shall specify with particularity the matters and things in issue but shall not include issues or allegations phrased generally or in the words of the statute. Upon the filing of such protest, the application involved shall be set for hearing upon the issues set forth in said protest and heard in the same manner in which applications are heard under paragraph (b) hereof. Pending hearing and decision upon said protest, the effective date of the Commission's action to which said protest is directed shall be postponed to the date of the Commission's decision after hearing unless the authorization involved in such grant is necessary to the maintenance or conduct of an existing service, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing on said protest.

"(d) Such staton licenses as the Commission may grant shall be in such general form as it may prescribe, but each license shall contain, in addition to other provisions, a statement of the following conditions to which such license shall be subject: (1) The station license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized therein; (2) neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of this Act; (3) every license issued under this Act shall be subject in terms to the right of use or control conferred by section 606 hereof."

SEC. 6. Amend paragraph (b) of section 310 of said title III striking out the whole of said paragraph and by inserting in lieu thereof the following:

"No instrument of authorization granted by the Commission entitling the holder thereof to construct or operate radio apparatus and no rights granted thereunder shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such instrument of authorization, to any person except upon application to the Commission and upon a finding by the Commission that the proposed transferee or assignee possesses the qualifications required of an original permittee or licensee and is capable of constructing or operating under such instrument of authorization in the public interest, convenience, and necessity. The procedure to be employed in the handling of such applications shall be that provided in section 309 of said title III, as amended."

SEC. 7. Amend section 315 of said title III by striking out the whole of said section and by inserting in lieu thereof the following:

"SEC. 315. If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcast station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcast station, and the Commission shall make rules and regulations to carry this provision into effect. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate."

SEC. 8. Amend section 326 of said title III by inserting before the first sentence thereof a new sentence so that as amended said section shall read as follows:

"Nothing in this Act shall be understood or construed to give the Commission the power to regulate the business of the licensce of any radio broadcast station and no regulation, condition, or requirement shall be promulgated, fixed, or imposed by the Commission, the effect or result of which shall be to confer upon the Commission supervisory control of station programs or program material, control of the business management of the station or control of the policies of the station or of the station licensee. Nothing in this Act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication. No person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio communication."

SEC. 9. Add to said title III the following new section:

"SEC. 330. No licensee of any radio-broadcast station shall permit the use of such station for the discussion of any public or political question whether local, State, or National in its scope and application, unless the person or persons using such station shall, prior to such use, disclose in writing and deliver to the licensee the name or names of the person or persons or organization upon whose instance or behalf such broadcast is to be made or conducted. Upon the making of any such broadcast the name of the speaker or speakers using the station, together with the other information required by this section, shall be announced both at the beginning and at the end of such broadcast. Public officers, speaking as such, whether local, State, or National, and whether elective or appointive, shall be relieved of compliance with the foregoing provisions, but in all cases the licensee shall cause an announcement to be made both at the beginning and at the end of the broadcast, stating the name of the speaker, the office held by him, whether such office is elective or appointive, and by what political unit or public officer such power of election or appointment is exercised. Where more than one broadcasting station or a network of such stations is used as herein provided, the requirements of this section will be met by compliance therewith at the station which originates such broadcast."

SEC. 10. Add to said title III the following new section:

"SEC. 331. In all cases where public officers other than the President of the United States use a radio-broadcast station for the discussion of public or political questions, the licensee of any station so used shall afford a right of reply to any person designated by the accredited representatives of the opposition political party or parties. In all cases the right of reply herein provided shall be afforded upon the same terms and conditions as the initial discussion and the Commission shall make such rules and regulations as are necessary to carry this provision into effect."

SEC. 11. Add to said title III the following new section:

"SEC. 332. No licensee of any radio-broadcast station nor the Commission shall have the power to censor, alter, or in any way affect or control the political or partisan trend of any material broadcast under the provisions of sections 315, 330, and 331 hereof: *Provided, however*, That no licensee shall be required under the provisions of this section or otherwise to broadcast any material for or upon behalf of any person or organization which advocates the overthrow of government by force or violence, and that no licensee shall be required to broadcast any material which is slanderous or libelous or which might subject the licensee or its station to any action for damages or to a penalty or forfeiture under any local, State, or Federal law or regulation. In all such cases the licensee shall have the right to demand and receive a complete and accurate copy of the material to be broadcast a sufficient time in advance of its intended use to permit an examination thereof and the deletion therefrom of any material necessary to conform the same to the requirements of this section, and the Commission shall make rules and regulations to carry this provision into effect."

Sec. 12. Amend section 402 of title IV by striking out the whole of said section and by inserting in lieu thereof the following:

"(a) The provisions of the Act of October 22, 1913 (38 Stat. 219), as amended, relating to the enforcing or setting aside of orders of the Interstate Commerce Commission are hereby made applicable to suits to enforce, enjoin, set aside, annul, or suspend any order of the Commission under this Act (except those appealable under the provisions of paragraph (b) hereof), and such suits are hereby authorized to be brought as provided in that Act. In addition to the venues specified in that Act, suits to enjoin, set aside, annul, or suspend, but not to enforce, any such order of the Commission may also be brought in the District Court for the District of Columbia.

"(b) Appeals may be taken from decisions and orders of the Commission to the United States Court of Appeals for the District of Columbia in any of the following cases:

"(1) By an applicant for any instrument of authorization required by this Act, or the regulations of the Commission enacted pursuant to this Act, for the construction or operation of apparatus for the transmission of energy, or communications, or signals by radio whose application is denied by the Commission.

"(2) By any party to an application for authority to assign any such instrument of authorization or to transfer control of any corporation holding such instrument of authorization whose application is denied by the Commission.

"(3) By any applicant for the permit required by section 325 of this Act or any permittee under said section whose permit has been modified, revoked, or suspended by the Commission.

"(4) By any other person who is aggrieved or whose interests are adversely affected by any order of the Commission granting or denying any application described in subparagraphs (1), (2), and (3) hereof.

"(5) By the holder of any instrument of authorization required by this Act, or the regulations of the Commission enacted pursuant to this Act, for the construction or operation of apparatus for the transmission of energy, or communications, or signals by radio, which instrument has been modified, revoked, or suspended by the Commission.

"(6) By any radio operator whose license has been revoked or suspended by the Commission.

"(c) Such an appeal shall be taken by filing a notice of appeal with the court within thirty days after the entry of the order complained of. Such notice of appeal shall contain a concise statement of the nature of the proceedings as to which appeal is taken; a concise statement of the reasons on which the appellant intends to rely, separately stated and numbered; and proof of service of a true copy of said notice and statement upon the Commission. Upon the filing of such notice, the court shall have exclusive jurisdiction of the proceeding and of the questions determined therein and shall have power, by order, directed to the Commission or any other party to the appeal, to grant such temporary relief as it may deem just and proper. Orders granting temporary relief may be either affirmative or negative in their scope and application and may be such as to permit either the maintenance of the status quo in the matter in which the appeal is taken or the restitution of a position or status terminated or adversely affected by the order appealed from and shall, unless otherwise ordered by the court, be effective pending hearing and determination of said appeal and compliance by the Commission with the final judgment of the court rendered in said appeal.

"(d) Upon the filing of any such notice of appeal, the Commission shall, not later than five days after date of service upon it, notify each person shown by the records of the Commission to be interested in said appeal of the filing and pendency of the same and shall thereafter permit any such person to inspect and make copies of said notice and statement of reasons therefor at the office of the Commission in the city of Washington. Within thirty days after the filing of an appeal, the Commission shall file with the court a copy of the order complained of, a full statement in writing of the facts and grounds relied upon by it in support of the order involved upon said appeal, and the originals or certified copies of all papers and evidence presented to and considered by it in entering said order.

"(e) Within thirty days after the filing of an appeal any interested person may intervene and participate in the proceedings had upon said appeal by filing with the court a notice of intention to intervene and a verified statement showing the nature of the interest of such party, together with proof of service of true copies of said notice and statement, both upon appellant and upon the Commission. Any person who would be aggrieved or whose interests would be adversely affected by a reversal or modification of the order of the Commission complained of shall be considered an interested party.

"(f) The record upon which any such appeal shall be heard and determined by the court shall contain such information and material and shall be prepared within such time and in such manner as the court may by rule prescribe.

"(g) At the earliest convenient time the court shall hear and determine the appeal upon the record before it and shall have power upon such record to enter judgment affirming or reversing the order of the Commission. As to the findings, conclusions, and decisions of the Commission, the court shall consider and decide, so far as necessary to its decision and where raised by the parties, all relevant questions of (1) constitutional right, power, privilege, or immunity; (2) the statutory authority or jurisdiction of the Commission; (3) the lawfulness and adequacy of Commission procedure; (4) findings, inference, or conclusions of fact unsupported, upon the whole record, by substantial evidence; and (5) administrative action otherwise arbitrary or capricious.

"(h) In the event that the court shall render a decision and enter an order reversing the order of the Commission, it shall remand the case to the Commission to carry out the judgment of the court and it shall be the duty of the Commission, in the absence of proceedings to review such judgment, to forthwith give effect thereto, and unless otherwise ordered by the court, to do so upon the basis of the proceedings already had and the record upon which said appeal was heard and determined.

"(i) The court may, in its discretion, enter judgment for costs in favor of or against an appellant, or other interested parties intervening in said appeal, but not against the Commission, depending upon the nature of the issues involved upon said appeal and the outcome thereof.

"(j) The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States as hereinafter provided:

"(1) An appeal may be taken direct to the Supreme Court of the United States in any case wherein the jurisdiction of the court is invoked, or sought to be invoked, for the purpose of reviewing any decision and order entered by the Commission in proceedings instituted by the Commission which have as their object and purpose the revocation, modification, or failure to renew or extend an existing license. Such appeal shall be taken by the filing of an application therefor or notice thereof within thirty days after the entry of the judgment sought to be reviewed, and in the event such an appeal is taken the record shall be made up and the case docketed in the Supreme Court of the United States within sixty days from the time such an appeal is allowed under such rules as may be prescribed. Appeals under this section shall be heard by the Supreme Court at the earliest possible time and shall take precedence over all other matters not of a like character.

"(2) In all other cases, review by the Supreme Court of the United States shall be upon writ of certiorari on petition therefor under section 240 of the Judicial Code, as amended, by the appellant, by the Commission, or by any interested party intervening in the appeal or by certification by the court pursuant to the provisions of section 239 of the Judicial Code, as amended."

Sec. 13. Amend section 405 of said title IV by striking out the whole thereof and by inserting in lieu thereof the following:

"SEC. 405. After a decision, order, or requirement has been made by the Commission or any Division thereof in any proceeding, any party thereto or any other person, aggrieved or whose interests are adversely affected thereby may petition for rehearing. When the decision, order, or requirement has been made by the whole Commission, the petition for rehearing shall be directed to the whole Commission; when the decision, order, or requirement is made by a Division of the Commission, the petition for rehearing shall be directed to that Division; petitions directed to the whole Commission requesting a rehearing in any matter determined by a Division thereof shall not be permitted or considered. Petitions for rehearing must be filed within thirty days from the entry of any decision, order, or requirement complained of and except for those cases in which the decision, order, or requirement challenged is necessary for the maintenance or conduct of an existing service, the filing of such a petition shall automatically stay the effective date thereof until after decision on said petition. The filing of a petition for rehearing shall not be a condition precedent to judicial review of any such decision, order, or requirement, except where the party seeking such review was not a party to the proceedings before the Commission resulting in such decision, order, or requirement, or where the party seeking such review relies on questions of fact or law upon which the Commission has been afforded no opportunity to pass. Rehearings shall be governed by such general rules as the Commission may establish. The time within which an appeal must be taken under section 402 (b) hereof shall be computed from the date upon which the Commission enters its order disposing of all petitions for rehearing filed in any case, but any decision, order, or requirement made after such rehearing reversing, changing, or modifying the original determination shall be subject to the same provisions as an original order."

SEC. 14. Amend paragraph (a) of section 409 of said title IV by striking out the whole of said paragraph and by inserting in lieu thereof the following:

"(a) In all cases where a hearing is required by the provisions of this Act, or by other applicable provisions of law, such hearing shall be a full and fair hearing. Hearings may be conducted by the Commission or a Division thereof having jurisdiction of the subject matter or by any member or any qualified employee of the Commission when duly designated for such purpose. The person or persons conducting any such hearing may sign and issue subpenas, administer oaths, examine witnesses, and receive evidence at any place in the United States designated by the Commission. In all cases, whether heard by a quorum of the Commission or a Division thereof or by any member or qualified employee of the Commission, the person or persons conducting such hearing shall prepare and file an intermediate report setting out in detail and with particularity all basic or evidentiary facts developed by the evidence as well as conclusions of fact and of law upon each issue submitted for hearings. In all cases the Commission, or the Division having jurisdiction thereof, shall, upon request of any party to the proceeding, hear oral argument on said intermediate report or upon such other and further issues as may be specified by the Commission or the Division and such oral argument shall precede the entry of any final decision, order, or requirement. Any final decision, order, or requirement shall be accompanied by a full statement in writing of all the relevant facts as well as conclusions of law upon those facts."

SEC. 15. Amend the Act by adding thereto as a new section 417 the following:

"SEC. 417. (a) The Commission shall have the power to issue declaratory rulings concerning the rights, status, and other legal relations of any person who is the holder of or an applicant for a construction permit or license provided for in this Act or by the rules and regulations of the Commission enacted pursuant to this Act.

"(b) Upon the petition of any such person and when necessary to terminate a controversy or to remove a substantial uncertainty as to the application of the terms of this Act or of Commission regulations enacted pursuant to this Act to such person, the Commission may hear and determine the matters and things in issue and may enter a declaratory ruling which shall, in the absence of reversal after appropriate judicial proceedings, have the same force and effect and be binding in the same manner as a final order of the Commission. When a petition for declaratory ruling is entertained by the Commission, all persons shown by the records of the Commission to have or claim any interest in the subject matter shall be ordered by the Commission to be made parties to the proceeding and no such ruling shall bind or affect the rights of persons who are not parties to such proceeding.

"(c) In all proceedings instituted by the Commission and which have as their object and purpose the revocation, modification, or failure to renew or extend an existing construction permit or license, the Commission shall be required to entertain any petition for declaratory relief which is filed within a period of ten days after the institution of any such proceedings, and such proceedings so instituted by the Commission shall be held in abeyance until all petitions for declaratory rulings involving the same parties and the same subject matter have been heard and determined and the results thereof made subject to judicial review as herein provided.

"(d) Any party to a proceeding in which the Commission has entered a declaratory ruling may appeal from such ruling and any party to a proceeding arising under paragraph (c) hereof in which the Commission is requested to issue a declaratory ruling may appeal from such ruling or from the Commission's failure to issue such ruling to the United States Court of Appeals for the District of Columbia, and that court shall have jurisdiction to hear and determine any such appeal in the same manner and to the same extent as in the case of final orders of the Commission appealable under section 402 (b) of this Act, as amended."

SEC. 16. Add to said title IV the following new section:

"SEC. 418. Penalties, denials, prohibitions, and conditions other than those expressly authorized by statute shall not be exacted, enforced, or demanded by the Commission in the exercise of its licensing function or otherwise and no sanctions not authorized by statute shall be imposed by the Commission upon any person. Rights, privileges, benefits, or licenses authorized by law shall not be denied or withheld in whole or in part where adequate right or entitlement thereto is shown. The effective date of the imposition of sanctions or withdrawal of benefits or licenses shall, so far as deemed practicable, be deferred for such reasonable time as will permit the persons affected to adjust their affairs to accord with such action or to seek administrative reconsideration or judicial review.

BATTERY MEETING TODAY

Representatives of the Department of Agriculture, the Office of War Information, War Production Board and the National Association of Broadcasters are meeting Friday. The battery situation is receiving the complete and serious consideration of NAB and the government.

Dry cell battery manufacturers are to meet with WPB on March 10.

NEW LIBEL LAW

An amendment to the North Carolina Libel Law was ratified February 25. It requires that radio and television stations be given five days notice before the commencement of either civil or criminal action for libel or slander. By broadcasting a retraction within ten days of such notice, provided the utterance was broadcast in good faith and its falsity due to an honest mistake of the facts, or without prior knowledge of the station or with reasonable grounds for believing the utterance was true, only actual damages can be recovered in a civil action and a fine of only a penny and costs can be imposed upon verdict of guilty in a criminal proceeding.

We print the Act in full below:

"AN ACT TO AMEND SECTIONS TWO THOUSAND FOUR HUNDRED TWENTY-NINE AND TWO THOUSAND FOUR HUNDRED THIRTY OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA RELATING TO LIBEL AND SLANDER BY RADIO OR TELEVISION STATIONS."

SECTION 1. That Section two thousand four hundred twenty-nine of the Consolidated Statutes of 1939 be amended by adding thereto subsection (b) reading as follows: "(b) Before any action, either civil or criminal, is brought for the publishing, speaking, uttering, or conveying by words, acts or in any other manner of a libel or slander by or through any radio or television station or company, the plaintiff or prosecutor shall at least five days before instituting such action serve notice in writing on the defendant, specifying the time of and the words or acts which he or they allege to be false and defamatory."

SECTION 2. That Section two thousand four hundred thirty of the Consolidated Statutes of 1939 be amended by adding thereto subsection (b) reading as follows: "(b) If it appears upon the trial that such words or acts were conveyed and broadcast in good faith, that their falsity was due to an honest mistake of the facts, or without prior knowledge or approval of such station or company, and if with prior knowledge or approval that there were reasonable grounds for believing that the words or acts were true, and that within ten days after the service of said notice a full and fair correction, apology and retraction was conveyed or broadcast by or over such radio or television station or company at approximately the same time of day and by the same sending power so as to be as visible and audible as the original acts or words complained of, then the plaintiff in such case, if a civil action, shall recover only actual damages, and if, in a criminal proceeding, a verdict of "guilty" is rendered on such state of facts, the defendant shall be fined a penny and costs, and no more."

SECTION 3. This act shall not affect any pending litigation relative to libel and slander by any radio or television station.

SECTION 4. This act shall be in full force and effect from and after its ratification.

Ratified February 25, 1943.

PERSONNEL OWI OVERSEAS STUDIOS

Some progress has been made in the cooperative effort undertaken by NAB with the International Division of the Office of War Information to secure the necessary personnel to staff its New York studios. The appeal made in the REPORTS (February 12) to stations to make known to NAB any personnel available, has brought some response. Two of the large stations have offered the services of employees who can be spared and another station has offered to place notices on its bulletin board to see if any of its employees are interested.

Meantime the International Division is perfecting plans to institute an intensive program to train studio operators, but the immediate need is for a limited number of experienced supervisors and technical men. Since but a few of these are needed, NAB joins with the International Division in again appealing to any station having employees who may be released for this purpose, to provide that information to the International Division through NAB. Stations having applications from semi-trained men or women are urged to send in that information.

The effort to secure personnel on a voluntary basis and the training program is instituted as a means of avoiding the necessity for soliciting employees in areas and from stations where great harm might be done domestic broadcasting. In other words an attempt is being made to solve this problem through cooperation and voluntary action. Stations having personnel which can be released are urged to get in touch with NAB immediately.

TECHNICIANS AVAILABLE

The American Radio Relay League is cooperating with the NAB Engineering Department in a registration of amateur radio operators who are willing to assist in the war effort by taking technical positions in broadcast stations. Applications will not be accepted from persons now employed within the broadcast industry, as the purpose of the campaign is to recruit persons outside the industry who are not now utilizing their radio training. The March issue of QST, the official magazine of the ARRL, carried an appeal to the amateurs.

NAB is now receiving a limited number of letters from amateurs listing their radio background, age, sex, draft classification, availability for full or part time work and information as to localities in which they are willing to work. A substantial portion of the applications are from persons already holding commercial operator licenses. Those that are not licensed, in many instances, have an acceptable technical background and have some knowledge of transmitting equipment.

Stations in need of replacement technicians should first make every effort to fill vacancies locally. If it is found impossible to secure the required replacements, stations are invited to write to the NAB Engineering Department for the names of several available persons. NAB has no knowledge of the applicants other than the statements contained in the registration letter and is therefore not in a position to make employment recommendations. The usual employment references should be secured by direct correspondence with the applicants.

THANKS TO RADIO

Basil O'Conner, president of the National Foundation for Infantile Paralysis, has asked the NAB to express the institution's gratitude for the cooperation of radio during the President's Birthday Ball season.

DISTRICT 3 MEETING

Isaac D. Levy, District 3 Director, has called a District meeting at the Benjamin Franklin Hotel in Philadelphia on March 22 to elect a Director for the term starting with the next NAB Convention.

LABOR ARBITRATION

John Lapp, noted labor arbiter, has written an excellent book covering the whole subject of arbitration. It should be of interest to every employer who deals with labor unions, especially now when so many labor negotiations wind up in arbitration.

The NAB has made arrangements with the National Foremen's Institute, Inc., to supply members of the NAB with copies of the book at $2.50 each when ordered through the NAB. The regular price is $3.50.

Do not send any money with your order. The publisher will bill you when the book is sent.

COST OF LIVING

The United States Department of Labor reports that the cost of living increased 0.2% between December 15, 1942, and January 15, 1943, bringing the increase since January 15, 1942, to 7.7%.

EGOLF, DENNIS AT NAB

Willard D. Egolf, NAB assistant to the president, and Walter L. Dennis, NAB news bureau chief, both new staff members, swung into action officially at the recent NAB directors' meeting in New York City. They released stories of the meeting to trade, wire service and network news outlets. Dennis, former sales promotion manager of KVOO, Tulsa, is a veteran of 10 years' newspaper and radio experience and, on going to work in Washington, he discovered a host of former newsmen with whom he had worked in the past stationed in various government agencies, including two former "bosses."

EDUCATIONAL SERVICE

Declaring radio to be a "solemn responsibility" of the people to see that it is kept to the highest standards, Mrs. Leo A. Viano, state radio chairman of Northern California, paid tribute to the NAB educational activities recently in a talk entitled "Radio—A Public Service" before the California Federation state convention. Mrs. Viano termed radio to be "the greatest medium of communication the world has ever known and . . . (is) the basis of national unity."

DAYLIGHT TIME

In New York City last week, while attending the NAB board meeting, Neville Miller, president, released the following statement to press and radio:

"The action of some states, in abolishing national Daylight Saving Time, constitutes a threat to America's civilian communications system, now vital in wartime.

"If this confusion grows, the people will find themselves more and more isolated from the Office of War Information, whose effective use of radio depends on a uniform national time schedule."

Stations remaining on War Time, despite local action, and wishing to maintain public identification of their effort to preserve a national unified radio time pattern, may do so by announcing their time as "Eastern RADIO War Time," or "Central RADIO War Time," etc., Willard Egolf suggests. Such action may gain favor with OWL, for the correct pre-announcement of special broadcasts, it is thought.

DEAN LAMPE REPORTS ON RADIO COURSES

A report of the activities of the NAB-ESMWT radio training program in Connecticut from March to January, 1943, has been prepared by J. H. Lampe, Dean of Engineering, University of Connecticut, who is the State Coordinator.

Franklin M. Doolittle, president, WDRC, Hartford, is Industry Representative in this enterprise and works in close harmony with Dean Lampe.

Said the Dean: "While this report deals with the University of Connecticut's radio course at Hartford, it should be emphasized that very successful radio training courses have also been given or are in progress at New Haven, Waterbury, Bridgeport, Stamford and New London." All these courses have had the support of the broadcasting stations in Connecticut. This support was organized through the efforts of the National Association of Broadcasters, with Mr. Doolittle as Industry Representative. All courses were given under the ESMWT program of U. S. Office of Education.

At New Haven and Waterbury, Yale University with the New Haven Junior College, cooperating, operated the courses. At Bridgeport and Stamford, Yale University with the Bridgeport Engineering Institute, cooperating, sponsored the training work; and at New London, the University of Connecticut with the New London Junior College, cooperating, operated the radio course. In Hartford, the University of Connecticut gave the radio training courses at its Extension Center (Walter Camp School).

Section 5 of the report covers "conclusion." The opinion is that "these courses have been able successfully to train students for active participation in the field of radio, either in the armed forces, war industry, or other critical activities. A sincere effort has been made to furnish the maximum of instructional value in the class and laboratory work to make those who finish the course most useful wherever they may be assigned. The experience gained by the staff in this effort should enable them to do an even better training job in the future."

GOOD PGM IDEA FROM WROK

The format for maintaining a fine state of worker morale in Rockford, Ill., undoubtedly has application in other parts of the country. Radio is the medium, "Soldiers of Industry" the vehicle.

The 30 minute program is broadcast at 2 p. m. Sundays; 9:15 p. m. Mondays and 6:15 a. m. Tuesdays. This insures a large audience of workers on the various shifts. The program is transcribed each Friday night. Transcriptions are also available for play-back in plants each week.

Sponsors are 12 major war plants in Rockford as follows:

American Cabinet Hardware Corp.; Cotta Transmission Corp.; George D. Roper Corp.; Greenlee Bros. & Co.; Ingersoll Milling Machine Co.; National Lock Co.; Rockford Drilling Machine Co.; Rockford Machine Tool Co.; Sundstrand Machine Tool Co.; and the Woodward Governor Co.

The program was developed by John J. Dixon, commercial manager, WROK. It combines news and drama. The first quarter-hour is devoted to flash news of personnel activities in each of the plants. There are reviews of bowling and other sports activities shared by employees as well as "personal" items about individual workers. The news portion also includes letters from former employees now in service. Factory personnel managers supply the news from each plant.

The last fifteen minutes of each program is in the nature of a dramatic tribute to the workers of one of the participating factories. The story traces the use of the plant's principal product from the time it is shipped from Rockford until it is doing its duty on land, on the sea or in the air. Based on actual happenings, the drama provides a vivid answer to the factory worker's question of how his seemingly insignificant task at a machine applies to the winning of the war.

Concerning the purpose of the show Mr. Dixon said: "The average factory worker—the fellow on the machine or the girl in the office—can't realize the importance of his job. He's doing the same work today that he did in peace time and he can't see the connection between his job and the men on the battlefronts. Through the dramatic episodes on 'Soldiers of Industry' we picture the production of certain items from the machine to the finished product as it is used by our fighting men. This brings home to the worker that he is responsible for making the goods that will win the war."

The main object of the program is to impress upon each worker the importance of his job, thus building his morale.

THANK YOU, CY!

Neville Miller has received the following heart-warming letter:

DEAR NEVILLE:

I am in receipt of a bill for 1943 associate membership dues and I wish to call your attention to the fact that the damn bill is *wrong*.

You're charging me $250.00 for associate membership and *I say* it should be $500.00!

Yes. Neville. and I am delighted to hand you our check in the amount of $500.00 in payment of our membership in the swellest association it's ever been my privilege to be a member of.

Cordially yours,
LANG-WORTH FEATURE PROGRAMS INC.,
(s) "Cy"
C. O. LANGLOIS, *President*.

mp/enc.

WKIP BOND AUCTIONS SELL

According to Ned Lynch, WKIP, Poughkeepsie, N. Y., bond sales continue good. He says: "Our greatest plug for war bonds is on three weekly War Bond Auctions . . . we promote them several times daily."

EGOLF TALKS TO BOARD

In his maiden speech before the NAB board of directors, Thursday, February 25, in New York City, Willard D. Egolf, newly appointed assistant to the president, discussed the definition of public relations:

"When I told my family that one of my duties was to handle public relations for the National Association of Broadcasters, my twelve year old son said, 'Daddy, what are public relations for broadcasters?'

"Kids can ask the damndest questions!

"I said, son, that's what the broadcasters and I are going to find out!"

Egolf then stated his conception of public relations, as follows:

"The conduct of public relations, for any industry, is the science of being known favorably by the greatest number of people. I shall leave no avenue untouched to reach that goal. The affairs of this office shall be conducted with dignity and pride in the belief that the American system of broadcasting is the greatest medium the world has ever known."

DONALD STAUFFER TO OWI

Elmer Davis, Director of the Office of War Information, announced the appointment of Donald D. Stauffer as Chief of the Domestic Radio Bureau, OWI, to fill the vacancy created when William B. Lewis was appointed to the post of Assistant Director of the Domestic Branch. Mr. Stauffer, now Vice President in charge of Radio for Ruthrauff & Ryan, has been granted a leave of absence and will take office on March 15. His headquarters will be in Washington.

CHILDREN'S PROGRAMS

The prize-winning letter to the Radio Council of Greater Cleveland on the subject: "What I Consider Good Radio Listening for Children" made the following points as procedure in educating children to better radio listening: strict censorship over the child's listening when he is small to provide the proper start for later discrimination; a "bargain" agreement as the child grows older whereby for every adventure type program listened to the child would also listen to musical programs of a quality nature and to portions of important talks or lectures, and, finally, programs where good grammar and ordinary or pleasant voice tones were used in preference to programs of wide voice ranges and slang. Calm, unflurried presentation of programs were preferred to loud, emotional types.

PERSONNEL DATA

To simplify the gathering of important information desired by the Armed Forces, NAB has agreed to contact all radio stations in the country with a request for personnel data which each station should have readily accessible. By the time you read this, you should have received or shortly will receive a letter and questionnaire form on this matter and also a questionnaire form concerning news editors and commentators on your stations. Expeditious filling out and returning of these forms will be of utmost benefit.

LISTENING GUIDE

The Springfield, Mass., radio stations, WBZA, WSPR and WMAS, have issued a "Radio Guide to Good Listening" for their listeners. In pamphlet form, the guide was prepared by the Pioneer Radio Council of Springfield.

ADVERTISING DEFENDED

A sturdy defense of radio advertising, as well as advertising in other media, has been received at NAB New York headquarters by Mrs. Dorothy Lewis from Mrs. John D. Robinson, of Wallace, N. C., of the North Carolina Federation of Women's Clubs.

Mrs. Robinson, in a letter, declares that advertising has contributed directly to the nation being "better fed, better clothed, better housed" and in this advancement of living standards "radio has played a magnificent part."

48-Hour Week

Relief for radio stations which find a 48-hour week impractical must be obtained locally, although the NAB is preparing to ask for a "directive" on the subject from the War Manpower Commission to its local enforcement agents.

Administration of the 48-hour week order (see NAB REPORTS, p. 55) is being totally decentralized. The best advice the NAB can give stations in the 32 critical areas at the moment is to *get together* and talk over the situation with their local WMC directors.

The monkey is on the employer's back. In case all his employees or the employees in any department are not going to a 48-hour week before April 1, he must be prepared to justify his schedule. On the other hand, if the employer does go to a 48-hour week so that he can release one or more employees for other war work, he must get WMC approval before the employees are released.

To hire a new employee after April 1, the employer must get a WMC permit. At that time, the WMC undoubtedly will ask whether the employer's employees are on a 48-hour week. If not, the employer will have to justify his schedule before he can get the permit. Local draft boards probably will take this into consideration, too, in acting on employers' requests for employee deferments.

In instances where employees are now working less than 48 hours and the employer feels that an advance to a 48-hour schedule would work a hardship, we feel that the employer should encounter no great difficulty in justifying his present schedules. For instance, take the six-man engineering department. Theoretically, five men at 48 hours can turn out the same number of hours work as six at 40. If one of the six is released on that basis, however, and another gets sick, is drafted, or goes on vacation, the remaining four have to work a 60-hour week to get the same amount of work done. "Peak loads" for both technicians and announcers make another problem. Radio is not like a factory where vast numbers of employees are doing the same work throughout an unbroken work-day. Certain union restrictions pose other problems.

All these complexities should be considered when the station applies the two tests:

(1) If the entire station or any department goes to a 48-hour week, can manpower be released for other war work?

(2) If the entire station or any department goes to a 48-hour week, will this obviate the necessity for hiring more men?

If the answer to either of these questions is "yes," fundamentally, the answer to the 48-hour week is "yes"—unless the complexities of the situation, such as those above, stand in the way.

In preparing radio's case to present to the WMC, the NAB held conferences in Washington, D. C., Springfield, Mass., and Baltimore, three of the "critical areas."

Joseph L. Miller, director of labor relations, met with the broadcasters in Baltimore and Springfield, while Paul Peter, director of research, held the Washington meeting. Those present at the three meetings:

Springfield—C. S. Young, WBZ; Harold Randol, WBZA; Albert Marlin, WMAS; Patrick Montague, WHYN; and Thomas Humphrey, WHYN.

Baltimore—George Roeder, WCBM; H. W. Batchelder, WFBR; L. Waters Milbourne, WCAO; Thomas Tinsley, WITH, and William Good, WBAL.

Washington—Earl Gammons, WJSV; Ken Yourd, WJSV; Carleton Smith, WRC; Mr. Margraf, WRC; Ken Berkeley, WMAL; Henry Lyon, WOL; G. Bennett Larson, WWDC; and Miss Davis, WINX.

STATMENT BY WMC

Regulations issued February 28 by Chairman Paul V. McNutt of the War Manpower Commission to govern the applications of the 48-hour week called for by the President will, with some exceptions, affect all employers of eight or more persons in 32 designated areas whose production can be increased by a longer week or who can maintain their production with fewer men.

The exact boundaries of these areas, for the purpose of applying the 48-hour week, will be fixed by the regional directors of the WMC in the various localities.

In addition to applying in these areas, the 48-hour week also will be in effect in the lumbering and nonferrous mining industries on a nation-wide scale, Mr. McNutt said.

Inquiries concerning application of the regulations should be directed to the proper regional or area manpower director. Administration of the order is delegated by the Chairman to the commission's regional directors and area directors.

It is made clear that the lengthened week order will not apply to farms or to persons employed by any state or any of its political subdivisions or instrumentalities, or to youth under the age of 16, or to persons who, because of other employment, household duties, or physical disabilities, are not available for full-time work, or for business houses in which fewer than eight persons are employed regularly.

The exclusion of establishments with fewer than eight persons, it is explained in an interpretative statement issued with the regulations, is based chiefly on assumption that in smaller establishments the extension of the workweek would not result in the release of workers.

The regulations have been sent to regional and area directors and to U. S. Employment Service Offices, together with instructions for carrying out terms of the President's order.

In the regulations, it is stated that from time to time regional manpower directors may designate additional areas and activities if they find such action will reduce labor shortages which are holding back the war effort.

Regional and area directors are authorized to consider a minimum workweek of less than 48 hours when a full 48-hour week would neither increase production, release workers for other employment, nor otherwise further the war effort.

Mr. McNutt explains in the regulations that the President's Order "shall be so construed and applied as best to effectuate its fundamental purpose, which is to aid in meeting the manpower requirements of our armed forces and our expanding production program by fuller utilization of our available manpower."

Continuing, the regulations state:

"Effectuation of this purpose requires that, in situations of labor shortages, employers do not hire new workers when their manpower needs can be effectively met by a fuller utilization of their current labor force and that workers who can be released by an extension of the workweek are released under circumstances which will permit and facilitate their effective utilization elsewhere in the war effort."

The regulations provide that, if the labor requirements of an employer are such that the extension of the workweek will not permit the release of any workers but would result rather in their continued full utilization in their present employment or their transfer to other employment under his direction, the 48-hour week should be put into effect at once.

Whenever the regional or area manpower director or the designated representative of either determines that released workers can be placed promptly in suitable employment, their employer will be notified. The employer should then proceed promptly to shift to the longer week. If the representative of the War Manpower Commission has not determined and notified the employer, however, that his released workers can be placed without delay, the workweek will not be extended before April 1, 1943.

Before that the date the employer will be expected to submit to the representative of the Commission a statement as to how many workers would be released and their occupational classification, together with a proposed schedule for the timing of their release. In such cases, the regional or area manpower director or designated representative will authorize the schedule for the extension of the workweek to the 48-hour workweek and for the release of the workers in accordance with the needs of the labor market. The employer then will extend his workweek in accordance with such schedule.

An employer in any designated area or activity who is not in compliance with the regulations shall not hire any workers.

Following are the text of the regulations and two orders, one listing the areas in which the 48-hour regulations are to be effected and another extending the regulations to the lumbering and non-ferrous mining industries.

REGULATIONS NO. 3

By virtue of authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9301 establishing a minimum wartime workweek of 48 hours, and by Executive Orders Nos. 9139 and 9279, I hereby prescribe the following Regulations:

903.1 General Policy for Interpretation and Application of Executive Order

Executive Order No. 9301 shall be so construed and applied as best to effectuate its fundamental purpose, which is to aid in meeting the manpower requirements of our armed forces and our expanding war production program by a fuller utilization of our available manpower. Effectuation of this purpose requires that in situations of labor shortage employers do not hire new workers when their manpower needs can effectively be met by a fuller utilization of their current labor force and that workers who can be released by an extension of the workers are released under circumstances which will permit and facilitate their effective utilization elsewhere in the war effort.

903.2 Application to Areas and Activities

The Chairman of the War Manpower Commission will from time to time by order designate areas and activities as subject to the provisions of Executive Order No. 9301. Regional manpower directors may designate additional areas and activities within their respective regions as subject to the provisions of Executive Order No. 9301 if they find, and by appropriate public notice so declare, that such action will aid in alleviating labor shortages which are impeding the war effort. Unless and until an area or activity has been so designated, employers therein will not be required to extend their workweek.

903.3 Delegation of Authority

Regional and area manpower directors are authorized and directed to determine all questions arising within their respective regions and areas with respect to the interpretation and application of these Regulations, in conformity with such procedures and instructions as the Executive Director of the War Manpower Commission may issue in implementation thereof.

903.4 Minimum Wartime Workweek

"Minimum Wartime Workweek" as used in these Regulations means a workweek of 48 hours, except in cases where a workweek of 48 hours (a) would be impracticable in view of the nature of the operations, (b) would not contribute to the reduction of labor requirements, or (c) would conflict with any federal, state, or local law or regulation limiting hours of work. In such cases "Minimum Wartime Workweek" means the greatest number of hours (less than 48) feasible in the light of the nature of the operations, the reduction of labor requirements, or the applicable federal, state, and local law or regulation, as the case may be.

903.5 Extension of Workweek in Designated Areas and Activities

If the workweek applicable to any worker employed in any plant, factory, or other place of employment in an area or any activity designated as subject to the provisions of Executive Order No. 9301 is less than the Minimum Wartime Workweek, such workweek shall be extended to the Minimum Wartime Workweek as follows:

(a) Whenever extension of such workweek to the Minimum Wartime Workweek would not involve the release of any workers, the affected employer shall proceed promptly to extend the workweek to the Minimum Wartime Workweek.

(b) Whenever the regional or area manpower director or a designated representative of either determines that extension of such workweek to the Minimum Wartime Workweek would involve the release only of workers who can be promptly placed in suitable employment with other employers, the affected employer will be notified of such determination and thereupon shall proceed promptly to extend the workweek to the Minimum Wartime Workweek.

(c) If extension of such workweek to the Minimum Wartime Workweek would involve the release of some workers and the regional or area manpower director or designated representative has not determined and notified the employer be placed in suitable employment with other employers, the workweek shall not be extended except as authorized below. On or before April 1, 1943, the affected employer shall submit to the regional or area manpower director or the designated representative of either director a statement as to the number of workers whose release would be involved and their occupational classification, together with a proposed schedule for the timing of such releases. The regional or area manpower director or designated representative will authorize a schedule for the extension of the workweek to the Minimum Wartime Workweek and for the release of workers in terms of labor market needs, and the employer shall thereupon proceed to extend the workweek in accordance with such schedule.

903.6 Restriction Upon Hiring of Workers

No employer shall hire any worker in an area or activity designated as subject to the provisions of Executive Order No. 9301 if the employer has failed in any manner to comply with the provisions of Section 903.5 of these Regulations in the plant, factory, or other place of employment in which the worker would be employed.

903.7 Exclusions

No provision of these Regulations shall be construed or applied so as to require the extension of a workweek:

(a) in any establishment or other place of employment in which less than eight workers are regularly employed;

(b) in any establishment or place of employment principally engaged in agriculture;

(c) of persons in the employ of any State or any political subdivision thereof, or any instrumentality of any one or more of the foregoing;

(d) of youth under the age of sixteen years; or

(e) of individual who, on account of other employment, household responsibilities, or physical limitations, are not available for full-time work.

903.8 Definitions

As used in these Regulations:

(a) "Workweek" means the number of hours within a period of seven successive days, beginning with the same calendar day each week, during which workers are normally required to be on duty.

(b) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry and shall not include any packing, canning, processing, transportation, or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

Effective date, February 22, 1943.

GENERAL ORDER NO. 5

Designation of Certain Areas as Subject to the Provisions of Executive Order No. 9301

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9301, establishing a minimum wartime workweek of 48 hours, and in accordance with the provision of Section 903.2 of the Regulations prescribed by me on February 22, 1943, I hereby designate the following areas as subject to the provisions of Executive Order No. 9301:

Akron, Ohio; Baltimore, Md.; Bath, Me.; Beaumont, Tex.; Bridgeport, Conn.; Brunswick, Ga.; Buffalo, N. Y.; Charleston, S. C.; Cheyenne, Wyo.; Dayton, Ohio; Detroit, Mich.; Elkton, Md.; Hampton Roads, Va.; Hartford, Conn.; Las Vegas, Nev.; Macon, Ga.; Manitowoc, Wisc.; Mobile, Ala.; New Britain, Conn.; Ogden, Utah; Panama City, Fla.; Pascagoula, Miss.; Portland, Oreg.; Portsmouth, N. H.; San Diego, Calif.; Seattle, Wash.; Somerville, N. J.; Springfield, Mass.; Sterling, Ill.; Washington, D. C.; Waterbury, Conn.; Wichita, Kan.

Effective date: February 22, 1943.

WMC Manual of Operations

OPERATING INSTRUCTION—FIELD NO. 14

1. *Purpose*

.01 The purpose of this instruction is to establish the procedures to be followed in the field offices of the War

Manpower Commission in carrying out the provisions of Executive Order No. 9301, and the Regulations prescribed under the terms of that Order by the Chairman of the War Manpower Commission.

2. *Policy*

.01 The effectuation of the purposes of Executive Order No. 9301, hereinafter referred to as the Executive Order, shall be the responsibility of the several Regional Manpower Directors in their respective jurisdictions. The responsibilities and authorities set forth in this instruction, with the exception of the authority to designate areas and activities subject to the provisions of the Executive Order, may be delegated by Regional Manpower Directors to Area Manpower Directors, or to any other persons administratively responsible to them.

.02 Regulations No. 3 prescribed by the Chairman on February 22, 1943, for the application of the Executive Order, hereinafter referred to as the *Regulations*, which together with the *Interpretations* thereof, establishes the policies under which Regional Manpower Directors and their designated representatives will proceed to carry out their responsibilities.

3. *Procedure*

.01 General Order No. 5, approved by the Chairman on February 22, 1943, designated 32 areas as areas in which the Executive Order must be made operative. It is the responsibility of the Regional Manpower Directors to define the geographical limits of these areas. These designated areas should generally be defined so as to be identical with respect to the surrounding communities to be included, with the so-called Group I areas in the February list. However, for purposes of the Executive Order and the Regulations, the Regional Manpower Director may exclude certain of these surrounding communities if he finds that such exclusions are necessary for the purpose of properly effectuating the Executive Order. The Regional Manpower Director shall give notice as to the communities which are to be included in each of the designated areas.

.02 Regional Manpower Directors are authorized to designate additional areas or activities in the respective regions as subject to the provisions of the Executive Order. Prior to any such designation they shall make a finding that the designation of such area or activity will aid in alleviating labor shortages which are impeding the war program.

.03 The findings to be made by the Regional Manpower Director with regard to the area or activity shall be based upon such labor market information as he can obtain.

.04 The Regional Manpower Director's findings shall clearly describe the areas or activity to be designated as subject to the provisions of the Executive Order. The boundaries of designated areas shall conform as closely as is practicable to the boundaries of the "labor market areas" used in analyzing the adequacy of available manpower. The findings shall designate a date, subsequent to the time of their announcement, which date shall, for the purpose of the newly designated area or activity, serve the same purpose as the date *April 1, 1943*, in Section 903.5 (c) of the Regulations.

.05 The Regional Manpower Director or his representative shall then give public notice of these findings through newspapers, trade journals, radio, and other channels. (Because of Office of War Information regulations regarding release of public information, all public informational materials should have advance clearance by the Regional Informational Service Representative.)

.06 Regional Manpower Directors shall inform the Executive Director of all designations and definitions of areas made in accordance with provisions of subsections 3.01, 3.02, 3.03, and 3.04 of this instruction. This information shall be forwarded as far as is practicable in advance of the date referred to in subsection 3.04.

.07 In carrying out their responsibilities, Regional Manpower Directors or their authorized representatives shall review complaints from individuals or organizations regarding non-compliance. They shall make such investigations as may be necessary to determine whether the employer is complying with the Regulations.

.08 In making investigations as to the non-compliance of an employer, the Regional Manpower Director or his representative shall utilize to the extent necessary the reports, records, and personnel of the War Manpower Commission and of other Government agencies.

.09 If a Regional Manpower Director, or his authorized representative has reason to believe that in a particular plant, factory or other place of employment the Minimum Wartime Workweek could be adopted as provided in subsection (b) of Section 903.5 of the Regulations, he may require the employer to submit information as to the number of workers, classified according to occupation, who would be released as a result of the extension of the workweek.

.091 If the Regional Manpower Director or his representative determines that it should be possible to place the workers promptly in suitable employment with other employers, he shall:

(a) instruct the employer to proceed promptly to extend the workweek to the Minimum Wartime Workweek; and

(b) inform the appropriate local offices of the United States Employment Service of the number and occupational classification of workers to be released.

.092 If the demand for such workers in the locality does not make it possible for them to be placed promptly in suitable employment with other employers, the Regional Manpower Director or his representative shall notify the employer that the workweek shall be extended to the Minimum Wartime Workweek only in conformity with the provisions of subsection (c) of Section 903.5 of the Regulations.

.10 All schedules for the release of workers approved in accordance with subsection (c) of Section 903.5 of the Regulations shall be forwarded by Regional Manpower Directors or their representatives to appropriate Local Offices of the United States Employment Service.

.11 If the Regional Manpower Director or his representative determines that, with respect to any plant, factory, or other place of employment, an employer is not complying with the Regulations, he shall:

(a) notify such employer that he is not permitted to hire workers for work in such plant, factory, or other place of employment; and

(b) so inform appropriate local offices of the United States Employment Service.

.12 Regional Manpower Directors shall instruct all review units established under approved employment stabilization programs in areas and for activities designated as subject to the provisions of the Executive Order to consider the Minimum Wartime Workweek as defined in Section 903.4 of the Regulations as full time employment for the purpose of determining eligibility of a worker for a Statement of Availability.

.13 When the designated representative of a Regional Manpower Director cannot secure compliance with the Regulations through resources available to him, he shall submit a full report of the nature and extent of the violation to the Regional Manpower Director who shall take action through the appropriate Government agency.

.14 Any worker or employer, or group of workers or employers, dissatisfied with any act or failure to act pursuant to the terms of the Regulations and this instruction shall be given a fair opportunity to present his or their case through the War Manpower Commission appeals procedure.

FEDERAL LEGISLATION

SENATE

S. 814 (White, R-Maine) (For himself and Mr. Wheeler, D-Mont.) COMMUNICATIONS—To amend the Communications Act of 1934 and for other purposes. Referred to the Committee on Interstate Commerce.

STATE LEGISLATION

MISSOURI:

H. 295 (Tucker) DENTISTRY—ADVERTISING—Provides for new section 10088A relating to advertising by a person not licensed to practice dentistry or to construct dentures, etc.

WASHINGTON:

H. 325 (Anderson) DENTISTRY PRACTICE—Relating to the practice of dentistry, providing for penalties and repealing conflicting laws. Referred to Committee on Medicine, Dentistry, and Pure Foods.

H. 374 (Cramer) BROADCASTING—FINANCIAL RESPONSIBILITY—Provides that the sponsor or person broadcasting shall be held financially responsible for matter broadcast. Referred to Committee on Judiciary.

S. 275 (Rosellini) BROADCASTING—SPONSOR ANNOUNCED—Provides that news reporters, analysts, and commentators, when broadcasting, must disclose the name of their sponsor. Referred to Committee on Judiciary.

WEST VIRGINIA:

H. 304 (Flint) LIQUOR—ADVERTISEMENT—Prohibiting the advertisement in any form or medium of alcoholic liquor or beer. Fixes penalties. Referred to Committee on Temperance.

FEDERAL COMMUNICATIONS COMMISSION

NEW FREQUENCY CLASSIFICATION

The FCC has announced a new classification of radio frequencies into seven major bands, effective immediately.

As a result of the Commission action, Section 2.5 of the General Rules and Regulations will read as follows:

Sec. 2.5 *Useful radio spectrum*—"Useful radio spectrum" means the total number of frequencies or wavelengths which may be used for the transmission of energy, communications or signals by radio.[3]

[3] At the present development of the art the useful radio spectrum is considered to extend from 10 kilocycles to 30000000 kilocycles or 30000 meters to 0.01 meters. These frequencies are classified into bands with designations and abbreviations as follows:

Frequency in Kilocycles					Designations	Abbreviations
	10	to	30	inclusive	Very Low	VLF
Above	30	to	300	"	Low	LF
"	300	to	3000	"	Medium	MF
"	3000	to	30000	"	High	HF
"	30000	to	300000	"	Very High	VHF
"	300000	to	3000000	"	Ultra High	UHF
"	3000000	to	30000000	"	Super High	SHF

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARING

The following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, March 8th. It is subject to change.

Tuesday, March 9

WLW—The Crosley Corporation, Cincinnati, Ohio.—Modification of license, **700 kc.**, 50 KW night, 500 KW day, unlimited, using W8XO transmitter.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

W67B—Westinghouse Radio Stations, Inc., Boston, Mass.—Granted modification (B1-MPH-83) of construction permit (B1-PH-62) for change in transmitter and extension of commencement and completion dates. Also granted license (B1-LH-32) to cover construction permit in part, pursuant to August 4 policy. Conditions.

W49PH—Penna. Broadcasting Co., Philadelphia, Pa.—Granted modification (B2-MPH-103) of construction permit (B2-LH-69) to extend completion date to July 22, 1943. Also granted license (B2-LH-26) to cover construction permit in part, subject to condition that the licensee will take steps to comply fully with the Rules, Regulations and Standards of the Commission when materials and personnel become available or when required by the Commission to do so. **44900 kc.**, 9,300 square miles.

WEMP—Milwaukee Broadcasting Co. (a Corp.), (Assignor), and Glenn D. Roberts, et al., d/b as the Milwaukee Broadcasting Co. (Assignee), Milwaukee, Wis.—Granted voluntary assignment of license from Milwaukee Broadcasting Co. (a corporation), to Glenn D. Roberts, Melva F. Roberts, Wellwood Nesbit, Robert M. LaFollette, Jr., Evalyn H. Dolph, Hope D. Pettey, Leo T. Crowley and James T. Markham, co-partners, d/b as Milwaukee Broadcasting Co. (B4-AL-363).

KFQD—Anchorage Radio Club, Inc. (Assignor), and William J. Wagner, d/b as Alaska Broadcasting Co. (Assignee), Anchorage, Alaska.—Granted voluntary assignment of license station KFQD, from Anchorage Radio Club, Inc., to William J. Wagner, d/b as Alaska Broadcasting Co. (B-AL-347).

WKEU—Radio Station WKEU, Griffin, Ga.—Granted modification of license to use 100 watts, unlimited time on **1450 kc.**, subject to installation of a radiating system which complies with the Commission's Standards of Good Engineering Practice, and power determined by direct method in accordance with Rule 3.51. Action on application to increase power to 250 watts night, 100 watts day, and increase in hours to unlimited, held in abeyance.

WCBI—Birney Imes, Columbus, Miss.—Granted modification of license to change frequency from **1400** to **1340 kc.** (B3-ML-1150).

W73PH—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted license (B2-LH-19) to cover construction permit in part, on condition that licensee will take steps to comply fully with the Rules, Regulations, and Standards of the Commission when materials and personnel become available or when required by the Commission to do so. **47300 kc.**, 9,300 square miles.

W57PH—Westinghouse Radio Stations, Inc., Philadelphia, Pa.—Granted license (B2-LH-36) to cover construction permit in part. Conditions.

W75P—Westinghouse Radio Stations, Inc., Pittsburgh, Pa.—Granted license (B2-LH-33) to cover construction permit in part. Conditions.

MISCELLANEOUS

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Granted modification of construction permit as modified, which authorized installation of new equipment and directional antenna for day and night use, change frequency, increase in power, and move of transmitter, for extension of completion date from March 22 to June 22, 1943 (B3-MP-1696).

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted modification of construction permit, as modified, which authorized increase in power, installation of new transmitter and directional antenna for night use, and change hours of operation, for extension of completion date from March 1 to April 1, 1943 (B2-MP-1694).

KPAS—Pacific Coast Broadcasting Co., Pasadena, Calif.—Granted license to cover construction permit as modified, for new broadcast station (B5-L-1752); granted authority to determine operating power by direct measurement of antenna power (B5-Z-1497).

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—Granted license to cover construction permit as modified, which authorized change in frequency, increase power, change hours of operation and install directional antenna for night use (B3-L-1753); granted authority to determine operating power by direct measurement of antenna power (B3-Z-1498).

KAOY—Don Lee Broadcasting System, Portable-Mobile, area of Los Angeles, Calif.—Granted license to cover construction permit as modified, for new relay broadcast station (B5-LRE-426).

WFTL—Ralph A. Horton, Fort Lauderdale, Fla.—Granted modification of construction permit as modified, which authorized change in frequency, increase in power, install new transmitter and directional antenna for night use, and move transmitter, for extension of completion date from March 5 to May 5, 1943 (B3-MP-1695).

WALB—Herald Publishing Co., Albany, Ga. (Docket Nos. 6398 and 6399); and Albany Herald Broadcasting Co., Albany, Ga. (Docket 6400).—Granted request for a continuance of the further hearing now set for February 25, 1943, on applications of WALB for renewal of license and for construction permit, and for voluntary assignment of license of Station WALB; hearing continued until March 16, 1943.

W6XDU—Don Lee Broadcasting System, Portable-Mobile, area of Los Angeles, Calif.—Granted license to cover construction permit as modified, which authorized addition of aural equipment using special emission; granted on an experimental basis only, conditionally (B5-LVB-39).

WBEZ—Board of Education, City of Chicago, Ill.—Granted modification of construction permit as modified, which authorized new non-commercial educational broadcast station, for extension of completion date from March 7 to April 7, 1943 (B4-MPED-17).

KEGW—Salt River Valley Broadcasting Co., area of Phoenix, Ariz.—Cancelled relay broadcast station license in accordance with written request of licensee (B5-RRE-76).

KGBK—Helen Townsley, area of Great Bend, Kans.—Granted further extension upon a temporary basis, of relay broadcast station license, pending determination upon application for renewal of license, not later than April 1, 1943 (B4-SRY-240).

WAEA—W. A. Patterson, area of Chattanooga, Tenn.—Granted further extension upon a temporary basis, of relay broadcast station license, pending determination upon application for renewal of license, not later than April 1, 1943 (B3-SRY-132).

WLAN—Thomas J. Watson, Endicott, N. Y.—Adopted order granting the motion of Thomas J. Watson for a continuance of the hearing set for March 2, 1943, on application for modification of construction permit; hearing continued until April 1, 1943 (Docket No. 6453).

National Broadcasting Co., Inc.—Granted in part petition for indefinite continuance of hearing on petition for rehearing filed by National Broadcasting Co., Inc. (KOA), re application of WJW, Inc. (WJW), Akron, Ohio, for modification of construction permit (Docket 6485); hearing continued until a date subsequent to Supreme Court decision in KOA case; balance of petition dismissed without prejudice.

WLW—The Crosley Corp., Cincinnati, Ohio.—Granted petition for postponement of hearing scheduled for March 9 re application for modification of license to operate on **700 kc.**, 50 KW night, 500 watts day, unlimited time, using W8XO transmitter; continued to April 9, 1943 (Docket 6341).

Chattahoochee Broadcasting Co., Columbus, Ga.—Granted withdrawal of motion for continuance of hearing set for March 4 re application for construction permit for new station; granted substitute motion to dismiss application without prejudice; hearing set for March 4, 1943 cancelled (Docket 6456).

South Florida Broadcasting, Inc., Miami, Fla.—Granted petition to dismiss without prejudice application for construction permit for new station (Docket 6153).

APPLICATIONS FILED AT FCC

790 Kilocycles

KVOS—KVOS, Inc., Bellingham, Wash.—Modification of construction permit (B5-P-3237 as modified, which authorized new transmitter, installation of directional antenna for day and night use, change in frequency, increase in power and move) for extension of completion date from 4-30-43 to 7-30-43.

990 Kilocycles

WIBG—Seaboard Radio Broadcasting Corp., Philadelphia, Pa.—Modification of construction permit (B2-P-3207 as modified, which authorized new transmitter and directional antenna for day and night use, change hours, increase power and move transmitter and studio) for extension of completion date from 3-8-43 to 6-9-43.

1140 Kilocycles

KGDM—E. F. Peffer, Stockton, Calif.—Modification of construction permit (B5-P-3199 as modified, which authorized change in frequency, hours, increase power, directional antenna for night use, new transmitter) for extension of completion date from 3-20-43 to 5-20-43.

1230 Kilocycles

KVOS—KVOS, Inc., Bellingham, Wash.—Special Service Authorization to operate on **790 kc.** with 250 watts power, for period ending 2-1-45.

1250 Kilocycles

KWSC—State College of Washington, Pullman, Wash.—Construction permit to change frequency from **1250 kc.** to **1030 kc.**, change power from 5 KW to 1 KW night, 5 KW day, hours of operation from share with KTW to unlimited time and make changes in antenna and ground systems. Request facilities of KOB. Amended: to request modification of license and omit request for changes in antenna and ground systems.

1380 Kilocycles

KPQ—Thomas Patrick, Inc., St. Louis, Mo.—Authority to determine operating power by direct measurement of antenna power.

1410 Kilocycles

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Authority to determine operating power by direct measurement of antenna power.

1490 Kilocycles

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Extension of Special Service Authorization to operate on **560 kc.**, 500 watts night, 1 KW day, unlimited time, using transmitter authorized by B5-P-3150 as modified, for period ending 8-25-43.

TELEVISION APPLICATIONS

W3XPA—Philco Radio & Television Corp., Portable-Mobile, area of Philadelphia, Pa.—License to cover construction permit (B2-PVB-89) for new television relay broadcast station to be used with WPTZ.

W3XPC—Philco Radio & Television Corp., Philadelphia, Pa.—License to cover construction permit (B2-PVB-90) for new television relay broadcast station to be used with WPTZ.

MISCELLANEOUS APPLICATION

WPTZ—Philco Radio & Television Corp., Philadelphia, Pa.—License to cover construction permit (B2-PCT-4 as modified, which authorized new commercial television broadcast station) *in part*.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Hawkeye Sales, Inc., and Tim Lake, 615 Tenth St., Des Moines, Iowa, manufacturing and distributing a preparation for spraying poultry, designated "Blu-V-Spray", and a medicinal feed supplement for poultry, designated "Jermite," are charged in a complaint with misrepresentation. (4919)

P. Lorillard Company, Inc.—A complaint has been issued alleging misrepresentation in the advertising claims made for Old Gold cigarettes and certain other tobacco products manufactured by P. Lorillard Co., Inc., which has its principal office in Jersey City and operates plants in that city and in Louisville, Ky., Richmond and Danville, Va., Middletown, Ohio, and Lancaster, Pa. (4922)

Minneapolis-Honeywell Regulator Company—A complaint has been issued charging Minneapolis Honeywell Regulator Co., Minneapolis, with engaging in unlawful practices which tend to create a monopoly and restrain trade in the sale of automatic temperature controls used in the operation of domestic heating plants. The respondent has manufacturing plants in Minnesota, Indiana and Pennsylvania and distributing points in other States. (4920)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

American Industrial Rubber Co., 4405 South LaSalle St., Chicago, and its officers and agents have been ordered to cease and desist from falsely representing low-grade recapped automobile tires as being of superior quality and guaranteed as to durability and service. (4819)

Harlem Co., 30 Church St., New York, has been ordered to cease and desist from certain misrepresentations concerning the jewelry he sells. (4843)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Dr. V. P. English, R.R. 3, San Diego, Calif., has stipulated that she will discontinue certain misrepresentations in connection with the advertising and sale of medicinal preparations designated "Cerate," "Tissue Food Tablets A" and "Tissue Food Tablets B," a device called "Head-Hold Spine-Stretch Harness" and a booklet that purportedly contains information for use in the relief of spinal ailments. (03091)

Min-O-Ral Products Co., 1535 West Willis St., Detroit, entered into a stipulation to discontinue representing that the mineralized water they sell under the name "Min-O-Ral," when taken internally as directed, is of any therapeutic value other than in the treatment of iron deficiency or, when administered externally, has any value other than that of an inhibitory antiseptic or an astringent or styptic. (3616)

Thaxly Co., 450 Randolph St., N. W., Washington, has entered into a stipulation to cease and desist from certain misrepresentations concerning a wide variety of preparations compounded from formulas he sells. (03090)

FTC CASE CLOSED

The Federal Trade Commission has closed without prejudice the case growing out of the complaint it issued against D. K. Tuey, Los Angeles, dealer in Chinese herbs.

The complaint had charged the respondent with misrepresenting the therapeutic value of his products.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON, D. C. Vol. 11, No. 11, March 12, 1943

NAB RADIO WAR CONFERENCE

To Be Held in Chicago April 26 - 29

As previously reported in the REPORTS (Page 97), the Board of Directors voted unanimously to abandon the 1943 convention. Instead a Radio War Conference under NAB auspices will be held April 26-29, inclusive. The Board expressed the view that both from geographic and strategic considerations, Chicago was the most logical site.

Negotiations with Chicago hotels and the Chicago Association of Commerce culminated with selection of Chicago's famed Palmer House as War Conference headquarters. A luncheon meeting of the NAB Chicago stations was had and the following were present: W. E. Hutchinson, WAAF; R. S. Peterson, WENR; Charles M. Freeman, WLS; Harry Templeton, WLS; J. L. Van Volkenburg, WBBM-CBS; Leslie C. Johnson, WHBF, Rock Island, 9th District Director-Elect; A. W. Kaney, WMAQ-NBC; Robert E. Bausman, WISH, Indianapolis, Indiana; Milton M. Blink, Standard Radio, Inc.; Howard Lane, CBS; William Knodle, Free & Peters; and Gale Blocki, John Blair & Co.

District Director Edgar Bill was unable, because of previous business engagements, to attend but will name the necessary local committees immediately. All of the stations in Chicago are enthusiastic about the forthcoming meeting.

Monday, April 26, is "Pre-Conference Day". Preliminary registration and some group meetings will be scheduled. The final meeting of the 1942-1943 Board of Directors will be held that evening at a dinner session. The Conference will officially open on Tuesday, April 27, at 10 a. m.

Next week a special War Conference bulletin will be issued in connection with the regular REPORTS. Pre-registration information, full details of hotel accommodations and prices, and other pertinent preliminary subjects will be fully covered.

Consistent with the national interest in these crowded war times, station managements are urged to consider the question of attendance at this 1943 NAB Radio War Conference. It will be strictly a working meeting—no frills, no adornments. Every meeting, whether general or special, will be dedicated to a consideration of the war and domestic radio broadcasting's relation to it. As an incident all business having to do with the internal affairs of the trade association will be transacted.

By-Law Amendments

The attention of members is called to the following provision of the By-Laws:

"Article XIII, Section 1—These By-Laws may be amended, repealed, or altered, in whole or in part, by a two-thirds vote at any annual meeting of the Association provided the proposed change is submitted by mail to the last recorded address of each member at least thirty days before the time of the meeting which is to consider the change."

The 1943 membership meeting will be held in conjunction with the Radio War Conference, April 26-29. Therefore, any proposals to change the By-Laws must be published in the NAB REPORTS

(Continued on page 116)

NAB Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Arthur C. Stringer, *Director of Promotion.*

NAB RADIO WAR CONFERENCE

(Continued from page 115)

which go to press on March 25. Already three such proposals, all by the NAB Board of Directors, are on file. These, with any others submitted, will be published in the REPORTS two weeks hence.

Associate Members

The Radio War Conference will, of course, include those allied industries which are in NAB associate membership. Transcription companies, station representatives, market research organizations and manufacturers are a vital part of radio's war role.

While provision will be made for any who desire to exhibit, it is not expected from advance inquiry that many will do so. A sufficient number of rooms to care for all associate members has been reserved on the Palmer House seventh floor. A concentration of reception rooms and headquarters in one section of the hotel will contribute, it is felt, to the advantage of all. Rooms are adaptable to any use to which the individual associate member desires to put them.

STATIONS MUST STAY ON AIR TO RETAIN LICENSES

The FCC at its meeting Tuesday rejected a proposal that standard broadcast stations be permitted to cease operation for the duration of the war and retain their licenses. While making no change of its existing general policy permitting temporary suspensions to enable stations to meet and overcome current emergencies, the Commission expressed the belief that the door should not be opened for any general suspension of radio broadcast operations during the war period.

In announcing the decision, James Lawrence Fly, Chairman of the Commission, drew attention to the fact that the adoption of a policy permitting suspension generally would probably result in the elimination of radio broadcasting in many areas where the need for public service is the greatest. He pointed out that the indefinite suspension of broadcast operations might jeopardize this country's interest in the radio frequencies as provided in the North American Regional Broadcasting Agreement. Mr. Fly also said that various steps have already been taken to alleviate the difficulties of the smaller stations. For example, it is provided that stations may operate as little as six hours per day.

While the Commission declined to give the broadcasters who may be forced to suspend any preferred claims to use of the frequencies after the war, it was observed that broadcasters who have rendered an effective public service in the past and were forced to close down because of circumstances beyond their control would have certain natural advantages over other applicants at a later time when operations may become feasible. It was pointed out that presumably the business organizations and the broadcasting properties would remain intact even though actual operations are suspended. This would enable the owners of the stations to move promptly to ask for the assignment of frequencies and the resumption of operations at the end of the war.

It was also pointed out that the Commission will continue its policy of permitting temporary suspensions for short periods in order to alleviate emergency conditions. In other words, the operator may ask for a temporary suspension when he can show the necessity of closing down for a brief spell. He would be required to present a feasible plan for the alleviation of the difficulties and the return of the station to the air at an early date. The policy approved by the Commission follows:

> Insofar as relief may be needed by standard broadcast station licensees from difficulties of operation incident to the war, no general policy will be adopted, but the Commission will continue to consider on an individual basis requests for permission to temporarily suspend operations for short periods while efforts are being made to work out a means of resuming operations on a permanent basis.

Applications of the Astoria Broadcasting Company (KAST), Astoria, Oregon, and of The Petersburg Newspaper Corporation (WPID), Petersburg, Virginia, for authority to suspend operations for the duration of the war were denied.

"E" AWARD BROADCASTS

Misunderstanding of a recent letter of the Industrial Services Division, Bureau of Public Relations, War Department, relative to company expenses in connection with "E" awards was discussed and remedied at a meeting this week at which Col. A. Robert Ginsburgh, chief of the division, Neville Miller and Willard Egolf were present.

Some radio station operators had derived the impression that this division of the War Department had advised against the use of radio in connection with "E" award ceremonies. Actual text of the letter stated that "expenses related to advertising, broadcasting, etc." should be kept at a minimum. Obviously the letter was misinterpreted to mean "expenses *of* advertising, broadcasting, etc." because the intent of Colonel Ginsburgh was to advise against excessive talent costs, entertainment, etc.

In the printed release now under preparation, Colonel Ginsburgh has even gone so far as to eliminate entirely any reference to "advertising, broadcasting, etc." and uses only the word "expenses." He expressed a desire to cooperate at all times with the radio industry and advertising in general.

NAB REPORTS TEN YEARS OLD

The NAB REPORTS is ten years old this week.

President Roosevelt had been in office just one week, and Alfred J. McCosker, NAB president, had sent him a wire assuring him of the "hearty and continued cooperation of the broadcasters" throughout his administration.

That promise has been kept.

The banks were closed but the New Deal's alphabetical array of administrative agencies—including the FCC—had yet to be born. Congress, the courts and the Radio Commission were the only things in Washington the industry had to worry much about.

Phil Loucks, managing director of the NAB, in the first issue described the policy of the NAB REPORTS as follows:

"NAB REPORTS will give to members the official news of the Association, texts of important court decisions, digests of bills which would affect radio, decisions of the

Federal Radio Commission, rulings of state and federal government departments relating to radio, and other similar material. In other words, NAB REPORTS will constitute a service rather than a news bulletin."

Although Phil probably didn't dream at the time of how much the NAB REPORTS would have to cover to fullfil that policy, it was a *good* policy then, and now.

We see no need for changing it.

"C" BOOKS FOR TEMPORARY REMOTES

Radio broadcasting engineers and technicians were made eligible for C gasoline rations necessary for transporting heavy equipment to and from temporary broadcasting facilities by an order issued yesterday by the OPA.

This amendment is the result of the pleas for relief made by NAB, followed up by a hearing on January 29 before Richard C. Harrison, OPA Chief of Eligibility, Gasoline Rationing. At the hearing, network engineers and Washington, D. C. station men testified and filed supporting data and the actual equipment used on temporary remotes was exhibited. Present were: Ken Berkeley, WMAL; Burton Harkins, WOR; Clyde Hunt, WJSV; George McElrath, NBC; George Milne, Blue; and Russell P. Place, NAB Counsel.

Temporary facilities, OPA pointed out, often are set up for special broadcasts away from the radio station; for example, for special broadcasts from Army camps. The equipment must be regarded as non-portable to qualify engineers and technicians for C ration books. Applicants also must show that alternative means of transportation are inadequate.

Previous regulations made radio broadcasting engineers and technicians eligible for preferred mileage (C ration books) for travel to and from permanent broadcasting facilities, located in suburban or rural areas. The new action was taken in Amendment No. 29 to Ration Order No. 5C, effective March 17.

The amendment reads as follows:

Ration Order 5C is amended in the following respect:

§ 1394.7706 (n) is amended to read as follows:

(n) By the following persons for the following purposes:

(1) Any person, including an employer, employer's organization, or labor organization, for the transportation of farm workers, commercial fishermen, seamen, or marine workers to, from or between their places of employment; or

(2) An engineer or technician for transportation between home or lodgings and a radio broadcasting transmission station or between such station and other permanent facilities for radio broadcasting for purposes necessary to the operation of such station, but only if such station, because of its power, is located in a rural or suburban area; or

(3) An engineer or technician for the transportation or non-portable equipment to and from temporary installations for radio broadcasting, if no alternative means of transportation are adequate.

This amendment shall become effective March 17, 1943.

TIRES AND RECAPS

On the basis of information supplied by the OPA, the OWI last Tuesday released a recapitulation of eligibility rules governing the procurement of tires and recaps.

It was pointed out that the desire to have car owners recap their tires in time, so that a potentially recappable tire is not lost entirely, was the chief reason for freeing passenger car tire recapping from rationing restrictions. This step has been made possible by control of mileage of passenger cars through gasoline rationing.

NO MORE BATTERY INFO NEEDED

That a thoroughly adequate supply of dry cell batteries for farm radios will be made available continues to be NAB's firm conviction.

This belief is supported by what transpired at Wednesday's (March 10) farm battery conference in Washington.

Various government departments which have an interest in the several material stockpiles involved and in necessary production facilities came into general agreement with the thesis of maintaining rural radio with the same reliability as urban radio.

1. Passenger Cars.

There is no restriction on the recapping of passenger car tires with "passenger type camel-back." "Camel-back" is any rubber compound designed for application to a worn tire to make a new tread. "Passenger type" camel-back is made of reclaimed rubber only, using no crude.

All passenger cars are also eligible for some type of replacement tire, if their present tires aren't recappable. The grade of tire for which a car is eligible depends upon the gas mileage allowed the particular vehicle.

Thus, cars with mileage allowances up to 560 miles a month (A and B cards) are entitled to Grade III tires, which are used or recapped tires. (This is in addition to the permission to recap the car's own tires.)

Cars with mileage allowances of from 560 to 1000 miles a month (C card) are entitled to Grade II tires such as a new reclaimed-rubber tire or a prewar tire priced at 85 per cent or less of the price of new-car equipment grade.

Cars with mileage allowances of more than 1000 miles a month (C card with longer mileage) can have choice of any kind of passenger tire.

2. Trucks and Trailers.

Trucks and trailers included in the List A eligibility classification in OPA's regulations (those vehicles providing services deemed most essential by OPA) are eligible for new crude rubber tires if their present casings can't be recapped.

Trucks and trailers performing important services not on List A may apply for certificate entitling them to recapping with "truck type camel-back," which includes a certain amount of crude rubber. Truck tires cannot be made or recapped with reclaimed rubber only.

3. Taxis operating under ODT rules are eligible for truck-type recapping or for new tires if their casings are not recappable.

4. Busses.

Public busses operating regular routes and services are eligible for recapped or new tires.

Private busses performing certain necessary transportation services, including carrying persons to certain essential establishments or schools, also are eligible for recapping or for new tires.

Tire inspections are required for virtually all commercial and private vehicles, but frequency depends on type of vehicle and mileage ration.

Facilities for recapping are good throughout the country. Moulds and rubber are available.

PRIORITY FOR SUPPLIES

Under the terms of Priorities Regulation 3, as amended March 9, 1943, the P-133 preference rating cannot be applied to the following supplies: materials for maintenance or repair of buildings; printed matter, stationery and office supplies; fuel or electric power; and office machinery or office equipment. Stations unable to procure such supplies at retail or from jobbers should use WPB Form PD-1A if ordered for March 31 or prior delivery.

For delivery after March 31, priorities should be applied as specified in Controlled Material Plan Regulation No. 5, which is now being revised for early release, and will be covered in an early issue of NAB REPORTS. Under CMP Reg. No. 5 as presently worded, the following items are excluded from "operating supplies": printed matter and stationery; fuel or electric power; and office machinery or equipment. Stations unable to get these supplies at retail should now use Form PD-1A for delivery after March 31.

DISTRICT 5 MEETING

Frank King, WMBR, NAB District 5 Director, has called a meeting of the NAB member stations in that District, which embraces Florida, Georgia, Alabama and Puerto Rico. The meeting will be held on Saturday, March 20, at the George Washington Hotel in Jacksonville. The main purpose of the meeting is to elect a District Director for the 1943-45 term. Other industry matters will be discussed. All District 5 NAB members are urged to attend.

RECENT ENGINEERING ARTICLES

Many engineers will be interested in reading the following articles appearing in recent technical publications:

1. Proceedings of the IRE, January, 1943: *Contemporary Problems in Television Sound*, C. L. Townsend; *Engine Driven Emergency Power Plants*, Karl Troeglen, Station WIBW; *Selected Problems in Architectural Acoustics*, M. Rettinger; *Postwar Radio Planning*, James Lawrence Fly, Chairman FCC.
2. Electrical Communications, Volume 21, No. 1 (Technical Journal of the International Telephone and Telegraph Corporation): *WABC, Key Station of the Columbia Broadcasting System*, E. M. Ostlund.
3. QST, February, 1943: *Rejuvenating Old Meters*, W. R. Triplett.
4. Communications, February, 1943: *Report on IRE Winter Conference*, Lewis Winner; *Emergency Circuits for Level Equalization*, Donald Phillips.
5. Proceedings of the IRE, March, 1943: *Maintenance of Broadcast Operations in Wartime*, J. A. Ouimet, assistant chief engineer, CBC.

"The Future of Televsion," a recent book by Orrin Dunlap, Jr., published by Harper & Brothers, New York, is excellent non-technical reading for those interested in the past, present and future possibilities of television.

DO YOU HAVE ANY EXTRA COPIES OF "RADIO IN THE CLASSROOM"?

A number of important requests for the NAB published booklet, "How to Use Radio in the Classroom," issue of 1941, have been made to NAB headquarters and we are out of stock. Thus we request that any stations having some extra copies on hand mail them to us as soon as possible, billing us for postage and at the rate of 5¢ for each copy returned. Send to Walt Dennis, Chief, NAB News Bureau, Washington office.

48 - Hour Week

ENFORCEMENT LOCAL

The establishment of a general 48-hour week in critical labor shortage areas will be carried out by the area and regional directors of the War Manpower Commission, Executive Director Lawrence A. Appley and Deputy Chairman Fowler Harper announced at a press conference.

"It is anticipated and expected," Appley said, "that these directors will use their horse sense in dealing with questions that arise."

The directors will have the authority, subject to appeal, to decide disputes over extension of the 48-hour work week in their territories, Appley said.

"If a dispute over policy arises that involves two or three geographical areas the matter will be settled by negotiation between the directors of those areas," Appley explained. "If the dispute expands into a national matter, then it will be discussed in Washington."

Both Appley and Harper made it clear that because of the diversity of circumstances, the War Manpower Commission felt it could not give specific answers to general questions involving the 48-hour week.

"The significant feature of this regulation," Appley said, "is the manner in which it will be administered. It leaves to the local and regional people the responsibility for deciding what must be done."

The 48-hour week, Harper said, is a tool to pry needed workers from the labor market.

If the workers who would be released by the company going on a 48-hour week are not needed elsewhere, the War Manpower Commission will say: Don't go on the 48-hour week until the workers are needed, he said.

The inability of the WMC to obtain needed funds for the operation of the United States Employment Service, Government employment agency, will obviously slow the establishment of the increased work week, the WMC officials said, inasmuch as action would take place only as rapidly as the offices could handle the load.

It may be several months after the April 1 deadline, Harper said, before the commission is able to arrange employe release schedules for many employers.

"The added load will not mean a breakdown of USES," Harper said. "Merely delay."

Appley interposed that the morale of the USES Officials was "splendid" and that they were "determined to do the job."

"Accomplishment of the aims of the President's executive order will be fulfilled," Harper said. "How long it will take we do not know, but it will be fulfilled."

"We will do the job as fast as we can. But Mr. Appley is determined that we shall not crowd the USES to the point where it breaks the service's back."

In answer to a question, Harper said the lack of funds for the USES would also hinder the area management-labor committees in labor shortage areas where employment stabilization plans are in operation or in preparation.

"The USES, as you know, is the chief operating agency of the War Manpower Commission," Harper told the reporters.

The WMC's legal staff said the 48-hour directive would supersede any employer-labor agreement limiting working time but would not affect wage agreements. Nor is the War Manpower Commission to consider the effect upon costs of their actions. That, they said, is a problem for other Government agencies.

In other words, they pointed out, if the adoption by a company of a 48-hour week involved increased labor costs, that factor will not be taken into consideration by WMC officials.

Other details brought out by the press conference were:

(1) In the case of a business that operates both inside and outside of a critical labor shortage area, those employees within the area will go on a 48-hour week if by so doing production can be increased or additional labor

made available. Those outside the area will not be affected at this time.

(2) A business like a railroad or cross-country trucking company, that operates partly inside but mostly outside an area, will not immediately be affected.

(3) The 48-hour week in lumber and the non-ferrous metals industries will exist throughout the nation, as "a logical follow up of previous actions." Other special industry arrangements will be made if and when the facts justify such action.

(4) All industries will be studied, however, and the present list may be extended or revised at any time.

Some queries the officials would not answer in detail. They pointed out that full authority had been delegated to regional and area officials who had ample jurisdiction to make their rulings fit the facts.

"We are trying to make manpower a tailor-made job, custom made to fit the needs of areas and industries—not a rigid plan handed down from Washington," Appley said. "All requests by employers for details and interpretations should be directed to the regional and area offices—not to Washington."

A list of the regional offices of the War Manpower Commission follows:

War Manpower Commission Regional Offices

Region I: 10 Post Office Square, Boston, Massachusetts
Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Massachusetts
Regional Director—Joseph A. Smith

Region II: 11 West 42nd Street, New York, New York
New York State
Regional Director—Mrs. Anna Rosenberg

Region III: 1634 Widener Building, Philadelphia, Pennsylvania
Pennsylvania, Delaware, New Jersey
Regional Director—L. B. F. Raycroft

Region IV: 1025 Vermont Avenue, N.W., Washington, D. C.
Maryland, Virginia, West Virginia, District of Columbia, North Carolina
Regional Director—Dillard Lasseter

Region V: 521 Union Commerce Building, Euclid Avenue & E. 9th Street, Cleveland, Ohio
Kentucky, Ohio, Michigan
Regional Director—Robert C. Goodwin

Region VI: 222 West Adams Street, Chicago, Illinois
Indiana, Illinois, Wisconsin
Regional Director—William H. Spencer

Region VII: 157 Peachtree Street, NW, Atlanta, Georgia
Alabama, Florida, Georgia, Mississippi, South Carolina, Tennessee
Regional Director—Bowman F. Ashe

Region VIII: 500 Midland Bank Building, Minneapolis, Minnesota
Minnesota, Iowa, North Dakota, South Dakota, Nebraska
Regional Director—Frank M. Rarig, Jr.

Region IX: 1600 Fidelity Building, 911 Walnut Street, Kansas City, Mo.
Missouri, Arkansas, Kansas, Oklahoma
Regional Director—Ed McDonald

Region X: New Mercantile National Bank Building, 6th Floor, Dallas, Texas
Texas, Louisiana, New Mexico
Regional Director—James H. Bond

Region XI: 221 Equitable Building, Denver, Colorado
Montana, Wyoming, Idaho, Utah, Colorado
Regional Director—John R. McCusker

Region XII: 245 Furniture Mart Building, San Francisco, California
California, Arizona, Oregon, Washington, Nevada
Regional Director—William K. Hopkins

MR. FLY DISCUSSES PROBLEM

No part of the radio industry has asked the FCC to do anything about the talent manpower problem, Chairman James Lawrence Fly said at a press conference this week. He stated that a limited number of requests have been brought to his personal attention "but I don't think there has been any general movement under way."

Mr. Fly said that the Commission has not adopted any policy or "line of action" in regard to this problem. He stated that the Commission has not considered the matter generally and "I hardly know what our policy might be if we were to look into it."

Discussing the manpower situation in the broadcast industry generally, the Chairman called attention to the fact that the Commission, even in the general manpower situation, has been merely seeking to get the classifications of jobs of each man performing essential service so that it would be identified and understood and would be recognized as essential. He called attention to the fact that that merely meant that those who were essential would be eligible for deferment.

The Chairman called the conference attention to the fact that the FCC has relaxed the rules on FM and television applications. He said that these new rules liberalized the situation regarding FM and television applications permitting them to stay on the books during the war and not be dismissed. Since the change in the rules Mr. Fly said that the Commission has had a number of requests for reinstatement of FM applications. He expressed the belief that four or five of them have already been filed.

NAB ACTIVITY

The NAB has tentatively scheduled a conference with WMC officials for next week to discuss the effect of a 48-hour week in the broadcasting industry.

This week has been spent in analyzing the returns to a questionnaire sent to stations in Washington, D. C., Springfield, Mass., and Baltimore, Md., and in preparing a memorandum to guide the WMC if that agency sees fit to send a directive order on radio to local enforcement officials.

STATE LEGISLATION

Illinois:

S. 148 (Barr & Marovitz) EMPLOYMENT AGENCIES—Relating to employment offices and agencies. Referred to Committee on Judiciary.

Indiana:

H. C. R. 18 RADIO—TELEPHONE BATTERIES—Memorializes Congress to lift priority restrictions on batteries for farm radios and telephones. Passed by House 3/6/43. Passed by Senate 3/6/43.

New York:

A. 1612 (Ehrlich) CHILDREN—EMPLOYMENT—Prohibits employment of children under 16 years in theatrical performances, circuses, motion pictures, radio broadcast performances, except church or school exhibitions or on amateur programs with written consent of education board or officials when in their opinion such performances are not harmful. Referred to Committee on Rules.

Texas:

H. 561 (Klingeman) POLITICAL RADIO ADVERTISING—Provides that no station shall broadcast matter which influences voting at any election without announcing that it is a paid political advertisement. Referred to Committee on Elections.

915 STATIONS

During the month of February 1943, the FCC issued an operating license to one station and deleted the call letters of another, which holds the count of operating stations to the same as at the close of January. The station call letter deleted does not constitute a discontinuance in operation. It is rather a consolidation of a station wherein two call letters were employed on one transmitter and the same set of studios. Commission action merely discontinued the use of one of the call letters.

A comparative table by months, follows:

	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1
Operating	893	897	899	906	906	905	906*	908*	910*	909*	910*	910*	910
Construction	31	27	25	18	19	16	14*	11*	9*	9*	7*	6*	5
	924	924	924	924	925	921	920	919	919	918	917	916	915

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* Corrections

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, March 15th. They are subject to change.

Monday, March 15

WQBC—Delta Broadcasting Company, Inc., Vicksburg, Miss.—Modification of license, **1470 kc.,** 500 watts night, 1 KW day, unlimited.

Tuesday, March 16

Further Consolidated Hearing

WALB—Herald Publishing Company, Albany, Ga.—Renewal of license, **1590 kc.,** 1 KW, DA-night, unlimited.

WALB—Herald Publishing Co. (Assignor), Albany Herald Broadcasting Co. (Assignee), Albany, Ga.—Voluntary assignment of license, Station WALB, **1590 kc.,** 1 KW, DA-night, unlimited.

WALB—Herald Publishing Co., Albany, Ga.—C. P., **1550 kc.,** 1 KW, DA-night, unlimited.

Wednesday, March 17

WMAM—M and M Broadcasting Company, Inc., Marinette, Wis.—Modification of license, **570 kc.,** 100 watts night, 250 watts day, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KSL—Radio Service Corp. of Utah, Salt Lake City, Utah.—Granted Special Service authorization to use two F-124-A tubes, for the balance of the license period which expires April 1, 1944.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Adopted an order denying petition for a grant of application for construction permit insofar as it requests a change in frequency from **1450** to **630 kc.,** and set forth new issues upon which application will be heard. (Docket No. 6304)

W47A—Capitol Broadcasting Co., Inc., Schenectady, N. Y.—Granted license to cover construction permit as modified, in part, for new station (B1-LH-3).

W2XEO—Capitol Broadcasting Co., Inc., Schenectady, N. Y.—Granted construction permit for new ST station (to reinstate construction permit) (B1-PST-12), granted license to cover B1-PST-12 in part (B1-LST-4).

WMJT—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Retained in pending files pursuant to policy announced February 23, 1943, application for modification of construction permit for extension of completion date indefinitely (B4-MPCT-21).

The Commission has announced its Decision and Order (B-172) granting the application of Westchester Broadcasting Corp. (WFAS), White Plains, New York, for modification of license to change frequency from **1240** to **1230 kc.,** and increase operating time from part-time sharing with WGBB, Freeport, N. Y., to unlimited time. Commissioners Case and Craven voted "No".

MISCELLANEOUS

WAYS—Inter-City Advertising Co., Charlotte, N. C.—Granted license to cover construction permit as modified, for new broadcast station for approval of studio site (B3-L-1611); granted authority to determine operating power by direct measurement of antenna power (B3-Z-1344).

WNAC—The Yankee Network, Inc., Boston, Mass.—Granted license to use formerly licensed composite main transmitter of Station WAAB as an auxiliary transmitter, with power of 1 KW (B1-L-1750).

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Granted modification of construction permit as modified, which authorized move of transmitter, new transmitter, change in frequency, changes in directional antenna for night use. and increase in power for extension of completion date from March 13 to June 13, 1943 (B3-MP-1698).

KAST—Astoria Broadcasting Co., Astoria, Ore.—Denied request for authority to suspend operations for the duration of the war and a specified period beyond that with the provision that the license shall remain in the property of the Astoria Broadcasting Co. for the time the suspension remains in effect; deferred action on renewal of license in order that a statement may be obtained from applicant as to whether or not it will continue operation.

WPID—The Petersburg Newspaper Corp., Petersburg, Va.—Denied request for authority to suspend operations for the duration of the war.

APPLICATIONS FILED AT FCC

560 Kilocycles

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Modification of construction permit (B5-P-3150 as modified, which authorized new transmitter and directional antenna for night use, increase power and change frequency) for extension of completion date from 4-25-43 to 8-25-43.

590 Kilocycles

WKZO—WKZO, Incorporated, Kalamazoo, Mich.—Modification of license to change from directional antenna night use to directional antenna from 5 p. m. to 9 a. m., Central Standard Time.

1110 Kilocycles

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—Authority to determine operating power by direct measurement of antenna power.

1130 Kilocycles

WCAR—Pontiac Broadcasting Co., Pontiac, Mich.—Extension of special service authorization to operate from 7 a. m. to local sunrise during months when sunrise occurs later than 7 a. m., with power of 250 watts for the period ending 4-1-44.

1320 Kilocycles

KXYZ—Harris County Broadcast Co., Houston, Texas—Authority to determine operating power by direct measurement of antenna power for auxiliary transmitter.

1400 Kilocycles

WJHO—Yetta G. Samford, C. S. Shealy, Thomas D. Samford, Jr., J. H. Orr, d/b as Opelika-Auburn Broadcasting Co., Opelika, Ala.—Voluntary assignment of license to Yetta G.

Samford, C. S. Shealy, Thomas D. Samford, Jr., d/b as Opelika-Auburn Broadcasting Company.

1410 Kilocycles

WEGO—Wayne M. Nelson, Concord, N. C.—License to cover construction permit (B3-P-3007) as modified, for a new broadcast station.

WEGO—Wayne M. Nelson, Concord, N. C.—Authority to determine operating power by direct measurement of antenna power.

TELEVISION APPLICATION

W2XMT—Metropolitan Television, Inc., New York, N. Y.—Modification of construction permit (B1-PVB-40 as modified for new television station) for extension of completion date only from 3-31-43 to 5-31-43.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Auburn Die Company, Inc., et al.—Eleven New England manufacturers of steel dies, used for cutting leather in the production of shoes, are charged in a complaint with conspiring to fix uniform prices for their products.

The respondents, whose annual volume of business amounts to $750,000, which is 25 percent of the total volume of such business in the United States, are:

Auburn Die Co., Inc., and Androscoggin Die Co., Inc., both of Auburn, Maine; Joseph E. Knox & Co., Inc., John Hermanson, Stanley Leskiewicz and Joseph Toll, trading as North Shore Cutting Die Co.; Hyman Resnick, Henry April and Hyman Rosenblatt, trading as Bay State Cutting Die Co., and Vincent W. Burke, trading as Bee Machine Co., all of Lynn, Mass.; Boston Cutting Die Co., Inc., Boston; Faustyn K. Jakiel and Richard B. Friend, trading as State Die Co., and Axel Swanson and Raymond Duprey, trading as Manchester Die Co., both of Manchester, N. H.; Brockton Cutting Die & Machine Co., Inc., Avon, Mass.; and Granite Die Co., Inc., Haverhill, Mass. (4921)

Latta Cream, 505 Fifth Ave., New York, is named respondent in a complaint charging it with disseminating false advertisements concerning a cosmetic designated "Latta Cream." (4925)

McNeil Drug Company, Inc.—A complaint has been issued charging McNeil Drug Co., Inc., and Associated Advertising Agency, Inc., both of Jacksonville, Fla., with misrepresenting the therapeutic value of a medicinal preparation designated "McNeil's Magic Remedy" and with disseminating advertisements which fail to reveal the harmful potentialities that may result from use of the product under conditions prescribed in the advertisements or under such conditions as are customary or usual. The preparation also is sold under the names "Magic Remedy" and "McNeil's Magic Remedy Brand." (4923)

United Art Studios, 1615 G St., S. E., Washington, and Benjamin and Ada Kadet, trading as Kadet Art & Frame Co., 909 Fifth Ave., Pittsburgh, are charged in a complaint with entering into arrangements with each other for the use of false and deceptive practices to induce the purchase of photographic enlargements and frames sold by United Art Studios. (4924)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Albee Studio, 1426 G Street, N. W., Washington, D. C., selling and distributing photographs, enlargements and miniatures, has been ordered to cease and desist from certain deceptive acts and misrepresentations in connection with the sale of his products. (4871)

Johnson Smith & Co., 6615 East Jefferson Ave., Detroit, has been ordered to cease and desist from representing in any manner that the watches they sell are railroad watches when such is not a fact. (4778)

Kaiden-Kazanjian Studios, Inc.—A New York photographic service and its officers has been ordered to cease representing themselves and their employees as newspaper photographers or using the names of newspapers, magazines or periodicals without the consent of the publications. The Commission finds that the Kaiden-Kazanjian Studios, Inc., also trading as Keystone News & Photo Service, and Frances Kaiden and Aram Kazanjian, with offices at 21 West 46th St., New York, has induced numerous persons to pose for photographs under the representation by agents that the photographs were desired by them for immediate or future use in connection with newspaper or magazine articles. (4812)

Wisconsin DeLuxe Doll & Dress Co., trading as Wisconsin DeLuxe Corporation, 1902 North Third St., Milwaukee, has been ordered to cease and desist from the use of lottery methods in connection with the sale and distribution of its products. (4830)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Chartered University of America—A Huron, S. D., corporation and its board of directors have entered into a stipulation to cease and desist from false advertising and misrepresentation in connection with the sale to purchasers in India of so-called diplomas which purport to evidence the conferring of scholastic degrees.

The corporation is known as "Chartered University of America; Medical Council; and Board of Examinations and Management of Huron, South Dakota." The directors are W. A. Johns, Julia W. Johns and Isiah O. Hagen. (3619)

Harold Lifton Co., 100 Fifth Ave., New York, engaged in the sale of blankets, stipulated that he will discontinue using the word "satin" or any other word connoting silk as a designation for a product not composed of silk. (3620)

National Rat and Mouse Exterminator Co., 3721 West Villard Ave., Milwaukee, entered into a stipulation to cease and desist from representing that the product he sells under the name "Kil-Balm Rat and Mouse Exterminator" will "embalm" the bodies of rats and mice; that it can be depended upon to destroy all rats and mice in buildings or on premises in two or three days or any other period of time; and that the bodies of rodents killed by use of the preparation will not leave an odor. (3621)

Union Mill Ends, Monticello, N. Y., has stipulated that it will discontinue using the word "silk" to describe rayon fabric remnants it sells. The remnants are used in making dresses, window curtains, towels, quilts and like products. (3618)

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NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N STREET, N. W. WASHINGTON, D. C. Vol. 11, No. 12, March 19, 1943

HOME RADIO TUBES

The tube situation is about ready to "jell." While nothing is to be gained by the recitation of "shop talk," it may be appropriate to reiterate that Radio and Radar division of WPB is emphatic in its determination to provide required tubes for home radios. At this writing Radio and Radar awaits the concurrence of tube manufacturers on several points essential to the success of the program.

BATTERY PROBLEM SOLUTION NEARS

Actual increased production of farm radio batteries should quickly follow a meeting in Washington today, March 19. The Office of Civilian Supply has forwarded its recommendations to increase the manufacture of farm radio batteries to Consumer Durable Goods division. This division is to work out specific procedures to implement the findings of OCS.

Immediate production could begin through the release of zinc, now in stock at manufacturing establishments, but presently held for military uses. Facilities at plants to handle the production of farm radio batteries continue favorable.

Meantime, state legislatures continue an active interest in the farm battery situation. Two more state legislatures have passed resolutions memorializing Congress to make dry cell batteries available for farm use. Included with dry cell batteries for farm radios were batteries for farm telephones and fences. These last two uses, while important to many farmers, require only small amounts of material.

Iowa Resolution

A concurrent resolution memorializing the Congress of the United States to lift the priorities and restrictions on dry cell batteries for farm radio sets and telephones was passed unanimously by both the House and Senate of the Iowa State Legislature last Saturday. It was negotiated by J. O. Maland, vice president, WHO, Des Moines. The resolution follows:

House Concurrent Resolution 25

A concurrent resolution memorializing the Congress of the United States to lift the priorities and restrictions on dry cell batteries.

WHEREAS, Telephones and radios in rural and farm communities are of great convenience and of practical necessity in securing information relative to farm work, livestock marketing and community affairs necessary in the war effort and conserving rubber; and,

WHEREAS, The restrictions and priorities placed on these commodities by the federal government have resulted in great inconveniences to farms and residents of rural communities, thereby retarding the war effort; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF IOWA, THE SENATE CONCURRING:

Section 1. That we respectfully urge and memorialize Congress to lift the priorities and restrictions on batteries used for rural telephones, radios and electric fences to the end that a sufficient supply of such commodities may be made available to rural communities.

Section 2. That copies of this resolution be transmitted to the President of the Senate and the Speaker of the House of Representatives, the War Production Board, and to the Iowa members of the Senate and House of Representatives in Congress.

Indiana

It was reported that the Indiana resolution passed both houses the same day. Eugene C. Pulliam, WIRE, Indianapolis, arranged for this legislation.

Mississippi

In Mississippi W. P. Harris, director WJDX, consulted with the Commissioner of Agriculture of the state on battery shortages since the State Legislature does not meet this year. The Commissioner prepared a statement which was broadcast over WJDX. This produced a number of letters which have been forwarded to interested individuals. The Commissioner said:

"A shortage that has not received the attention nor the publicity of the rubber and food shortages, but is important in its own field of service is the shortage of batteries for radio receiving sets.

"It was found, after a check of dealers and distributors, that when present batteries are exhausted, a very large percentage of the battery radios will be useless for the duration of the war or until provision is made for additional batteries.

"Families that were depending upon the change to electricity will be forced to wait until after the war as copper conductors are unavailable.

"There are many rural families that do not subscribe to a newspaper but depend solely upon the radio for news and information; they are faced with the possibility of having this service discontinued.

"The radio is a valuable and absolutely necessary part of the life of the people of the farm. Farm people are most patriotic. They have sent their sons to war. With less than the needed amount of farm help, they have produced a record-breaking amount of food. They are entering another crop year, hampered by scarcities, but ready to do everything possible to produce the tremendous amounts of food necessary. The work of the farms will be more important than ever before in the history of this nation during the coming planting season and until victory is won.

"The farm family will be the busiest people in the land. They will work from dawn until dusk.

"Now hundreds of farm families will be unable to get valuable reports which are necessary to keep the farm fully informed on conditions as they exist in our country and elsewhere, the progress of war, markets and weather conditions.

"Farmers listen carefully to the government-planned programs on drives for the sale of bonds and other matters so vital for the successful prosecution of the war. Should the radio stations lose hundreds of thousands of rural

(Continued on page 124)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Arthur C. Stringer, *Director of Promotion.*

BATTERY PROBLEM SOLUTION NEARS

(Continued from page 123)

listeners because they can no longer secure batteries for their radios, our government departments that depend upon radio stations to furnish that information to those listeners, will lose thousands of supporters of their programs, and in my opinion the war effort will be the loser.

"If you are a user of a battery receiving set, you cannot hope for much over six more months of life in those batteries. When they are gone, it will be virtually impossible to have them replaced.

"Do you have a neighbor whose radio cannot be used because the batteries are dead?

"Won't you write your Congressman and invite his attention to this serious matter—get your neighbor to write also. You can send your letter in care of WJDX here in Jackson and it will be forwarded to your Congressman.

"Do it today, for tomorrow your radio may be useless—"

Nebraska

John J. Gillin, Jr., president, WOW, Omaha, communicated with each member of the Nebraska Legislature and with Nebraska Congressmen in Washington.

PROGRAM DIRECTORS MEET

Initial meeting of the newly formed Program Directors' executive committee of NAB will be held at NAB Washington headquarters, March 24-25, to discuss plans for more definite participation of NAB in the radio program field.

The meeting will set up for program directors an activity paralleling the activity of the sales managers carried on by our department of broadcast advertising. This function would not supplant the work now processed by the code committee, but would be handled in close cooperation with the code and sales managers committees.

The tentative agenda, including the list of the program directors and the NAB members who will sit with them, is as follows:

William Adams, WCHS
J. Robt. DeHaven, WTCN
Harold Fair, WHO
Robert L. Kennett, WHAS
Robert Landry, CBS
Clarence Menser, NBC
Herbert C. Rice, WGR
Ray Shannon, KQV
Tod Williams, WSPD

Earl Glade, Code Committee
Roy Harlow, BMI
Neville Miller, NAB
Lewis Avery, NAB
Willard Egolf, NAB
Russell Place, NAB

WEDNESDAY

Morning Session—10:00 A. M.

1) Call to Order
2) Statement of Purpose of Meeting—Neville Miller, President, NAB
3) Work of Code Committee—Earl Glade, Chairman, NAB Code Committee
4) Work of Sales Managers Committee—Lewis H. Avery, Director, NAB Department of Broadcast Advertising
5) Report on BMI Program Directors Meeting—Roy Harlow, BMI
6) Programs and Public Relations—Willard Egolf, Assistant to the President NAB
7) General Discussion

Luncheon—1:00 P. M.—Mayflower Hotel

Afternoon Session—2:30 P. M.

1) Recent Program Trends—Willard Egolf
2) Nature of Recent Complaints—Plug Uglies, etc.
3) What can be done to help Program Directors:
    a) Commercial Programs;
    b) Sustaining Programs;
    c) War Programs.
4) Character of Information Needed
5) Value of Case Histories
6) Small Stations' Problems
7) Value of a Joint Meeting of Program Directors and Sales Managers Committee with Selected Group of Advertisers, Agencies and Station Representatives
8) Value of Column for Program Directors in NAB REPORTS
9) Value of Program Awards
10) General Discussion

THURSDAY

Morning Session—10:00 A. M.

1) Plans of Program Directors for NAB War Conference April 27-29
2) Plans of Program Directors for future NAB District Meetings
3) Plans and Scope of Permanent Program Activities of NAB
4) General Discussion

Luncheon—1:00 P. M.—Mayflower Hotel

Guests: Harold Ryan and Gene Carr, Office of Censorship
Lt. Col. Edward M. Kirby and Capt. Frank Pellegrin, Public Relations, War Department
Don Stauffer and Douglas Meservey, OWI
Earl Gammons, CBS
Frank Russell, NBC

Afternoon Session—2:30 P. M.

Unfinished Business

Adjournment

Broadcast Advertising

BARGAIN COUNTER FOR P-I OFFERS

"Step right up, ladies and gentlemen—you pays your money and you takes your choice." There is, indeed, something of the appeal of the old-fashioned medicine show in the description which the promoter of a per-inquiry deal gives to his wares. And probably just about as little value, too!

Here's an up-to-date list of current offers that deserve to be avoided as you would the plague:

Universal Audit and Account Service of Neligh, Neb., is offering the "Universal Farm Record—For Income Tax" on a highly profitable basis—to Universal Audit and Account Service. You won't have to worry about the effect on your income tax from any income that you *might* receive from the broadcast of this offer.

Huber Hoge and Sons, 699 Madison Avenue, New York, N. Y., is back in the lists with a comprehensive tabulation of publications your listeners just can't do without. This agency and the account involved do spend money at card rates over many stations. Tell the story of your station and its mail-producing power convincingly enough and you can obtain an order at card rates.

Herald Advertising Company, 610 N. Medina St., San Antonio, Texas, is now promoting Grandma's Tea to remedy the ills left untouched by its earlier magnanimous offer of Grandma's Cough Syrup. This is the "no-money-involved" deal that puts you in the laxative business in a big way. We have been tempted to buy a gross and send a package to every advertising agency and advertiser that offers a per-inquiry deal to broadcasting stations.

The Louis B. Yacht Syndicate, 220 West 42nd Street, New York, N. Y., has the solution to the gray-hair problem on a per-inquiry basis. We're willing to bet that any station manager who takes these P-I deals can grow gray hair faster than "Everglo" vitamin will restore the natural color.

Kermit-Raymond Corporation, 745 Fifth Avenue, New York, N. Y., is back again with the same mailing to which has been attached a "memo" wondering if you overlooked the earlier offer. We hope every station not only overlooked the earlier offer but will continue to overlook all offers of this type.

Progressive Circulation Company, P. O. Box 9385, Sta. S, Los Angeles, Cal., urges stations to broadcast solicitations for subscriptions to various magazines with the appeal: "Give our magazine offers a *chance*—and they will *pay!*" You bet they will! They will pay Progressive Circulation Company handsomely!

Frank R. Steel Associates, Inc., 360 N. Michigan Ave., Chicago, Ill., is offering a Princess Pat Beauty Kit on what amounts to a P-I basis. Here, too, orders can be obtained on a straight rate-card basis. It may take a little work to get it on that basis, but it can be done.

A pretty imposing list, isn't it? Do you really think every one of those offers is "the best of its kind"? It couldn't be, could it? Then let's keep plugging for business we can be proud to carry.

IOWA BROADCASTERS ELECT

Iowa broadcasters met at Des Moines March 13 to discuss problems and to reorganize the Iowa Association of Broadcasters which had not met since 1937.

J. O. Maland, WHO, Des Moines, was elected president and Earl Peak, KFJB, Marshalltown, secretary-treasurer. Most of the day was devoted to the manpower problem and Selective Service regulations resulting in the election of an Advisory Board to cooperate with Selective Service State Headquarters in determining "necessary men" required by each station to insure continued operation of all stations in the state.

Other committees selected were:

Retail Promotion Committe, Dietrich Dirks, KTRI, Sioux City, chairman
Legislative Committee, Edward Breen, KVFD, Fort Dodge, chairman
Sports Broadcasting Committee, Earl N. Peak, KFJB, Marshalltown, chairman

Resolutions urging immediate relaxation in restrictions on manufacture and distribution of dry batteries for farm radio sets were adopted and sent to Donald M. Nelson of the War Production Board, Claude Wickard, Secretary of the United States Department of Agriculture, and to Chairman Fly of the Federal Communications Commission.

In attendance were:

G. B. McDermott, KBUR, Burlington
W. B. Quarton, WMT, Cedar Rapids
Douglas B. Grant, WMT, Cedar Rapids
Buryl Lottridge, WOC, Davenport
Craig Lawrence, KSO-KRNT, Des Moines
J. O. Maland, WHO, Des Moines
Paul Loyet, WHO, Des Moines
Harold Fair, WHO, Des Moines
Ralph Evans, WHO, Des Moines
Woody Woods, WHO, Des Moines
Kirby Smith, KBUR, Burlington
K. S. Gordon, KDTH, Dubuque
Edward Breen, KVFD, Fort Dodge
E. N. Peak, KFJB, Marshalltown
J. C. Rapp, KMA, Shenandoah
E. T. Flaherty, KSCJ, Sioux City
Lt. Col. Frank B. Hallagan, Iowa Selective Service Hdqrs.
Phil Hoffman, WNAX, Yankton, S. D.

BIG RECRUITING JOB COMING UP

Somewhere down the line many broadcasters will have a special opportunity to serve the nation at war by helping in the farm-worker recruiting problem for 3,500,000 persons.

According to present plans at the Department of Agriculture the spark plug of this activity will be Wayne H. Darrow. He will work through County War Boards which are set up in most counties. Consequently the size of the job will vary from county to county depending on availability of workers and demand for them.

It is suggested that local stations, suitably situated, contact their County War Boards now, in advance of instructions from Washington to the Boards. The experience of stations will be invaluable to the Board members, who have never before faced a recruiting job of such magnitude.

NOTIFY SALVAGE COMMITTEE

An Ohio station engaged in collecting keys and old razor blades has inquired of NAB whether any franking provision is available for the delivery of such items to the proper authorities.

OWI advised on Thursday that no franking arrangements are available in this instance. On advice of the salvage people in Washington, the suggestion was made that the local salvage committee be notified of the collection of such material. This committee would handle even if the items had to be stored temporarily.

On specific question it was asserted that local salvage committees are functioning over a wide area and in probably all radio-station cities.

HIRES TO ARMY

Charles E. Hires, of WCAU's engineering staff, was inducted into the Army this week.

WAR BULLETIN MAILED TODAY

War bulletin No. 14 is being mailed all stations in the United States today.

It is concerned with the proposition of broadcast assistance for the U. S. Treasury in the forthcoming Victory bond campaign for thirteen billion dollars.

The Office of War Information and NAB are strongly in favor of station support.

NOTE TO PROFESSOR KRANZ

(Reproduction of our personal letter)

March 18, 1943.

Prof. Leon Kranz,
Physical Education Department,
Northwestern University,
Evanston, Illinois.

Dear Prof. Kranz:

On Monday of this week the Associated Press carried your statement that the rejection of more than 40 per cent of the draft registrants is a reflection of "coddling" of the nation's youth by automobiles, movies and radio.

We desire to speak generally on that subject, not especially on behalf of radio.

Selective Service headquarters in Washington state that rejections in World War I reached approximately 40 per cent also. At that time we had no radio and fewer automobiles and movies. In addition, the draft age was between 18 and 31 only.

Further Selective Service figures relative to the present war should encourage you: There have been only 33.2% rejections between 18 and 25. There have been only 34% rejections between 26 and 30. Remember also that modern methods of detecting physical and mental debilities are greatly advanced, which would influence more rejections in this war.

Most modern devices are designed for easier living. You would not advocate dispensing with them, I am sure.

If I interpret you correctly, you have no complaint against automobiles, movies and radio, as one might think after reading your statement. You simply believe that an enlightened people should recognize the need for a health-building program in everyone's life, to offset sedentary habits which tempt all of us. If that is true, radio has been a help in the past and might aid you materially in the future, with proper programming.

Cordially,

(Signed),
Willard D. Egolf,
Assistant to the President.

QUARTZ CRYSTALS

WPB Conservation Order M-146, issued March 8, 1943, restricts the production of quartz crystals used as radio oscillators. Paragraph (b) section 5 of the order reads in part as follows:

"On and after March 8, 1943, no person shall fabricate quartz crystals or blanks except in the manufacture of:

"Radio oscillators and filters and optical parts to be used in the replacement of parts which are defective, cracked, or broken, provided the equipment or instruments requiring such parts are implements of war or are needed solely in activities directly connected with defense, public health, welfare, or security."

NAB has been advised that the order is interpreted as including broadcast stations under the section quoted above. If difficulties are encountered in securing replacement crystals, the NAB Engineering Department will be glad to assist broadcast stations.

PAN-AMERICAN DAY

Originally proclaimed March 4, 1933, by President Roosevelt, the Good Neighbor policy will be formally recognized again this year on Pan-American Day, April 14th, and mayors of all cities of 10,000 population or more have been circularized by the American Municipal Association with requests to initiate Pan-American projects on that day. The radio section is quoted verbatim from a release issued by the Coordinator of Inter-American Affairs in Washington as follows for station operators' information:

> (17) *Radio* Like the newspapers, the radio stations will receive from the Radio Division of the Office of the Coordinator of Inter-American Affairs a great deal of help. There will be special programs on the networks. There will be transcribed programs for the individual stations. In addition to the above, which will require no local effort, there should be special coverage by radio stations of the various local events. By special arrangement, you can undoubtedly have the radio stations stagger their programs based on the holiday so that there will be no duplication at any particular period. The stations should also be requested to see that musical programs go on at the luncheon and dinner hours, to capitalize the many small restaurants which depend on the radio for their musical entertainment.

"RADIO MANNERS"

Angelo Patri, noted child guidance authority, wrote the following suggestions concerning "Radio Manners" in a recent column which may interest station managers and women's directors:

> 1. Let the radio rest whenever it is not actually wanted . . . a radio that goes on all day deafens the mind and in time wearies the nerves of listeners . . .
>
> 2. Don't twiddle. Once you set the dial . . . let it alone and don't go wandering all over the air calling out all the fiendish noises imaginable. Stick by the program and give it a chance to catch your interest—you have no excuse for listening otherwise.
>
> 3. Don't walk into a quiet room and reach for the button without first inquiring if it is agreeable to others in the room. This is important in dentists' and physicians' offices where there may be people suffering tortures. In private homes, ask permission and inquire about program like and dislikes.

SET PRICES

To provide a precise method of determining maximum prices on radios and phonographs assembled by retailers and distributors, the OPA will issue shortly a new regulation controlling the price ceilings for such sets.

Coming under the new regulation will be a scattered number of radio distributors, retailers and brokers who, since the summer of 1942, have become assemblers of household phonograph and radio receiving sets. By comparison with full fledged manufacturing procedures their operations are relatively simple, consisting of the mounting of the fully assembled chassis with the speaker and frequently with a phonograph pick-up mechanism into a finished cabinet.

Specifically excluded from the new regulation will be regular manufacturers of radios. They will continue under Revised Price Schedule No. 83 (radio receivers and phonographs). Manufacturers are practically removed from production of such sets, by limitation Orders L-44A and L-183 issued by the WPB. However, these WPB Orders do not prevent placing a chasis manufactured in accordance with the terms of the Orders into a cabinet.

Meetings were held by OPA with representative distributors, retailers and assemblers of radios and phonographs in New York on Thursday, March 18, and in Chicago on Friday, March 19, for the purpose of outlining the provisions of the proposed regulation and inviting discussion of them.

At the present time wholesale and retail prices of radios and phonographs are controlled by The General Maximum Price Regulation. OPA points out that it is a violation of this price regulation for assemblers of radios to make sales unless a maximum price has been specifically authorized by the OPA of Section 3(b) of the General Maximum Price Regulation in all cases except where the assembled radio is actually similar to a model sold during March 1942.

POST WAR LABOR OUTLOOK

With this copy of the NAB Reports, we are sending through the courtesy of Prentice-Hall, Inc., a copy of Section 2—"What's Happening in Washington—Post War Labor Outlook." We are sure you will find the contents of this bulletin interesting.

FLY DISCUSSES LEGISLATION

Chairman James Lawrence Fly of the FCC said at his press conference this week that the Commission has not made a study of the question of equal time for speakers on the issues of the day. In this connection he called attention to the fact that the Commission in its public statements has "tried to go along with I think pretty much the same policies that are announced in the broadcasters' code."

Mr. Fly said that the Commission has encouraged the idea of giving both sides of controversial issues. The Chairman still discussing this question said further "As you know, in one or two decisions we criticized the editorial policy or advocacy on the part of the station itself, feeling that the station ought to be there as a mechanism for the purpose of giving a complete and balanced reporting and then when giving the outstanding debatable issues to be sure, of course, that both sides were presented. The Commisison has not given consideration to the particular provisions so I don't know what it would want to say about that."

STATE LEGISLATION

Georgia:

S. R. 68 (Foster-Pittman) STORAGE BATTERIES—Memorializing Congress to release storage batteries for use in radios. Referred to Committee on General Judiciary No. 1.

New York:

A. 1635 (Crews) GROUP LIBEL—Defines group libel as malicious publication by writing, printing or other representation or by radio broadcasting, which exposes persons because of race or religion to hatred, contempt or ridicule or causes persons to be shunned or injures them in business. Referred to Committee on Rules.

A. 1891 (Hults) LIBEL—RADIO BROADCAST—Provides person who, himself or through agent, makes orally by radio broadcast a statement about another person which if published in writing would be a libel, shall be deemed to have made and published a libel and shall be punished accordingly. Referred to Committee on Rules.

S. 1600 (Duryea) (Same as A. 1891) LIBEL—RADIO BROADCAST—Provides person who, himself or through agent, makes orally by radio broadcast a statement about another person which if published in writing would be a libel shall be deemed to have made and published a libel and shall be punished accordingly. Referred to Committee on Codes.

Oklahoma:

H. 385 (Edwards) ADVERTISING—Levying a tax upon gross proceeds of political and commercial advertising carried in certain newspapers and by radio stations owned and controlled by newspapers. Referred to Committee on Revenue and Taxation.

Wisconsin:

S. 246 (Murray) MUSICAL COMPOSITIONS—COPYRIGHTS—To repeal and recreate 177.01 of the statutes, relating to copyrights and public performing rights in musical compositions; to regulate the issue of licenses with respect thereto; to prohibit discrimination; to levy a privilege tax. Referred to Committee on Judiciary.

FTC SURVEY

The Federal Trade Commission in connection with its regular continuing survey of radio and periodical advertising has made special analyses of advertisements dealing with war related subjects. The Reports which are not available for publication were made for the Office of Censorship, the WPB and the OPA.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, March 22nd. They are subject to change.

Monday, March 22

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—C. P., **1330 kc.**, 5 KW, unlimited. DA-night.

Tuesday, March 23

Further Consolidated Hearing

WALB—Herald Publishing Company, Albany, Ga.—Renewal of license, **1590 kc.**, 1 KW, DA-night, unlimited.

WALB—Herald Publishing Co. (Assignor), Albany Herald Broadcasting Co. (Assignee), Albany, Ga.—Voluntary assignment of license, Station WALB, **1590 kc.**, 1 KW, DA-night, unlimited.

WALB—Herald Publishing Co., Albany, Ga.—C. P., **1550 kc.**, 1 KW, DA-night, unlimited.

Wednesday, March 24

KDNT—Harwell V. Shepard, Denton, Texas.—Modification of license, **1400 kc.**, 100 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KVRS—Wyoming Broadcasting Co., Rock Springs, Wyo.—Granted consent to transfer of control of Wyoming Broadcasting Co., licensee of Station KVRS, from R. R. West (transferor) to Mrs. Marjorie Lannen McCracken (transferee) for a consideration of $18,500 for 9,996/10,000 shares of issued and outstanding capital stock (B5-TC-313).

KMAC—W. W. McAllister and Howard W. Davis, d/b as The Walmac Co. (assignors), Howard W. Davis, tr/as The Walmac Co. (assignee), San Antonio, Texas.—Granted consent to voluntary assignment of license of Station KMAC from W. W. McAllister and Howard W. Davis, d/b as The Walmac Company to Howard W. Davis, tr/as The Walmac Company, for a total consideration of $35,000 (B3-AL-362).

WASH—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Granted request to cancel the outstanding license issued to Station WASH and to delete the call signal.

LICENSES GRANTED

W39B—Yankee Network, Inc., Boston, Mass.—Granted license to cover construction permit, in part, for FM station, upon condition that licensee shall, when required materials are available, take immediate steps to comply fully with the Rules, Regulations and Standards of the Commission (B1-LH-12).

W65H—WDRC, Inc., Hartford, Conn.—Granted license to cover construction permit, in part, for FM station, upon condition that licensee shall, when required materials are available, take immediate steps to comply fully with the Rules, Regulations and Standards of the Commission (B1-LH-20).

K45LA—Don Lee Broadcasting System, Los Angeles, Calif.—Granted license to cover construction permit, in part, and change in studio location upon condition that licensee shall, when materials are available, take immediate step to comply fully with the Rules, Regulations and Standards of the Commission (B5-LH-30); dismissed and retired to closed files application for extension of completion date (B5-MPH-98).

W45CM—WBNS, Inc., Columbus, Ohio.—Granted license to cover construction permit, in part, upon condition that the licensee shall, when required materials are available, take immediate steps to comply fully with the Rules, Regulations and Standards of the Commission (B2-LH-21); dismissed and retired to closed files application for extension of construction period (B2-MPH-94).

K49KC—Everett L. Dillard, tr/as Commercial Radio Equipment Co., Kansas City, Mo.—Granted license to cover construction permit, in part, upon condition that licensee shall, when required materials are available, take immediate steps to comply fully with the Rules, Regulations and Standards of the Commission (B4-LH-34).

MISCELLANEOUS

WKAQ—Radio Corp. of Porto Rico, San Juan, Puerto Rico.—Granted modification of construction permit which authorized move of auxiliary transmitter, for extension of completion date from March 1, 1943, to July 26, 1943 (B-MP-1700).

William G. H. Finch, New York, N. Y. (Docket 6363); Hughes Productions, Division of Hughes Tool Co., Los Angeles, Calif. (Dockets 6370, 6371); Head of the Lakes Broadcasting Co., Duluth, Minn. (Docket 6474); Sea Board Radio Broadcasting Corp., Philadelphia, Pa. (Dockets 6479, 6480).—On the Commission's own motion ordered that the hearing dates be indefinitely continued on applications in Dockets 6363, 6370, 6371, 6474, 6479 and 6480 (to conform with the Commission's policy of February 23, 1943 regarding FM and television applications.

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Granted petition to dismiss without prejudice application for construction permit (B5-P-3499).

WCOP—Mass. Broadcasting Corp., Boston, Mass.—Postponed until April 14 action on petition for order to take depositions in re application for renewal of license, and the Commission on its own motion continued to May 17 the hearing now scheduled for April 19.

KTEM—Bell Broadcasting Co., Temple, Texas.—Denied without prejudice motion to intervene in the hearing on application of KDNT for modification of license (B3-ML-1143).

APPLICATIONS FILED AT FCC

1090 Kilocycles

KTHS—Radio Broadcasting, Inc., Hot Springs National Park, Ark.—Construction permit to increase power from 5 KW night, 10 KW day to 50 KW day and night, change hours of operation from Shares equally with KRLD to Unlimited, install new transmitter and directional antenna for night use, move transmitter to Near Wrightsville, Ark. and move studio to Little Rock, Arkansas.

1150 Kilocycles

KSWO—Willard Carver & Byrne Ross, Lawton, Okla.—Special service authorization to operate unlimited time, for period ending 8-1-44.

1210 Kilocycles

WCAU—WCAU Broadcasting Company, Philadelphia, Pa.—Authority to determine operating power by direct measurement.

1230 Kilocycles

WDSM—WDSM, Incorporated, Superior, Wis.—Construction permit to make changes in transmitting equipment and increase power from 100 watts to 250 watts.

1290 Kilocycles

WTOC—Savannah Broadcasting Co., Savannah, Ga.—License to cover construction permit (B3-P-2944 as modified) for increase in power and installation of directional antenna for night use.

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Authority to determine operating power by direct measurement.

1380 Kilocycles

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Transfer of control from Nelson P. Poynter to Times Publishing Company (25½ shares).

MISCELLANEOUS APPLICATIONS

KOBH—Black Hills Broadcast Co. of Rapid City, Rapid City, S. D.—Construction permit to change frequency from **1400 kc.** to **610 kc.,** increase power from 250 watts to 5 KW, install directional antenna for day and night, change transmitter and move. AMENDED to install directional antenna for night use only.

KDRO—Albert S. Drohlich & Robert A. Drohlich d/b as Drohlich Brothers, Sedalia, Mo.—Voluntary assignment of license to Milton J. Hinlein.

KWKW—Southern California Broadcasting Co., Pasadena, Calif.—Transfer of control from Marshall S. Neal and Marshall S. Neal as trustee of all other stockholders of record to L. W. Peters (100% of common stock).

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Adlerika Company, St. Paul, Minn., selling and distributing a laxative medicinal preparation designated "Adler-i-ka," is charged in a complaint with false advertising. (4927)

Blackstone College of Law, Inc.—Two Chicago correspondence schools controlled and directed by the same officers are charged in a complaint with operating a "diploma mill" by offering to sell law diplomas and degrees of various kinds merely upon the payment of stipulated sums of money and without the fulfillment of any reasonable scholastic effort or course of study.

Respondents named in the complaint are Blackstone College of Law, Inc., engaged in the sale of correspondence courses in law; Blackstone-Sprague School, Inc., offering purported courses in short story writing; and Harold L. Lister and E. Stanley Gerig, officers of the two corporations which are located at 307 North Michigan Ave., Chicago. (4929)

W. M. Meador & Co., Inc.—Violation of the brokerage section of the Robinson-Patman Act is alleged in a complaint issued against W. M. Meador & Co., Inc., Mobile, Ala., a jobber buying in its own name, for its own account, various food products, canned goods, and miscellaneous merchandise which it resells. (4928)

Nature Seed Co., 175 East Broadway, New York, selling and distributing a medicinal preparation designated "Nature Seed," is charged in a complaint with false advertising and misrepresentation of the product. (4926)

STIPULATIONS

During the past week the Commission announced no stipulations.

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Greening Nursery Co., Monroe, Mich., selling and distributing fruit trees and other nursery products, has been ordered to cease and desist from certain misrepresentations in its advertising. (3673)

Josten Manufacturing Company—An order has been issued directing Josten Manufacturing Co., Owatonna, Minn., manufacturer of school class rings and similar jewelry, to cease and desist from misrepresentation in connection with the sale of its products. (3611)

London Tobacco Co., 132 Hanover St., Boston, manufacturing and distributing cigarettes, tobacco and other smoking supplies, has been ordered to cease and desist from misrepresentation of his products. The Commission finds the respondent manufactured and sold a brand designated by him as "London Special Cigarettes." On the top of each box appeared a pictorial representation simulating the British Royal Coat of Arms. Counter advertising cards and circulars supplied by the respondent, for the use of retail dealers, also featured the name "London Special," together with a simulated picturization of the British Royal Coat of Arms. (4126)

Parfum L'Orle, Inc., 6 East 39th St., New York, selling and distributing perfumes and related products, has been ordered to cease and desist from misrepresentation of its products. (4511)

Sally's Furs, Inc.—An order to discontinue misrepresentations in connection with the sale of fur garments has been issued against Sally's Furs, Inc., New York. (4705)

F. A. Stuart Co., Marshall, Mich., selling and distributing a medicinal preparation designated "Stuart's Laxative Compound Tablets," and Benson & Dall, Inc., 327 South La Salle St., Chicago, an advertising agency, disseminating advertising for the F. A. Stuart Co., have been ordered to cease and desist from false advertising and misrepresentation of the preparation. (4753)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON, D. C. Vol. 11, No. 13, March 26, 1943

Program Directors Meet

Acting immediately on a resolution adopted by a temporary program directors executive committee of the National Association of Broadcasters meeting at NAB Washington headquarters March 24-25, Neville Miller announced the committee as appointed would become the official committee for the coming year.

Members are: William Adams, WCHS, Charleston, W. Va.; J. Robert DeHaven, WTCN, Minneapolis; Harold Fair, WHO, Des Moines; Robert L. Kennett, WHAS, Louisville; Robert Landry, CBS, New York; Clarence Menser, NBC, New York; Herbert C. Rice, WGR, Buffalo; Ray Shannon, KQV, Pittsburgh, and Tod Williams, WSPD, Toledo. All were present except DeHaven.

The resolution was as follows:

> "WHEREAS, Neville Miller and other officials of the National Association of Broadcasters have called this meeting of Program Managers in Washington, D. C., with the statement that 'programming is one of the most vital responsibilities of the radio industry.'
>
> "THEREFORE, BE IT RESOLVED, that a Program Managers Executive Committee be continued as one of the permanent committees of the National Association of Broadcasters.
>
> "That it be the purpose of this Committee to cooperate with and augment the work of the other National Association of Broadcasters Committees in furthering high program standards.
>
> "That we express our sincere appreciation for the admirable leadership exemplified by the Code Committee of the National Association of Broadcasters.
>
> "That time be allotted to the Program Managers at the National Association of Broadcasters War Conference for a discussion of problems arising from programming under war conditions."

Endorse Retail Plan

The committee reacted at once by planning active participation in the impending NAB War Conference and requesting that speakers be obtained to address program directors.

Whole-hearted approval and endorsement of the objectives of the Retail Promotion Committee Plan by unanimous vote was given by the committee after a report on the plan was presented by Lewis H. Avery, NAB director of broadcast advertising.

Other business of the two-day conference follows:

Miller opened the sessions stating that "the program executive committee in its field can parallel and cooperate with the work of other NAB committees."

Earl Glade, manager of KSL, Salt Lake City, and chairman of the NAB code committee, reported on his committee's work, declaring that it is "in the interest of good programming and service to the public to be conscious at all times of the goal which each program is trying to achieve."

IMPORTANT

Official notice of the proposed By-Law amendments appears on page 139. Due to paper shortage we will not this year separately mimeograph these proposals for mail distribution. *This Is Official Notice.*

Avery, reporting on the sales managers' committee, said it is "anxious to cooperate with the program managers committee to improve commercial programs, reduce mortality of ill-advised programs and develop new sustaining ideas for commercial sponsorship."

BMI Reports 'Success'

Roy Harlow, assistant to the general manager of Broadcast Music, Inc., reported on BMI program directors' meetings, commenting: "the grand success of these meetings of program managers as applied to BMI problems is significant to the plans being formulated by the program managers executive committee."

Speaking on "Programs and Public Relations," Willard D. Egolf, assistant to the president, NAB, said: "Our public relations goal is to be known favorably by the greatest number of people. This is a challenge to our own medium, because radio reaches the greatest number of people. We must not mistake the challenge, however, and use our facilities for broadcast braggadocio, pointing at ourselves with pride.

"We must realize that the general good conduct of our programming provides the best opportunity to do a fine public relations job. Be good to the people. Do good deeds. Our greatest concern must center on commercial programs, because while they undertake to be good to the people, they ask the people to be good to them, too, and buy radio-advertised products."

Following a report on program trends by Paul Peter, NAB director of research, the committee recommended that a study of program trends and influences with a thorough analyses calculated to make the information valuable as a guide be made.

'Plug-Uglies Personal'

Discussion and analysis of recent complaints against radio's programming such as so-called "plug-uglies" resulted in a decision that attacks have been personal in nature, not founded on a knowledge of the medium and not substantiated by any convincing expression from the general public.

The committee indicated it would seek a central cor-

(Continued on page 132)

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Arthur C. Stringer, *Director of Promotion.*

PROGRAM DIRECTORS MEET

(Continued from page 131)

relation and distribution outlet of important program ideas and policy information.

A discussion of the value of the program directors and sales managers committees of NAB meeting with representative groups of advertisers, agencies and station representatives was predicted on establishing an approved system of close cooperation between sales managers and program directors in the individual stations.

The small stations' problem was tabled for further discussion.

At the luncheon closing the sessions Lieut-Col. Ed M. Kirby and Glade spoke briefly. Kirby, now with the war department public relations department, gave the following information regarding war interviews and policy for radio:

Kirby Talks on Policy

"Hospital interviews with ambulatory (movable) casualties may be cleared locally since March 15. Facts bearing immediately on a specific citation may be given, without clearance, together with facts about the individual's personal life, the latter on his own release. Operators desiring further information may address the war department public relations division, Washington, D. C., c/o either Kirby or Capt. Frank Pellegrin."

Glade made a plea for sympathetic, sensitive handling by announcers of all casualty interviews.

Attending the luncheon as guests in addition to those mentioned were: Pellegrin, Eugene Carr, Censorship; J. Harold Ryan, Censorship; Earl Gammons, CBS; Frank Russell, NBC; Philip Cohen, OWI; William Lewis, OWI; Douglas Meservey, OWI, and Don Stauffer, OWI.

48 - Hour Week

No blanket exemption for radio, or any other industry.

Each employer in a critical area must justify any schedule of less than 48-hours with his local War Manpower Commission officials.

WMC (national) still considering advisability of a "directive" on radio, but this doubtful.

This, in a nutshell, is the 48-hour week situation. The following letter went to all member stations in critical areas after last week's conference with the WMC.

We had a long meeting with Mr. Hollander of the War Manpower Commission this morning relative to radio and the 48-hour week. The up-shot of the meeting was:

1. It is not the War Manpower Commission's present intention to grant a blanket exemption to the radio industry (or any other industry).
2. Every station in a critical labor shortage area will have to justify every work-week of less than 48 hours to obtain WMC approval for new hiring after April 1.
3. The WMC has under consideration a "directive" to its regional directors pointing out that certain classifications of radio employees (talent and possibly announcers) cannot be put on any fixed work schedule in most cases.
4. Despite good testimony to the contrary from the NAB the WMC is of the opinion that in many cases the hours of technicians and general office help can be increased to (a) release manpower, or (b) obviate the necessity for hiring additional men or women.

Survey Your Situation

With this in view we suggest that you immediately go to work on the enclosed survey of your manpower situation and when this survey is completed, discuss your problems with your local War Manpower Commission officials. It was plainly indicated to us this morning that "I can't do anything" usually would not be regarded as a good answer. The war effort needs additional men. It is up to us to do what we can to help—without impairing radio's own great service.

Here are some of the factors that you might consider in discussing your problem with your WMC officials:

1. The comparatively small number of employees in the radio broadcasting industry is divided into a comparatively large number of employment units and is still further divided within these units into a large number of crafts.
2. Opportunities for interchange are few.
3. Because of radio's peculiarities a variable number of hours in the work week is normal rather than the exception.
4. Radio has the peculiarity of "peak loads" which makes any rigid increase in working hours impractical.
5. The peak or maximum operation fixes the irreducible minimum need.

Hardship on Talent

6. Reduction to the absolute minimum of workers at maximum hours for "normal" operation would enhance the possibilities of breakdown in service, besides making for serious overwork in the event of sickness, emergencies, staff reduction due to Selective Service, etc.
7. Radio talent such as singers, actors, news analysts and the like and the creative artists cannot be expected to be "on duty" 48 hours per week.
8. Union contract restrictions in many instances hamper the fullest utilization of manpower.
9. Many stations could dispense with their staff orchestras but are obligated by contract to continue their employment.
10. Radio broadcasting is essential to the war effort. The degree of co-operation and assistance it can continue to give to the war effort depends upon the maintenance of its service as a good program service. A rigid enforcement of the 48 hour ruling might seriously impair such service.

Please keep us advised of how you make out and do not hesitate to call on us for any additional help we can give you. We will keep after the WMC here for the directive.

Fly to Address War Conference

(This released to press associations and trade press March 20 by NAB News Bureau)

FCC Chairman James Lawrence Fly will address the NAB War Conference, Palmer House, Chicago, April 26-29.

In his letter of acceptance to Neville Miller, Fly stated that he expects "to discuss the manpower, material and small station question, as well as other aspects of wartime operation." Full text of his letter follows:

"I shall be glad to participate in the forthcoming War Conference of the National Association of Broadcasters now scheduled for the Palmer House of Chicago, April 26-29. The meeting should prove valuable, both to the Government and Industry, in providing an opportunity for joint discussion of problems confronting wartime broadcasting. In my talk, I expect to discuss the manpower, material and small station questions, as well as other aspects of wartime operation.

"More than ever before, it is essential that we have a sturdy broadcasting industry because of its important role in military and civilian morale. Both the government and the individual broadcasters are determined that broadcasting service shall be maintained unimpaired. I believe that this meeting will help us all in doing that job."

Peabody Awards

(This release issued to trade press and press associations March 22 by the NAB News Bureau)

The 1942 George Foster Peabody Radio Awards, the "Pulitzer Prizes" of radio, were given to the following:

> Charles Collingwood, Columbia Broadcasting System, "Outstanding Reporting of the News"; "The Man Behind the Gun," Columbia Broadcasting System, "Outstanding Entertainment in Drama"; The Standard Symphony, National Broadcasting Company (Pacific Coast Network), "Outstanding Entertainment in Music."
>
> "Afield with Ranger Mac," Radio Station WHA, Madison, Wisconsin, "Outstanding Educational Program"; "Our Hidden Enemy—Venereal Diseases," Radio Station KOAC, Corvallis, Oregon, "Outstanding Public Service Program by a Local Station—1,000 Watts or Under."
>
> "The Home Front," Radio Station WCHS, Charleston, West Virginia, "Outstanding Public Service Program by a Regional Station—Up to 10,000 Watts."

Based on Public Service

First awarded in 1941, the Peabody Radio Awards are administered jointly by the Henry W. Grady School of Journalism, University of Georgia, and the National Association of Broadcasters. They are designed to give educational recognition to meritorious public service by broadcasters to perpetuate the memory of George Foster Peabody, benefactor and life trustee of the university.

Today's selections were made by the national advisory board, individual members of which have made special studies of programs in the various categories. The board also had a digest, with recomendations, from a University of Georgia faculty committee, based on a sifting of hundreds of entries which were submitted by stations throughout the country.

Members of this board, a majority of whom were present today at the meeting in New York City, are: John H. Benson, president, American Association of Advertising Agencies, N. Y. C.; Dr. Ralph Casey, director, school of journalism, University of Minnesota; Jonathan Daniels, editor, Raleigh, N. C., News and Observer; Mark Ethridge, vice president and general manager, Louisville, Ky., Courier-Journal and Times; Joseph Henry Jackson, literary editor, San Francisco Chronicle; Waldemar Kaempffert, science editor, New York Times; Alfred A. Knopf, publisher, New York City; Dr. I. Keith Tyler, director of evaluation of school broadcasts, Ohio State University; Mrs. Marjorie Peabody Waite, daughter of George Foster Peabody, president, "Yaddo" (artists and writers foundation, Saratoga Springs, N. Y.); Edward Weeks, editor, Atlantic Monthly, Boston, Massachusetts; Earl Glade, chairman, NAB code compliance committee, and Dr. S. V. Sanford, chancellor, University System of Georgia.

Announced by Drewry

Also present at today's meetings was Dean John E. Drewry, of the Grady school, who officially announced the awards for the University of Georgia. Actual presentation will be made by Chancellor Sanford at the NAB War Conference in Chicago, April 26-29.

The first year of the Peabody awards, the winners were: Columbia Broadcasting System for networks; WLW, Cincinnati, for large stations, WGAR, Cleveland, for medium stations, and KRFU, Columbia, Missouri, for small stations. Elmer Davis, now OWI director, was the only individual cited the first year, and he for his "terse, incisive and impartial reporting of the news."

Last year the winners were Alfred Wallenstein and MBS for music; Chicago Roundtable of the Air and NBC for education; "Against the Storm" by Sandra Michael and John Gibbs and "The Bill of Rights" by Norman Corwin for drama; Cecil Brown and CBS for reporting, and the International Shortwave Broadcasters for public service by individual stations.

This year the Peabody board members made a deliberate effort to recognize both stations and programs. "Disinterested and meritorious public service" and outstanding excellence were the bases of selection in each case.

George Foster Peabody was born in Columbus, Georgia. He became a highly successful New York banker. He served as a trustee of a number of institutions of higher learning and was given honorary degrees by Howard, Washington and Lee, and the University of Georgia. He was once treasurer of the National Democratic Committee. Mr. Peabody was a close personal friend of Franklin D. Roosevelt and was largely responsible for interesting the president in the Georgia Warm Springs foundation, near which is located the "Little White House."

Mr. Peabody devoted much of his fortune to educational and social enterprises. His daughter, Mrs. Marjorie Peabody Waite, aided in establishing the awards and is a member of the board.

The Citations

"Awards for outstanding reporting of the year goes unanimously to Charles Collingwood of CBS who, with the tools of inference, indignation and fact, has conveyed to us through the screen of censorship an understanding of the troublesome situation in North Africa.

"Award for the outstanding entertainment in drama goes to the new program entitled "The Man Behind the Gun" of Columbia Broadcasting System, brilliantly written by Ranald R. MacDougall and authentically produced by William Northrup Robson, for a timeliness, a racy dialogue and a vivid sound effect which intensify our appreciation of what the men in action are up against.

"Award for outstanding entertainment in music goes

OFFICIAL STATEMENT ON BATTERIES

"The current farm battery shortage is to be relieved through a readjustment and re-scheduling of battery production," the Consumers Durable Goods division said yesterday.

"Such re-scheduling depends on a lag in other battery requirements which would permit a transfer of facilities and materials to the production of farm batteries."

This is an encouraging statement and one to get enthusiastic about when batteries come off the lines in needed quantities. It's quite a job to change over manufacturing lines and to collect stampings and materials which enter into the completed unit.

to The Standard Symphony, National Broadcasting Company Pacific Coast Network. This is a program now in its 15th year which has performed the double service of bringing the world's great music to adult listeners along the Pacific coast and of providing delightful programs of interpretation to 4,700 schools.

"Award for the outstanding educational program goes to Station WHA, Madison, Wisconsin, for its splendid series on natural science and conservation entitled "Afield with Ranger Mac." Originated by the Wisconsin School of the Air, able and accurately presented by Wakelin McNeel, chief of the Junior Forest Rangers, this series sets an example which should be widely followed.

"Award for outstanding public service by a local station goes to Station KOAC, Corvallis, Oregon, for the program "Our Hidden Enemy—Venereal Diseases," which, in the words of the U. S. Surgeon-General 'has made a unique and valuable contribution. . . .' These programs were prepared by Dr. Charles Baker, a leading syphologist, for the University of Kentucky. KOAC has the distinction of being the first to accept this courageous series.

"Award for outstanding public service by a regional station goes to Station WCHS, Charleston, West Virginia, on recommendation of the University of Georgia faculty committee, for the program "The Home Front"—a twice-weekly feature which was created and maintained morale by providing authoritative answers to listener questions dealing with the most perplexing of public problems in a community at war. In making this award the Peabody board has been guided by the University of Georgia faculty committee on preliminary selections."

FARMERS "TROUBLED" OVER LACK OF BATTERIES

State legislatures continue their interest in the continuation of wartime radio reception by farm families that must use battery operated receivers.

According to Leslie C. Johnson, general manager, WHBF, the joint memorial appearing below has been introduced into the Illinois State Legislature:

Such memorials have already passed both Houses of Indiana, Iowa, North Dakota and South Dakota.

Illinois House Joint Resolution

"Whereas: Telephones and radios in rural and farm communities are not only a great inconvenience, and time saver, but are absolutely necessary in securing information relating to farm work, markets, and community affairs related to the war effort; and

"Whereas: The restrictions and priorities placed on the various materials necessary to keep these utilities in repair, by the Federal government have resulted not only in a great inconvenience but an actual loss in valuable time, thereby retarding the war effort and food production; therefore, be it

"Resolved by the House of Representatives of the Sixty-third General Assembly of the State of Illinois, the Senate Concurring Herein: That we respectfully urge and memorialize the Congress of the United States to foster the change of such priorities and restrictions in so far as they relate to batteries and other necessary material in order to keep such rural radios and telephones in an operative condition, and, be it further.

"Resolved. That copies of this resolution be sent by the Secretary of State to each United States Senator and Member of Congress from the State of Illinois, and the War Production Board, at Washington, D. C."

Comments by Investigators

The following comments by investigators in several states reflect the unrest and deteriorating farmer morale in areas without batteries. It can easily become "explosive" and destructive to the war effort.

"Farmers are urgently concerned over the shortage of batteries for radio set operation. In many cases it is their only means of keeping in touch with the markets, news and requested changes in operations necessary to meet food production goals of various crops. Many farmers feel they are being deprived of a valuable service. . . ."

"Since our farmers depend very largely on their radios for the reception of news and for market information, they are very much disturbed over the radio situation. They feel they are being deprived of a vital service which might easily be remedied."

"The general feeling of the farmers is that they should be supplied, if possible, with essential radio batteries because they have become accustomed to the use of radios as their main source of information and they are unable to keep informed on everyday happenings which have a very damaging effect on morale out here in the country."

"Inasmuch as farmers depend upon the radio, in many instances solely, for news and for current market information and other information pertinent to their work, it would seem extremely important that their radios be kept operating. The increased interest in government regulation affecting farming and the marketing of farm products, at this time particularly, enhances such desirability. As one listener puts it, 'radios are an absolute necessity for farm welfare.'"

"Many farm people too busy this year to go away from their place, consequently radio more important than ever."

"We had a similarity of reports regarding farmers' feelings over the situation of shortage of batteries for radio sets. First, farmers consider radios a necessity not a luxury. Some appeared to be tolerant because of the war situation. Others were discouraged and some seemed to be disgusted."

"A great many farmers report radio their only source of news. Many others credit radio as their one source of enjoyment."

"It was indicated in one of the reports that the farmers stated they were furnishing men and food and felt that they should be entitled to have the batteries for their radios in order that they might hear reports of national food efforts and national war effort."

"Those with sons in service particularly alarmed about danger of losing radio news."

"Virtually all replies indicate radio as one of major factors in keeping up morale."

"Farm radio service—markets, news, storm warnings, etc.—is regarded highly essential to help achieve increased 1943 farm production."

"President's 'chats,' rationing information, news about war crop goals being missed."

"The farmer has given his sons, his help. He labors for longer hours than any other working class. His gas is rationed so he can't see his neighbors on a friendly visit, or attend a motion picture show because the gas must be saved to make the necessary trips. He is rationed on shoes, therefore, he is not doing any more walking than necessary. What is there for him to do—sit and twiddle his thumbs?"

Direct Quotations from Farmers

"I could get along without sugar or coffee or I could even go barefooted, but when we can't get batteries for our radio it is just terrible."

"We live off the main roads. Mail deliveries are uncertain. We depend on the radio. Storm warnings by radio have saved us much in both livestock and field crops."

"We live out in the country and don't have time to sit down and read a paper. We can work and hear the news at the same time."

"What will us farmers do without a radio? No hog market, no chicken, eggs, grains markets of any kind. And no news."

"We want to get markets and war news and to hear sermons."

"We are not fortunate enough to have the benefits of electricity, so we feel we should not be deprived of our radio."

"Radio—a necessity to a farmer's welfare."

"Have a boy in service. Are up early to hear the news. We would feel like working harder if we had use of our radio."

"I get my mail in town. We don't have any route by our farm, and due to gas rationing, there isn't much going for the mail."

THE TUBE SITUATION

News reached NAB Thursday as to facilities at various plants available for increased civilian tube production. The picture seems improved over last week. No official statement will be forthcoming until all remaining points at issue are resolved.

BROADCAST ADVERTISING

Trade Press Features Stories on Effective Broadcasting

Feature stories on the successful use of broadcast advertising by different types of business have recently appeared in several trade papers in widely divergent fields. All were reprinted from late issues of "Radio Showmanship."

Here is a list of these articles which you may want to call to the attention of your prospects in these fields: The December, 1942, issue of "National Jeweler" reprinted the story on the use of broadcast advertising by Hershberg's, Inc., of Rochester, N. Y.; the January, 1943, issue of "Modern Beauty Shop" featured the opportunity that broadcast advertising offers the beauty shop proprietor to reach and influence consumers; while the February, 1943, issue of "National Real Estate Journal" gave prominent display to the success story of the Byron Reed Co., Inc., of Omaha, Neb.

In addition, the Department of Broadcast Advertising was recently requested to furnish success stories to "National Carbonator and Bottler." Considerable material has already been provided and other information is now being compiled. The "NAB Reports" will carry a notice of the issue date of this publication in which the success stories are featured.

Institutional Value Is Great

While no one can accurately estimate the actual influence of the trade press on the businesses it represents, the frequent publication of articles on the effective use of broadcast advertising in many fields unquestionably has tremendous institutional value. Alert salesmen will capitalize on these opportunities to sell local prospects.

LETTERS FROM OVERSEAS IN PRINT AND ON THE AIR

During the last few weeks there has been an increase in the number of queries about the clearance of letters from personnel overseas for publication in their hometown newspapers and about the clearance of interviews with personnel returned from overseas. The question of the

PROGRAM MANAGERS ENDORSE RETAIL PROMOTION COMMITTEE PLAN

The Program Managers Executive Committee, during its two-day meeting in Washington, pledged its support of the Retail Promotion Committee Plan in the following resolution, which was unanimously adopted:

> "The Program Managers Executive Committee pledges its whole-hearted approval and endorsement of the objectives of the Retail Promotion Committee Plan."

clearance of these items will continue with increasing frequency.

The following practice should be followed in the clearance of letters from personnel overseas or interviews with personnel returned from overseas:

A. Press (for local release only)
   1. Letters from personnel overseas may be quoted in whole or in part after review by an Army PRO (press relations officer).
   2. Interviews with personnel returned from overseas may be published after review by an Army PRO.

B. Radio (for local broadcast only)
   1. Letters from personnel overseas may be quoted in whole or in part after review by an Army PRO.
   2. Interviews with personnel returned from overseas may be broadcast after review by an Army PRO. The reviewed script will be followed with no ad libbing.
   3. The use of letters or interviews on commercially sponsored local programs must be cleared by the War Department bureau of public relations.

C. The use of letters or interviews on network radio programs must be cleared and the material reviewed by the War Department bureau of public relations.

D. All doubtful cases should be referred to the War Department bureau of public relations for final decision.

FELIX MUNIZ

Felix Muniz, manager of WIAC, Puerto Rico, died suddenly March 9, according to a letter received at NAB headquarters from Enrique Abarca, owner of WIAC. Mr. Muniz has been succeeded by Tomas Muniz, his brother. Enrique Abarca, Jr., remains as assistant manager. Mr. Muniz, the deceased, was manager of WIAC since it was founded in 1942.

DROP ENGLISH TRANSLATION OF FOREIGN BROADCASTS

The request of the Office of Censorship that the managements of domestic radio stations broadcasting in foreign tongues require English translations of such programs was dropped today, it was announced by J. H. Ryan, Assistant Director in charge of the Broadcasting Division.

In a special notice to all stations broadcasting in languages other than English, Director Byron Price asked that suggestions in Section III of the Code of Wartime Practices for American Broadcasters (Edition of February 1) requesting English translations of foreign language script, be deleted.

"We have been studying foreign language broadcasting in the United States intensively for six months," Mr. Ryan said, "Our study has shown that the original factors which prompted us to suggest that English translations be required no longer exist.

Stations Praised

"Our original purpose was to establish a format which would make more effective the voluntary efforts of managers of these media in censoring their own operations. In the early stage of this procedure, we felt there should be some check, in English, against the foreign version. The voluntary efforts of broadcasters, pursuing the suggestions of the Code, in staffing capable linguistic censors now makes possible a relaxation."

The notice emphasized that this deletion from the Code did not detract from the importance of other suggestions in the foreign language section, Mr. Ryan added.

The statement, the tenth made to American broadcasters by the Office of Censorship, said:

> "In Section III (Foreign Language Broadcasts) of the Code of Wartime Practices for American Broadcasters (Edition of February 1, 1943), make following changes:
>
> "Paragraph (b) Scripts, line four of paragraph, delete— 'with an English translation.'
>
> "Paragraph (b) Scripts, line nine of paragraph, delete— 'with their translations.'
>
> "Paragraph (c) Submission of Scripts, line three of paragraph, delete— 'When such requests are received, it is understood that the scripts in the original language, as well as English translations thereof, will be submitted.'
>
> "All other requests in Section III of the Code still apply."

Bronson of Censorship to Visit Foreign Language Broadcasters

Edward H. Bronson, chief of the Office of Censorship, foreign language section, left March 23 to visit stations in Texas, Arizona, New Mexico and southern California where he will confer with foreign language broadcasters. New England, midwestern and northern California foreign language broadcasters soon will be visited by a representative of the OC, J. Harold Ryan, assistant director in charge of broadcasting, announced.

FLY RELEASES FIGURES ON 722 STATIONS

The FCC has received reports from 722 commercial broadcast stations for last year, Chairman James Lawrence Fly said at a press conference this week. Of this number 139 reported operating losses for 1942; 105 stations reported profits less than $2,500 and 478 stations reported profits in excess of $2,500. Mr. Fly said that the Commission yet has to hear from 180 stations.

Mr. Fly said that he believed that if 200 stations are given some additional financial aid during the year that that "would leave the industry in pretty fair shape." He called attention to the fact that he was just estimating the number roughly.

The Chairman stated that some of the stations are late in filing their returns because of the shortage of accountants. In many of the communities he said the accountants are understaffed and overworked "so I guess we have to be a little patient on that."

ENGINEERS AND THE WAR CONFERENCE

(This release issued to trade press March 24 by the NAB News Bureau)

Broadcast engineers will have an important part in the NAB War Conference in Chicago, April 26 to 29. Manpower, replacement materials and servicing of home receivers head the agenda of war problems scheduled for discussion by the engineers, and occupy a prominent position on the War Conference program. Speakers from government and industry, well qualified to talk on these topics, will address the general sessions.

Although the industry has successfully coped with these three factors, vital to effective operation, the coming year will present new difficulties as reserves are depleted. The solution of these problems is dependent upon an accurate knowledge of local conditions throughout the nation and a full exchange of individual experience among engineers. It is imperative that representative engineers from each NAB district attend the special engineering meetings.

The Director of Engineering is anxious to establish immediate contact with engineers expecting to attend the War Conference. If you cannot attend, it will be very helpful to have first hand knowledge of conditions in your area submitted by mail. Engineers who are planning the trip to Chicago and those willing to help by correspondence prior to the Chicago conference are invited to offer their cooperation to the NAB Engineering Department via air mail. Please address Howard S. Frazier, National Association of Broadcasters, 1760 N Street, N. W., Washington, D. C.

About the Draft

Chairman Fly discussed briefly the attitude taken by some local draft boards relative to action they have taken in regard to station personnel and stated he had sent a letter to Manpower Chairman McNutt on the subject to which he had not then received a reply.

On this matter Mr. Fly said: "I guess you know that the substance of the complaint was that in this station some of the local officials (draft board) were taking the view that they might distinguish between stations, that is, that while conceding that radio broadcasting service was essential, or at least taking the pronouncements of policy on that subject, they still appeared to take the view that they should decide which stations were essential or whether more than one or more than two were essential. I did pass that on to Chairman McNutt in the letter of mine, but I have not seen any response."

WEAVER SPEECH PUBLISHED

"How to Listen to the Radio" by Luther Weaver, head of Luther Weaver and Associates of Minneapolis, an address delivered before the 11th NAB district meeting November, 1942, has been published by the NAB in pamphlet form. A copy is being sent all member stations. Additional copies are being printed and are available at 5¢ each from the NAB News Bureau, Washington, D. C. This address is one of the clearest and most intelligent discourses on radio listening the NAB has reviewed. The pamphlets are ideal for distributing to listeners, schools or other civic or professional groups as a public service project and could be imprinted with member station call letters in such localities where distributed.

WPID TO QUIT

WPID, Petersburg, Va., will cease operating April 1, "because war conditions have made it impossible to continue operating and offer acceptable service." Operating on 1240 kcy and with 250 watts, WPID is owned by the Petersburg Newspaper Corp., and commenced operations June 5, 1940. Studio and transmitter will be maintained and the company said it planned to apply for renewal of license after the war.

THIRD DISTRICT MEETING

(This release issued to trade press March 24 by the NAB News Bureau)

Roy F. Thompson, general manager, WFBG, Altoona, Pa., was unanimously elected director of the 5th district (NAB), succeeding Isaac D. Levy, WCAU, Philadelphia, at the recent 5th district meeting in the Quaker City. Thompson will assume his directorship at the NAB War Conference in Chicago April 26-29.

The Pennsylvania Broadcasters Association, meeting in conjunction with the NAB district, moved to elect for the duration the 5th district NAB director as president of the PBA. This was done and Thompson was named PBA president for a one-year term.

Speakers at the meeting included: (for NAB) C. E. Arney, Jr., secretary-treasurer, on the War Conference plans; Carl Haverlin, BMI, on the progress and condition of BMI, and Lewis H. Avery, director of broadcast advertising, on the Retail Promotion Committee's plan.

Other speakers were: Commander Joseph L. Tinney, USN, 4th naval district public relations officer; Howard Browning, OWI regional director, and Lieut. Crandall, 1st Corps Area fighter command.

Following is a list of those in attendance: James Aull, KYW; H. A. Seville, WJEJ; David H. Rosenblum, WISR; George E. Joy, WRAK; Edward D. Clery, WIBG; J. C. Tully, WJAC; Roy F. Thompson, WFBG; A. C. Baltimore, WBRE; Dr. Leon Levy, WCAU; Isaac D. Levy, WCAU; Clifford M. Chafey, WEEU; Raymond A. Gaul, WRAW; Melvin Lahr, WKOK; B. A. Beck, WKOK; Charles Stahl, WDAS; Roger W. Clipp, WFIL; Clair R. McCollough, WGAL; J. Gorman Walsh, WILM-WDEL; C. G. Moss, WKBO; Benedict Gimble, WIP; Arthur Simon, WPEN; George D. Coleman, WGBI; Alexander W. Dannenbaum, WDAS; Lt. Kenneth W. Stowman, USN; Commander Joseph L. Tinney, USN; Paul Karnes, AP-Radio; Howard Browning, OWI; S. Burton Tall, OWI; C. E. Arney, Jr., NAB; Lewis H. Avery, NAB; Carl Haverlin, BMI.

FIFTH DISTRICT MEETING

The Fifth NAB District broadcasters met at Jacksonville, Florida, March 20, to elect a district director for the ensuing two year term. Director Frank King, WMBR, presided.

James W. Woodruff, WRBL, was unanimously elected as the Fifth District board member for the ensuing two year term, which begins after the annual meeting. Mr. Woodruff has served on the board for the last two years as a director-at-large for small stations. Mr. King was not a candidate for re-election.

DOROTHY LEWIS ON TOUR

(This release issued to trade press March 24 by the NAB News Bureau)

Representing both the NAB and the Office of War Information, Dorothy Lewis, NAB Coordinator of Listener Activity, left March 25 on a tour of 16 major U. S. cities.

Mrs. Lewis has been assigned by OWI to get audience reaction to a special list of war-time shows and manner of presentation of war information.

For the NAB, Mrs. Lewis will address groups on "Radio's Major Role in the War" and other related topics and will assist in the formation of Radio Councils of civic, professional and clerical representatives to further more discriminating and intelligent listening by the radio audience.

Her itinerary will include: Nashville, St. Louis, Kansas City, Tulsa, Oklahoma City, Fort Worth, Dallas, Little Rock, Memphis, Jackson, Birmingham, Atlanta, Greensboro, Winston-Salem, Richmond and Washington.

NORTHEASTERN RADIO COUNCIL ISSUES SIX MONTHS' REPORT

(This release issued to trade press March 24 by the NAB News Bureau)

A six-months' progress report dating from its inception last fall has been issued by the Northeastern Radio Council of Schenectady, New York, showing activity in several fields of education via radio. The report was released by the National Association of Broadcasters' listener activity department.

The activities from September, 1942, to the present, included: six secondary school broadcasts over WGY; preparation of monthly bulletins describing secondary school broadcasts and distribution of the bulletins to schools and individuals; five-minute broadcasts daily during education week by educational leaders, and assembly school programs once weekly over WSNY.

Children Taught by Newscasts

Direct teaching by radio in the form of a twice-weekly newscast directed at 4th, 5th and 6th grade pupils over WSNY is one of the council's prime activities, scripts being prepared by P. Schuyler Miller of the Schenectady department of education. Each school principal has charge for one week and teachers report the children follow the news with maps of the world spread before them during the programs which are aired 9:45 to 9:55 A.M. Tuesdays and Thursdays.

The council also was instrumental in organizing a council in Syracuse; it has prepared a manual entitled the "Fourth R" for teachers which is being published and distributed by the Schenectady board of education and distributed to all school boards in the state.

Radio Library Established

A radio education library has been established and books and recordings are being filed. All Schenectady and Scotia schools have been surveyed to determine number, type and condition of radios, phonographs and records with another survey on students' listening habits and listening tastes pending.

The council works and has worked closely with the Schenectady, Troy and Albany stations in publications of service and program guides and newspaper listings.

Officers of the council are: Mrs. Carolyn Tarbell, chairman; Emily Beaty, secretary, and Alice Warner, treasurer.

"LEAGUESBORO"

"Leaguesboro" is a new type of soap opera, according to the New Jersey League of Women Voters, which authored it. The show is a series of radio scripts written to show how one town meets its civic and national problems with the characters taken from the typical American scene and reacting as normal Americans do. It also demonstrates the LWV attitude of mind and technique without naming the league.

Titles and subjects of scripts, which may be obtained for 15¢ each or 13 for $1.50 from the New Jersey League of Women Voters, Kresge Dept. store, Newark, N. J., ordered by number, are as follows:

1. A Town is Born, introductory; 2. When Prices Go Up, consumer problems; 3. Milk, nutrition; 4. Rumor, idle gossip; 5. A Place to Live, housing; 6. It's a Free Country, criticism; 7. Not a Cent for Tribute, inflation; 8. Dental Health, public health; 9. This Freedom, civil liberties; 10. The Job He Likes, vocational education #1; 11. Trained for the Job, vocational education #2; 12. Overtime, wages and hours; 13. They Give Their Blood, blood bank; 14. All Men Are Created Equal, race relations; 15. Who Sent Mr. Jones to Congress, elections; 16. Eat, Drink and Be Healthy, nutrition; 17. Thy Liberty at Law, revision of state constitution; 18, Say It With Scrap, salvage; 19. Joy Ride, use of gas and tires, and 20. When Do We Get Tough, realism in thought and action.

Protect Small Newspapers

The House postoffice committee approved a bill this week sponsored by Rep. Hagen (F-L, Minn.) relieving small newspapers suspending publication because of the war from payment of another fee for secondclass mailing privileges on resumption of business. Advantage of the fee waiver could be taken only if the publication resumed operation six months after cessation of the national emergency declared by President Roosevelt June 5, 1940.

STATE LEGISLATION

Illinois:

H. 321 (Cilella) REPEALS RADIO SLANDER ACT—Provides that anyone who makes a statement by radio broadcast which, if published in writing would be a libel, guilty of libel and civilly responsible therefor the same as in other cases of libel. Radio broadcasting stations would not be held responsible for libels of which they had no advance knowledge and no opportunity to prevent. Repeals the radio Slander Act. Referred to Committee on Judiciary.

HJR 24 (Smith et al) RURAL RADIOS AND TELEPHONES—Memorializes Congress to foster a change of priority regulations insofar as they relate to batteries and other necessary material in order to keep rural radios and telephones in an operative condition. Referred to the Executive Committee.

Maryland:

H. 616 (Tingley) FRAUD IN ADVERTISING—Relating to the publication and making of false or misleading statements in advertisements. Referred to Committee on Judiciary.

H. 644 (White) ADVERTISING—To add Sec. 144A-144C to Art. 43 of the Annotated Code (1939 Ed.), prohibiting advertising by physicians and surgeons. Referred to Committee on Ways and Means.

Massachusetts:

H. 1400 (Sub. for H. 619) MUSICAL COMPOSITIONS —Requiring the filing of contracts pertaining to the sale, licensing and disposition of performing rights in copyrighted musical compositions and relative to imposing a tax on such sales and licenses.

Ohio:

S. 243 (Addison) ADULTERATION DRUGS, FOOD, CONDIMENTS—Relative to the adulteration and misbranding of drugs, food and condiments. Referred to Committee on Public Health.

PROPOSED BY-LAW AMENDMENTS

The following proposed amendments to the By-Laws are hereby officially submitted in accordance with the By-Law provision requiring the giving of 30 days notice to the membership. These amendments will be voted upon at the Annual Membership Meeting to be held in connection with the forthcoming War Conference in Chicago. The business session at which these amendments will be submitted will be held on Wednesday afternoon, April 28. All three amendments are submitted for consideration by the Board of Directors.

Amend Section 4, of Article III, under the title "District 3". Strike the whole and insert the following: "Delaware, Pennsylvania and Maryland". Under the title "District 4", strike the word "Maryland".

(NOTE: The effect of this amendment would be to remove the State of Maryland from the 4th District and place it in the 3rd District.)

Amend Section 1, of Article VI, by striking the comma (,) after the word "Association" in line 4 and inserting in lieu thereof the word "and," and by striking the words "and Executive Committee".

Amend Section 1, of Article VII, by striking therefrom the words "of twenty-six members,".

Amend Section 1, of Article VIII, by striking therefrom the following words: "and of the Executive Committee" in lines 3 and 4; and also the following words "or the Executive Committee" in line 13.

Amend Section 2, of Article VIII, by striking the words "Executive Committee" in line 8 and inserting in lieu thereof the words "Board of Directors".

Also amend the same Section in line 21 thereof by striking the words "Executive Committee" and inserting in lieu thereof the words "Board of Directors".

(NOTE: This amendment merely cures some defects in the By-Laws, removing the words "Executive Committee" where they appear. By action of the membership at the Cleveland convention, the Executive Committee was abolished.)

Amend Section 5 of Article VII, paragraph E, to read as follows:

"E. The Elections Committee shall prepare ballots in blank and in coupon booklet form with at least 4 ballots in each coupon book.

"Ballot Number 1 shall be used for the election of the Network Directors; provided, however, that at the discretion of the chairman of the Elections Committee a voice or standing vote may be substituted.

"Ballot Number 2 shall be used to vote for not more than 4 nominees in each classification for Directors-at-Large. The four nominees in each classification receiving the highest number of votes upon this ballot shall be declared eligible to participate in the final election conducted on Ballot 4.

"Ballot Number 3 may be used by writing thereon the names of the first, second and third preferences of cities for the next annual meeting, provided, however, that the use of Ballot Number 3 may be waived at the discretion of the Chairman of the Elections Committee and a voice or standing vote substituted.

"Ballot Number 4 shall be used to vote for election of 2 nominees for Director-at-Large in each classification as outlined in section 2 above. Any nominee receiving a number of votes equivalent to a majority of the ballots cast shall be declared elected. Balloting shall continue until two Directors-at-Large in each classification have been so elected."

(NOTE: The effect of this amendment would be to change the method of election of directors-at-large, by providing that the 4 nominees as a result of the first ballot (ballot number 2) should "run in the field" rather than in brackets. The by-law as it now reads requires nominees 1 and 2 to run against nominees 3 and 4 in the final balloting. If this proposed amendment is adopted, any two of the four nominees receiving a majority of the votes will be elected.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARING

The following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, March 29th. It is subject to change.

Thursday, April 1

WLAN—Thomas J. Watson, Endicott, N. Y.—Modification of C. P., 1450 kc., 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted construction permit to install new transmitter and increase power to 1 KW, subject to the condition that permittee will satisfy legitimate complaints of blanketing and also condition regarding materials. This grant is made to the Anchorage Radio Club, Inc., present licensee of station KFQD, with consent to transfer to William J. Wagner as soon as transfer has been completed (B-P-3506).

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—Granted renewal of license for the period ending April 1, 1944.

WJWC—Hammond-Calumet Broadcasting Corp., Hammond, Ind. —Granted request to cancel the existing license and outstanding special service authorization, and to delete the call signal WJWC.

W41MM—Gordon Gray, Winston-Salem, N. C.—Granted modification of construction permit for extension of completion date, and granted license to cover construction permit as modified, in part; conditions (B3-LH-35; B3-MPH-114).

W45D—The Evening News Association, Detroit, Mich.—Granted license to cover construction permit as modified, in part; conditions (B2-LH-6).

W63NY—Marcus Loew Booking Agency, New York, N. Y.— Granted modification of construction permit for extension of completion date and granted license to cover construction permit as modified, in part; conditions (B1-MPH-107; B1-LH-28).

LICENSE RENEWALS

The following stations were granted renewal of licenses for the period ending April 1, 1945:

KANS, Wichita, Kans.; KBIZ, Ottumwa, Iowa; KDON, Monterey, Calif.; KFBC, Cheyenne, Wyo.; KFOR, Lincoln, Neb.; KOCA, Kilgore, Texas; KPPC, Pasadena, Calif.; KROY, Sacramento, Calif.; KWAT, Watertown, S. Dak.; KWIL, Albany, Ore.; KWOS, Jefferson City, Mo.; KYUM, Yuma, Ariz.; WATN, Watertown, N. Y.; WBML, Macon, Ga.; WCRW, Chicago; WEBQ, Harrisburg, Ill.; WHAI, Greenfield, Mass.; WHBU, Anderson, Ind.; WHIZ, Zanesville, Ohio; WIBU, Poynette, Wis.; WJBY, Gadsden, Ala.; WKOK, Sunbury, Pa.; WLAG, LaGrange, Ga.; WSBC, Chicago; WTAX, Springfield, Ill.; KGBS, Harlingen, Texas; WGBB, Freeport, N. Y.

Licenses for the following stations were extended on a temporary basis only, pending determination upon application for renewal, for the period ending June 1, 1943:

KAVE, Carlsbad, N. Mex.; KDLR, Devils Lake, N. Dak.; KGY, Olympia, Wash.; KPFA, Helena, Mont.; WFOY, St. Augustine, Fla.; KICD, Spencer, Iowa; WGCM, Gulfport, Miss.; WGGA, Gainesville, Ga.; WJEJ, Hagerstown, Md.; WJMC, Rice Lake, Wis.; WJTN, Jamestown, N. Y.; WOMT, Manitowoc, Wis.; WRAL, Raleigh, N. C.; WSAY, Rochester, N. Y.; WSNJ, Bridgeton, N. J.; KALB, Alexandria, La.; KFJI, Klamath Falls, Ore.; KICA, Clovis, N. Mex.; KIUL, Garden City, Kans.; KVSO, Ardmore, Okla.; KWRC, Pendleton, Ore.; WCOV, Montgomery, Ala.; WFTM, Fort Myers, Fla.; WJW, Akron, Ohio; WMFG, Hibbing, Minn.

Licenses for the following stations were further extended upon a temporary basis, for the period ending June 1, 1943, pending determination upon application for renewal:

KCMC, Texarkana, Tex.; KCRJ, Jerome, Ariz.; KFMB, San Diego, Calif.; KGGF, Coffeyville, Kans.; KGKL, San Angelo, Texas; KPLT, Paris, Texas; KRBC, Abilene, Texas; KRLH, Midland, Texas; KVGB, Great Bend, Kans.; KXL, Portland, Ore.; WABI, Bangor, Maine; WBBZ, Ponca City, Okla.; WBNX, New York City; KBST, Big Springs, Texas; WBRW, Welch, W. Va.; WCBT, Roanoke Rapids, N. C.; WEDC, Chicago; WFCI, Pawtucket, R. I.; WFTC, Kinston, N. C.; WHOM and auxiliary, Jersey City; WING, Dayton, Ohio; WJBW, New Orleans, La.; WNBZ, Saranac Lake, N. Y.; WOCB, near Hyannis, Mass.; WTEL, Philadelphia; WTRC, Elkhart, Ind.; WSYB, Rutland, Vt.

The following stations were granted renewals for the period ending February 1, 1945:

KWG, Stockton, Calif.; WAYX, Waycross, Ga.; WBOC, Salisbury, Md.; WOLS, Florence, N. C.

KIEM—Redwood Broadcasting Co., Inc., Eureka, Calif.—Granted renewal of license for the period ending December 1, 1944.

The following stations were granted renewal of licenses for the regular period:

KASA, Elk City, Okla.; KOVO, Provo, Utah; KWJB, E. of Globe, Ariz.; KXOX, Sweetwater, Texas; WBBL, Richmond, Va.; WBIR, Knoxville, Tenn.; WGAC, Augusta, Ga.; WCOU, Lewiston, Maine; WJIM, Lansing, Mich.; WJLS, Beckley, W. Va.; WJTN, Jamestown, N. Y.; WOMT, Manitowoc, Wis.; WPAX, Thomasville, Ga.; WSNY, Schenectady, N. Y.; WINN, Louisville, Ky.; KFXM, San Bernardino, Calif.

W8XUM—WBNS, Inc., Columbus, Ohio.—Present license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending May 1, 1943.

W9XWT—Courier-Journal and Louisville Times Co., Louisville, Ky.—Present license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending May 1, 1943.

W2XWE—WOKO, Inc., Albany, N. Y.—Present license further extended upon a temporary basis only, pending receipt of and action on application for renewal, for the period ending May 1, 1943.

W9XBT—Balaban & Katz, Corp., Chicago, Ill.—Present license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending May 1, 1943.

W9XUI—State Univ. of Iowa, Iowa City, Iowa.—Present license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending May 1, 1943.

W4XGG—Gordon Gray, Winston-Salem, N. C.—Granted license (B3-LST-2) to cover construction permit (B3-PST-6 as modified) in part, for Studio-Transmitter station. **337000 kc.,** 25 watts. Dismissed and retired to the closed files application (B3-MPST-9) for modification of construction permit.

W2XBD—General Electric Co., Schenectady, N. Y.—Present license for ST station extended on a temporary basis only, for the period ending May 1, 1943, pending determination on application for renewal.

W5XUA—WKY Radiophone Co., Oklahoma City, Okla.—Present license further extended upon a temporary basis only, for the period ending May 1, 1943, pending determination on renewal application.

W9XLA—KLZ Broadcasting Co., Denver, Colo.—Present license further extended upon a temporary basis only, for the period ending May 1, 1943, pending determination on renewal application.

ACTION IN DOCKET CASES

KDYL

The Commission announced adoption of its Proposed Findings (B-171), proposing to deny without prejudice the application of Intermountain Broadcasting Corp. (KDYL), Salt Lake City, Utah, for construction permit to change frequency from 1320 to 880 kilocycles, increase power from 5 to 10 kilowatts, make changes in directional antenna for both daytime and nighttime use and change transmitter.

In reaching its decision in this matter, the Commission based its conclusions upon the policy announced in the Memorandum Opinion of April 27, 1942, which specifically refers to the use and not to the acquisition of materials.

* * * * *

WGST

The Commission also announced adoption of its Proposed Findings of Fact and Conclusion (B 170), proposing to extend the present license of Station WGST, Georgia School of Technology, Atlanta, Georgia, on a temporary basis for a period of 90 days from March 23. The Commission will consider the issuance of a renewal of license for Station WGST provided the Commission is given assurance that the applicant is prepared to and will in fact assume and discharge the full responsibilities of a licensee. In its conclusions the Commission states:

> "1. The Communications Act of 1934, as amended, states that its purpose is to provide for the use of the channels of interstate and foreign radio transmission by persons for limited periods of time under licenses granted by Federal authority, and that no person shall use or operate radio transmission apparatus except with a license granted under the provisions of the Act (Section 301). The Act prescribes that the Commission shall grant licenses only upon written application setting forth such facts as the Commission may require as to citizenship, character and financial, technical and other qualifications of the applicant (Section 308). The Commission is directed to grant any applicant a station license, subject to the limitations of the Act, if public convenience, interest, or necessity will be served thereby (Sections 307, 309). The station license, the frequencies authorized to be used by the licensee and the rights granted in the license may not be transferred, assigned, or in any manner disposed of to any person unless the Commission shall, after securing full information, decide that the transfer is in the public interest and shall consent thereto in writing (Section 310).
>
> 2. The Rules and Regulations prescribe that application for consent to assignment of license or to transfer control of a corporate license shall be filed at least 60 days in advance of the contemplated effective date of the assignment or transfer, the application to contain such information as the prescribed application form calls for (Section 1.364). The forms of application call for substantially the same information about assignees and transferees as the Commission requires with reference to applicants for new facilities.
>
> 3. The Act and the Commission's rules, including but not limited to the provisions cited immediately above, firmly establish the principles that the licensee is and must be responsible for the control and operation of the station, that before becoming a licensee he must show qualifications which satisfy the Commission that as a licensee he will discharge his duties and responsibilities in the public interest, and that the licensee may not transfer to any person his responsibilities as licensee except with the Commission's written consent on written application therefor.
>
> 4. In this case, while the present operating agreement with Southern Broadcasting Stations, Inc., contains language purporting to give the licensee the right to control the operations of station WGST, the actual duties and responsibilities of the licensee with respect to this station have been assumed by Southern Broadcasting Stations, Inc., to the almost complete exclusion of the station licensee. The Georgia School of Technology as the licensee of WGST has failed to assume the responsibilities and to discharge the duties of the licensee of a radio broadcasting station as required by the Communications Act of 1934, as amended, and the Commission's Rules and Regulations. This failure to comply with the provisions of the Communications Act of 1934, as amended, and the Commission's Rules and Regulations, has been due in some measure to misunderstanding and lack of knowledge rather than to bad faith on the part of the licensee.

5. Under the present circumstances, the license cannot be renewed. However, no useful purpose would be served by refusing to renew the license under any and all conditions. Moreover, a continuation of the program service of Station WGST under proper management will serve the public interest, convenience and necessity.

6. The Commission will consider the issuance of a renewal of the license to Georgia School of Technology provided the Commission is given assurance that the applicant is prepared to and will in fact assume and discharge the full responsibilities of a licensee. Further application for renewal of license in accordance with these conclusions shall be filed with the Commission within sixty days from the date hereof, setting forth the plan of the Station for the acquisition of the necessary facilities and equipment, and for the business management, representation, and control of its future operations, together with a list of all persons to participate therein. In the meantime the Commission will permit the continued operation of Station WGST under temporary extension of license for a period of 90 days from this date."

WIBG—Seaboard Radio Broadcasting Corp., Philadelphia, Pa.—Granted modification (B2-MP-1702) of construction permit (B2-P-3207) to increase power, hours of operation, etc., for extension of completion date to 6-9-43.

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Granted modification (B5-MP-1704) of construction permit (B5-P-3150) authorizing new transmitter, increase in power, etc., for extension of completion date to 6-25-43.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-1501).

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-1504).

W6XYZ—Television Productions, Inc., Los Angeles, Cal.—Granted modification (B5-MPVB-97) of construction permit for new experimental television broadcast station, for extension of completion date to Sept. 15/43.

KAID—Woodmen of the World Life Insurance Society, Portable-Mobile, area of Omaha, Neb.—Granted voluntary assignment of relay broadcast station license from Woodmen of the World Life Insurance Society to Radio Station WOW, Inc. (B4-ALRY-14).

KAIZ—Woodmen of the World Life Insurance Society, Portable-Mobile, area of Omaha, Neb.—Granted voluntary assignment of relay broadcast station license from Woodmen of the World Life Insurance Society to Radio Station WOW, Inc. (B4-ALRY-15).

W69C—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted extension of special temporary authority to operate FM station W67C commercially on **46,700 kc.**, power 10 KW, special emission for frequency modulation, using temporary antenna, with transmitter located at 1 No. LaSalle St., Chicago, for a period beginning March 18 and ending May 16, pending action on application for license to cover construction permit.

WKBZ—Ashbacker Radio Corp., Muskegon, Mich.—Granted motion for continuance of hearing on application for modification of license, to May 10. Hearing now scheduled for April 8.

KMTR—KMTR Radio Corp., Los Angeles, Cal., and Gloria Dalton.—Petition to transfer hearing to Los Angeles dismissed without prejudice. Granted oral request for continuance of hearing now scheduled for April 15 to June 15, 1943.

WALB—Herald Publishing Co., Albany, Ga.—Granted applicant's motion for adjournment of hearing on applications for renewal of license, construction permit and voluntary assignment of license for station WALB; ordered that the hearing in this matter now set for March 23 be further adjourned to April 5, 1943, to take place in the Federal Building, Atlanta, Ga. At the time of the adjourned hearing, it is expected that each of the parties will present such evidence as may be necessary to a completion of its case. The Commission will not require the further attendance of the witness Tounsley if convincing evidence at that time is presented to the Examiner that Tounsley's attendance at such hearing will be seriously detrimental to his health.

APPLICATIONS FILED AT FCC

850 Kilocycles

WJW—WJW, Incorporated, Cleveland, Ohio.—Modification of construction permit (B2-P-3263 as modified which authorized change in frequency, increase power, new transmitter and directional antenna for day and night use, move transmitter and studio) to change proposed location of transmitter to On North side of N. Royalton Rd., between Ridge Rd. & State Road No. 94, Cuyahoga County, Ohio, and extend commencement and completion dates to 60 days after grant and 180 days thereafter respectively.

1090 Kilocycles

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Authority to determine operating power by direct measurement.

1260 Kilocycles

WNAC—The Yankee Network, Inc., Boston, Mass.—Modification of construction permit (B1-P-3445 which authorized increase in power, changes in equipment, installation of directional antenna for night use) to move transmitter from Dorchester St., Quincy, Mass., to Corner Vershire St. & Harriet Ave., Quincy, Mass., make changes in directional antenna for night use and extend commencement and completion dates to 60 days after grant and 120 days thereafter respectively.

1450 Kilocycles

WLAY—Muscle Shoals Broadcasting Corp., Muscle Shoals, Ala.—License to cover construction permit (B3-P-3508) for new transmitter.

1490 Kilocycles

WKBV—Knox Radio Corporation, Richmond, Ind.—Transfer of control of licensee corporation from William O. Knox to Central Broadcasting Corporation (1000 shares). Amended: re Part III stockholders and percentage held by transferees.

MISCELLANEOUS

W2XWG—National Broadcasting Co., Inc., New York City, N. Y.—License for Temporary Class 2 Experimental Station on **45100 kc.**, 1000 watts, special emission for FM.

NEW—The Crosley Corporation, Mason, Ohio.—Construction permit for new International Broadcast Station Frequencies: **6080, 9590, 11710, 15250, 17800, 21650 kc.**, power 50 KW, emission A3. Share on all frequencies with WLWO, WLWL, WLWR, and WLWS.

W91NJ—New Jersey Broadcasting Corp., West Orange, N. J.—Construction permit for new High Frequency (FM) Broadcast Station on **49100 kc.**, coverage 6200 square miles.

W1XTG—Worcester Telegram Publishing Co., Inc., Holden, Mass.—License for Temporary Class 2 Experimental Broadcast Station on **43400 kc.**, 1KW power, special emission for FM.

W8XFM—The Crosley Corp., Cincinnati, O.—License for Temporary Class 2 Experimental Broadcast Station on **43200 kc.**, 1000 watts, special emission for FM.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an

opportunity to show cause why cease and desist orders should not be issued against them.

A & N Trading Company—A complaint alleging misbranding of various articles of wearing apparel in violation of the Wool Products Labeling Act and the Federal Trade Commission Act has been issued against Army and Navy Trading Company, trading as A & N Trading Co., A & N Trading Co., Inc., and Sport Center, with its principal place of business at 8th and D Sts., N. W., Washington, D. C. (4932)

Artra Cosmetics, Inc., Bloomfield, N. J., and its officers, Oscar C. Olin and Eugene A. Kovenko, are charged in a complaint with disseminating false advertisements concerning their cosmetic preparations designated "Irma" and "Sutra" recommended for use, respectively, as a depilatory and as protection against sunburn. (4930)

Londonderry, Ltd.—Violation of the Federal Trade Commission and Wool Products Labeling Act is alleged in a complaint issued against Herbert Ralston and Louis W. Goodkind, trading as Londonderry, Ltd., 512 Seventh Ave., New York, manufacturers of women's coats. (4931)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Charlotte Brandenburg, 804 Maverick Building, San Antonio, Tex., has been ordered to cease and desist from representing that the device she sells under the names "Electro Magnetic Nerve Vitalizer" and "Electro Magnetic Vibrator" has any therapeutic value in the treatment of any disease or condition of the body. (4614)

Castle Co., Inc., 1374 Broadway, New York, is directed to cease and desist from certain misrepresentations in connection with the sale of jewelry. (4785)

National Electrical Mfg. Association, et al.—An order to cease and desist from entering into or continuing any agreements or understandings to fix prices has been issued against five manufacturers of unpatented electrical alloy resistance wire and their trade association, the Electrical Alloy Section of the National Electrical Manufacturers Association, 155 East 44th St., New York.

The respondent manufacturers are Alloy Metal Wire Co., Inc., Prospect Park, Pa.; Hoskins Manufacturing Co., Detroit; Wilbur B. Driver Co., Newark, N. J.; C. O. Jelliff Manufacturing Corp., Southport, Conn.; and Driver-Harris Co., Harrison, N. J. (4558)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Browning King Uniform Corp., 22 West 18th St., New York, entered into a stipulation to cease and desist from certain representations in connection with the sale of military clothing and accessories. (3623)

Crosse & Blackwell Co., 6801 Eastern Ave., Baltimore, stipulated that in connection with the sale of Crosse & Blackwell Worcestershire Sauce or any other product of domestic origin it will cease and desist from representing by use of the words "London" or "English" or any other word, term or symbol indicative of British or other foreign origin that its products were made in or imported from Great Britain or other foreign country. (3622)

Grove Products, 409 First St., N. W., Washington, D. C., engaged in selling astrological forecasts, love and luck charms, a publication entitled "Success" and similar products, entered into a stipulation to cease and desist from representing:

That their astrological readings will show one how to become prosperous, protect health, overcome unhappiness and secure employment; that information in the book entitled "Success" will enable one to achieve his desires in love or in all transactions; that "Jinx-breaking Powder" will drive away evil or will break a jinx; or that any of their products will make one successful financially, prolong life, heal the sick and solve all problems. (03093)

United Automotive Manufacturing Company—A stipulation to cease and desist from misrepresentation in the sale of ignition devices intended for use on automobiles has been entered into by Pearle B. McGready, trading as United Automotive Manufacturing Co., 487 Broadway, New York. The devices, sold under the trade names "Super-Spark" and "Circuit Master," are advertised by the respondent as being capable of augmenting spark plugs and increasing motor performance. (3624)

Vitalix, Inc., Canton, S. D., has entered into a stipulation to cease and desist from disseminating any advertisement which fails to reveal that harmful effects may result from use of its weight-reducing plan and certain preparations sold in connection therewith. The reducing plan consists of two medicinal preparations designated "Mild Laxative Tablets" and "Active Laxative Tablets," two diets called "Reducing Week Diet" and "Normal Week Diet," and a list of exercises. (03092)

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N STREET, N. W. WASHINGTON, D. C. Vol. 11, No. 14, April 2, 1943

WAR CONFERENCE

Attendance Instructions

Wartime demands on the transportation facilities of the country are tremendous. Joseph B. Eastman, head of the Office of Defense Transportation, has emphasized the necessity for the most severe curtailment of civilian travel. He has made a plea for voluntary cooperation on the part of all.

We have discussed attendance at our NAB War Conference with officials of the ODT and have agreed to cooperate in discouraging attendance of any but absolutely essential personnel. Broadcasters, associate members and others are cautioned in planning their attendance at the conference and that of staff members, to consider the following questions:

1. Will the persons who go to Chicago contribute constructively to assist the broadcasting industry in more effectively aiding the war effort; or,
2. Will the persons who go to Chicago attend the serious sessions arranged for them and gain a clearer understanding of their responsibility and thus be able to serve more effectively the national interests through radio.

Unless anyone you send fits into one of the above classes, he should not attend. It is intended that this year's conference be limited strictly to those members of the broadcasting industry responsible for its continued functioning in the war program.

It is to be regretted no invitation can be extended to the wives nor are any plans being made for their entertainment for reasons which are most obvious.

Promotional Display Out

After discussing the subject with the Office of Defense Transportation, we have determined to abandon entirely all plans to conduct any kind of a promotion display. Stations are, therefore, requested not to send any material to Chicago and not to expect to see any display of any kind there, except such as may be of purely local origin. We ask your cooperation.

Associate Exhibits

Any Associate Member who had planned an exhibit at Chicago is asked to abandon those plans. The need for conserving transportation space, both express and mail, is so urgent as to justify us in asking you not to exhibit.

The NAB
Radio War Conference
Palmer House, Chicago
April 27-29

Definition of Peabody Awards

The industry may gain a better understanding of the Peabody Awards by reading the following letter which Willard Egolf wrote to John K. Hutchens, radio editor of the New York Times:

DEAR JOHN:

Your criticism of the Peabody Awards brought forth an issue which is worth clarifying.

You say, "Of the six programs honored, only two are heard nationally . . . one may be permitted to wonder a little about the emphasis on programs which the average listener could not possibly have heard. . . . There is not much in the Peabody Awards this year to converse about."

We must remember that the great consideration which underlies all selections of the Peabody Award Committee is radio's operation in the "public interest, convenience and necessity." Regardless of classification, each award has that unwritten suffix.

In the application of these principles, which should we consider more significant: the amusement, edification and elevation of a broad panorama of population, through network programs, or the complete salvation of some segment of humanity, perhaps a single soul, in an isolated community? I describe both ends of the pole for obvious reasons. Civilization will concentrate all its resources on the preservation of a single human life. Usually this has the aspect of an emergency, which finds radio proficient. By the same token, in my opinion, a service of radio which accomplishes the complete deliverance of a single soul or a small community will outweigh any average service to the nation at large. It might happen in a Rocky Mountain valley or far away in Alaska. Only through careful description, such as lies within your power, could the people and other radio stations be impressed with its full import. Upon those precepts the Pipes of Pan, if broadcast by a single radio station to accomplish such a purpose at a strategic moment, should be entitled to an award, although that award may say "for outstanding entertainment." In short, the multiple services of radio have such broad significance that they defy adequate description. Every attempt must be viewed through the reducing glass of "public interest, convenience and necessity."

The members of the Peabody Awards Committee deserve aid, encouragement and patience; above all, patience. They are attempting to implement the broadest possible gathering facilities, as well as a clear delineation of awards. Their task is tremendous. I should be the first to complain if they refused to realize it, but they do.

Byron Price Accepts

(This release issued by NAB News Bureau March 26)

Byron Price, director of censorship, has accepted the invitation of the NAB to address the radio war conference, April 27-29, in Chicago.

Price commented as follows: "Station and network managers and their staffs are to be congratulated on the

(Continued on page 144)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Arthur C. Stringer, *Director of Promotion.*

DEFINITION OF PEABODY AWARDS

(Continued from page 143)

splendid manner in which they are observing the Code of Wartime Practices for American broadcasters. I welcome the opportunity to address the radio industry on the subject of voluntary censorship, now in its second successful year."

Spiritual Programming

In an attempt to reach all members of the community with spiritual grace and comfort, WHBC is programming a broadcast titled "The Hour of Prayer."

Arrangements were made with a downtown church in Canton, Ohio, to open its doors every noon for the convenience of people during the lunch hour. WHBC sets up microphones and broadcasts a program which consists of playing and singing old, familiar hymns, interspersed with only two one-minute prayers and a single one-minute scripture reading. No one is identified on the show, not even the minister who offers the prayers and reads the scripture. The church is not lighted except for the cross above the pulpit. Prayers and scripture readings are made by various ministers of the community, appointed by the Ministerial Association. There is no pomp or formality, no mention of denominations.

Aimed at Non-Church Group

The announcements stress tolerance; the services are open to all. The audience is invited to "lay aside the routines of the moment and join with your neighbors and friends in a prayer to Almighty God to lead us safely through these troubled waters. . . ."

Felix Hinkle, WHBC manager, believes this idea, if expanded into other communities or even over the networks, could reach that great body of persons who do not attend church, but who have the "one common inherent religious complex in all rational human beings—sincere belief in a Supreme Power of some kind or other."

He further believes radio should in great measure provide spiritual grace in these critical times when war has caused a re-awakening to the precepts and teachings of Jesus Christ.

This philosophy, if broadcast properly, "holds the basic solution for all the world's troubles," in his opinion.

Approach Is Psychological

Reduced to barest essentials, the Canton program, Hinkle suggests, follows the "psychological line of bringing about a comfort and a softening and a change in the hearts and the minds of the people unconsciously. . . ."

He comments, however, that such an idea can achieve universal status best through broad network treatment, mentioning the drawbacks of local programming and the uncertain ability of local choirs and ministers at the microphone. Fred Waring's choir, or the golden voices of Marian Anderson and John Charles Thomas could take the "Rock of Ages" hymn and "make it a masterpiece," Hinkle declares, adding that all organizations and individuals on the program should be COMPLETELY ANONYMOUS to impress the listeners only with the artistry of what they hear.

Hinkle's regard for complete program anonymity has progressed to the point where he suggests that other stations, should they consider his idea favorably for local production, do not use a local church but originate the program from their studios.

Selective Service

NEVILLE MILLER PRAISES SELECTIVE SERVICE SYSTEM

(This release issued by NAB News Bureau March 26)

Praising the efficient operation of Selective Service, Neville Miller complimented draft officials upon their "sympathetic understanding and consideration of the manpower problems of the broadcasting industry."

The complete statement follows:

"It is my considered opinion that the Selective Service has been most efficiently operated within the statutory authority of the Selective Training and Service Act of 1940, as amended. Certainly the officials at national headquarters are to be complimented upon their sympathetic understanding and consideration of the manpower problems of the broadcasting industry.

"It must be remembered that the basic policy of the act is decentralization whereunder the local boards are virtually autonomous, subject to the right of appeal to the boards of appeal. As a consequence, the Occupational Bulletins issued for the guidance of local boards can only be advisory; under the act they cannot be mandatory. Each local board must select the registrants to be inducted, in so doing it presumably uses its best judgment in the light of all the circumstances in its locality.

"With almost 6500 local boards, it is to be expected that the quality of their judgment will not be uniform. But, by and large, I believe the system is being ably administered in accordance with the law as enacted by Congress and approved by the President. It is a democratic, grass roots system of selection. It is possible that a national service act, such as proposed in the Austin-Wadsworth bill, would provide for keener discrimination between the needs of the Armed Forces and essential industry. That is for Congress to decide.

"Meanwhile, as NAB has repeatedly advised the industry, the training wherever possible of personnel not subject to induction is the safest course for stations to follow in meeting the manpower problem."

STATION MANAGERS

"The NAB War Conference has every aspect of a military assignment," Neville Miller says. (Chicago—April 27-29)

THIS IS WAR!

From a WBIG Broadcast

Nobody enjoys war . . . there isn't one of us who can escape the tragedy and hardship and discomfort that war brings. We all have certain jobs to do . . . and if the jobs are war jobs, we can't be slackers.

You're listening right now to your radio station . . . a business enterprise erected primarily to serve you as best we can. Now, with the nation at war, our responsibility is greater by far than it ever was when we were at peace. Even then, we were charged with certain duties and obligations and we worked hard to make good. Our job is to do more than entertain . . . radio must also be educational and instructive, informative and illuminating if it is to serve the community.

Now, we are working hard to sell Bonds, to explain rationing, to find homes for war workers, to find as entertainment. We aren't pretending that we can compete with a swing band or a soap opera when it comes to pure listening pleasure. We have a job to do, and we intend to do it. We know that the man fighting with a gun and the man working all day with gun-making tools don't think it's fun . . . they too have a job to do, and they're doing it.

Well, perhaps you're wondering right now why we're rambling through all this explanation . . . we have a pretty good reason for trying to make clear to you how earnest we are about our war work. Some people have objected from time to time . . . even written letters to us . . . unsigned letters . . . full of unkind name calling like phony Bond salesmen" . . . and naturally, we resent the letters, especially since the writter hasn't the courage to sign a name. We cool off, and then we realize that perhaps some people just forget that even if all announcements and appeals mean nothing to them, even if they are already buying Bonds and doing war work and learning all about Bond buying and Point Rationing and how to train for a job in an essential industry.

If, by doing our job of helping the folks who need the information we have, we annoy someone who isn't interested, we are honestly sorry, for we dislike annoying anyone. But aren't at all apologetic . . . we are even proud that we are able to serve the listeners who do answer the appeals we make and make the most of the opportunities we advertise.

No, war isn't fun . . . it's a deadly serious business . . . and we here at your radio station are well aware that our industry and our nation and even our personal lives as free people are at stake. We are Americans in free America . . . if we weren't, you'd never hear an explanation as you are hearing now . . . an explanation as to why you hear at certain intervals certain messages from your government and its agencies. No, there isn't any compulsion about radio listening here, and there never will be . . . you listen as you like . . . but when you listen and you hear us down here hard at work trying to get the war won, just remember that we're doing our best at the most important job we'll ever have . . . and we hope you're doing yours . . . THIS IS WAR!

Labor Relations

Labor Broadcasts

Recognition of a release from Joseph L. Miller, NAB director of labor relations, pointing out the number and scope of labor broadcasts over the networks in 1942 came from the nation's two top labor leaders in letters as follows:

"Many thanks for your kind favor of March 9, and the enclosed release showing the number of labor broadcasts during 1942. I hope to have an opportunity of talking with you sometime soon.

(President, CIO) (Signed) Philip Murray"

"I thank you for your letter dated March 9th with copy of a release in which there is set forth the number of labor broadcasts which were made over the networks during 1942. You are right in your conclusion that I would be interested in this information. It is gratifying to know that more than 100 broadcasts were made by representatives of organized labor during the year 1942.

(President, AFL) (Signed) W. Green"

CBS and IBEW Sign

The National War Labor Board this week announced approval of parts of a wage agreement between the Columbia Broadcasting System and the International Brotherhood of Electrical Workers, AFL, providing for an average increase of 7¢ an hour for 268 technicians and supervisory personnel, retroactive to October 1, 1942.

The agreement establishes a new wage schedule with a starting rate of $50 weekly and automatic increases up to $85 for technicians, and rates ranging from $90 to $100 for supervisors. The wage schedule prior to the increases approved by the Board had a starting rate of $49.60 for technicians and ranged from $87.20 to $98.70 for supervisory personnel.

(1) The Board disapproved a proposal by the company and the union to eliminate three steps in the present wage progression schedule on the ground that it would create an inequity with respect to the National Broadcasting Company and the Mutual Broadcasting Company.

(2) The Board also disapproved a clause in the wage agreement providing for payment of time and a half for hours in excess of ten, instead of twelve as now provided. The Board held that since both NBC and Mutual now have a 12 hour maximum workday, approval of a 10 hour maximum for Columbia would create new inequalities between the three systems.

The approved wage schedule will correct maladjustments resulting from the rise in the cost of living, and will result in increases well within 15% of the January 1, 1941 wage level.

Wage Stabilization Notes

Escalator clauses in labor contracts, which provide for automatic wage increases in ratio to the rise in the cost of living index are regarded as valid by the National War Labor Board as long as they do not conflict with national wage stabilization policies, the Board said this week.

This was pointed out in the case of the American Home Products Company, of Jersey City, New Jersey, and the National Council of Gas, Coke and Chemical Workers, CIO, in which the Board denied the parties' request for a 2½ cent per hour increase for employees covered by a contract between the union and the company. The increase was provided for in an escalator clause in the contract.

The Board found that the increases could not be granted under the 15% cost of living formula and that no inequalities existed because wage differentials between the company and other comparable companies in the area were well established.

* * *

The National War Labor Board has issued the following statement about compliance with the wage stabilization program:

Alleged violations of the wage stabilization provisions of the Anti-Inflation Act of October 2, 1942, and of Executive Order 9250 have from time to time been brought to the attention of the National War Labor Board. In these first few months since Congress passed the Act those violations proved on investigation to have been committed rather through ignorance than through wilful disregard of the law. It was deemed appropriate, therefore, that the Board's enforcement policy in those early months be tempered by the knowledge that the national policy of wage stabilization was still imperfectly understood. . . . Obviously, wilful violations of the law must be stopped if the anti-inflation program is not to be impaired and the critical manpower situation rendered more acute. Where the Board's investigation of the facts warrant, violations will be prosecuted immediately and vigorously. Ignorance can no longer be pleaded as an excuse.

NATIONAL WAR LABOR BOARD

Regional War Labor Board Offices

REGION	REGIONAL CHAIRMAN	STREET ADDRESS	CITY	TERRITORY COVERED
I	Saul Wallen	209 Washington St.	Boston, Mass.	All of N. E.
II	Theodore Kheel	220 East 42nd St.	New York City	New York & Northern Counties of N. J.
III	Sylvester Garrett	Room 428, Stephen Girard Bldg., 21 S. 12th St.	Philadelphia, Pa.	Pa., Del., Md., D. C. & Southern Counties of N. J.
IV	M. T. Van Hecke	116 Candler Bldg.	Atlanta, Ga.	Ga., N. C., S. C., Fla., Tenn., Ala., Miss., & Va.
V	Lewis Gill	3rd Floor, Guardian Bldg., 629 Euclid Ave.	Cleveland, Ohio	Ohio, West Va., & Kentucky
VI	Robert K. Burns	222 West Adams St., Room 553	Chicago, Ill.	Ind., Ill., Wis., Minn., N. D., & S. D.
VII	Joseph A. Hoskins	11th Floor, Fidelity Bldg., 911 Walnut St.	Kansas City, Mo.	Mo., Ark., Nebr., Kansas & Iowa
VIII	Floyd McGown	9th Floor, New Mercantile Bank Bldg.	Dallas, Texas	Texas, Louisiana & Oklahoma
IX	Charles Graham	504 Boston Bldg.	Denver, Colo.	Colo., New Mex., Montana, Wyoming, Utah & Idaho
X	Thomas Fair Neblett	1355 Market St.	San Francisco	Calif., Nevada & Arizona
XI	Edwin E. Witte	Room 1164, Penobscot Bldg.	Detroit, Michigan	Michigan
XII	G. Bernard Noble	White Henry Stewart Bldg.	Seattle, Wash.	Washington & Oregon

CHAIRMAN FLY COMMENTS

The manpower situation as it affects broadcast stations is still a very live subject. At a press conference this week FCC Chairman James Lawrence Fly said that he had sent another letter to Manpower Commission Chairman McNutt on the subject.

"On the manpower situation," said Fly, "I overlooked a letter to Mr. McNutt that we had some earlier correspondence that for the moment had seemingly settled that rather difficult problem, and I forwarded another letter to Mr. McNutt the other day supplementing my recent letter forwarding copies of the correspondence on the earlier case. I haven't heard from them over there which leads me to believe, as I of course would have believed, that they are giving the matter very careful consideration."

On the same subject Fly said, "We have never had any conflict or controversy at all with the War Manpower Commission and we haven't got one now and we have always had the best and most cooperative relations with them."

Security Survey Underway

Chairman Fly told the conference that the Commission is making considerable progress on the various security studies and in explanation of this he said that "you probably know that the Commission staff, that is, the field division of the engineering department, has been making for sometime a continuous survey of security measures at the various communication plants."

Fly said further that "up to March 19th they had completed the survey and reported on 256 different facilities. Of course that includes the radio communication, telephone and certain of the domestic communication systems, and the broadcasting stations which by the way would cover two locations. I think that about 380 locations have been completed and various suggestions have been made for security measures which would be adopted and I think in every case the staff has met with the full cooperation of the various owners. They have no complaints regarding this advisory service, and I think it is moving along in good shape. We have every reason to believe it will be helpful to all concerned."

FCC Simplifying Forms

Fly said the FCC is trying to simplify its many forms and questionnaires. For a number of years he said the Commission has been trying to simplify the forms. "As a matter of fact," he said, "during the past few years every form we have got out we put every effort to have it just in the simplest way possible."

Regarding the financial studies of the small stations, Fly said, "I am rather inclined to hold off as far as any

BROADCASTING "ESSENTIAL"

In the revised lists of activities, products, services and facilities certified by the War Manpower Commission since July, 1942, issued March 25, 1943, the following classification appears: "all communication services and production of communications." This includes broadcasting.

public statement on that matter is concerned. I will continue to give attention to the plight of the small stations—that in itself is a continuing matter—but I rather think that we will not make any further announcements as to the financial status of the stations until the NAB War Conference in Chicago and at that time I will try to give the industry a complete report on the financial conditions of the entire industry so far as that is reflected in our reports here."

Manpower—Materials

THE TUBE SITUATION

Frank H. McIntosh, of the Radio Division, War Production Board, today urged more even distribution of radio tubes to keep home sets in repair.

He addressed a letter to tube manufacturers urging that they exchange tubes among themselves and that they concentrate production on critical types. In making the letter public, Mr. McIntosh pointed out that the conversion of the radio industry was designed to permit tube production sufficient to maintain civilian radio. Production of radio tubes available for replacement in civilian sets is almost as high as peace times, he said.

"A careful survey of the industry," the letter said, "indicated that radio tube production, available for replacement purposes, is almost as high as in normal peace times; nevertheless, many complaints have been received, particularly from rural areas, stating that tubes are not available.

"It appears evident from the figures on production and existing inventories that production is not the sole difficulty responsible for the lack of tubes. Maldistribution, caused by the inability of manufacturers to round out their lines, and low production of certain critical types of tubes, appears to be responsible, in part, for present shortages.

"This office therefore suggests that manufacturers concentrate their civilian production on critical tube types, even though such types may be low profit items.

"It is further urged that, during this critical period, manufacturers exchange tubes freely in order to make the best use of existing distribution channels."

COMMENT

On Sunday, March 28, the New York Times carried a story which quotes an unnamed tube factory man to the effect that the country's whole tube-making industry could not produce more than 2,000,000 bulbs a month above the present huge war output.

This prophet was unmasked a few days later when Mr. McIntosh of WPB officially announced that January 1943 sales by tube manufacturers for replacement purposes were almost 2,500,000. These were all of new manufacture.

A Soldier "On the Beam"

(This release issued by NAB News Bureau March 26)

He's a private in the Army Air Forces and entitled to a free frank on his letters, but when he read of the critical need for radio tubes, he sent an air-mail letter with regular postage offering enthusiastically to donate to the war effort transmitter tubes he left at home.

His name is Private William Redpath, of Pittsburgh, Pa., and he is stationed in the Southwest. The notice he read was a request issued by the NAB through QST, the American Radio Relay League magazine, asking "hams" (amateur radio operators) to register their tubes for sale through NAB to broadcasters who might need them. "Hams" are off the air for the duration.

Redpath sent his letter to Howard Frazier, NAB director of engineering.

Canadians Not "Foreigners"

James Lawrence Fly, chairman of the Board of War Communications, has sent the following notice to all persons engaged in the wire and radio communications industry, including manufacturing:

> "Reference is made to the attached resolution of the Defense Communications Board (now the Board of War Communications), Mimeo. No. 53152, of August 21, 1941, regarding visits to communication plants and stations. In this connection, the Board of War Communications today amended its policy with respect to visits to communication plants and stations so that Canadian citizens would be treated on the same basis as American citizens.
>
> "Therefore, all persons engaged in the wire or radio communications industry may admit Canadian citizens to their plants and stations when visits by such persons are considered necessary by the management in the conduct of its business.
>
> "The foregoing does not apply to visits to manufacturing plants engaged in the execution of contracts for the Army or Navy or plants engaged in scientific research and development in collaboration with the Office of Scientific Research and Development. These departments issue their own regulations with respect to visits to such manufacturing plants."

The resolution referred to had requested that all foreign persons, representatives, associations or corporations be excluded from said plants or stations.

'WAR TIME'

The War Production Board issued the following bulletin March 24, 1943:

The Necessity for "War Time"

The observance of "War Time" throughout the United States is essential if this country is to meet its production requirements. This fact has already been proved by the experience of over a year since the enactment by the Congress in January, 1942, of the law to advance by one hour the time to be observed in each of the standard time zones. A failure to observe "War Time" will result in severe strains upon power resources and in a diversion of essential materials which will seriously hamper the production of ships, tanks, planes, ammunition, synthetic rubber and aviation gasoline.

Savings from "War Time"

Observance of "War Time" has resulted in important savings in the total amount of electricity used but even more important it has saved the materials for generators and power plants which otherwise would have been necessary to provide additional power capacity for war production.

Translating these savings into war materials, "War Time" has saved copper for 2,500,000,000 rounds of 30 caliber ammunition, and steel needed for the production of 6,000 medium size tanks or 140 destroyers of average size. The additional power facilities which would have been required to supply the power saved by "War Time" would have required these amounts of needed and scarce war materials. The electric energy saved by "War time" is equivalent to the amount required to produce aluminum for 7,500 medium size bombers or 16,000 fighters.

These figures are based not upon conjecture as to possible savings resulting from "War Time" but upon actual experience during the past year as determined by the engineering staff of the War Production Board.

How "War Time" Saves Power

The way in which the adoption of "War Time" has brought about these savings in plant capacity is not generally understood. Existing power plants are capable of producing only a certain amount of electric power at one time. The size of our power facilities must be sufficient to meet the maximum demand for power during any day. Under standard time the heaviest demand for power is in the late afternoon hours, since the greatest concentration of use by households and institutions, including office buildings, stores and shops, is during this period. "War Time" by advancing the clocks one hour enables these users to operate by daylight for an additional hour in the late afternoon. This cuts down on the total demand for electricity at the peak period for lighting and enables the increased requirements of war production to be carried by power plants that would otherwise have to be used for this lighting load. Thus "War Time" eliminates the necessity for building additional power plants in the amount of these savings. Nor does the earlier start in the morning in general have any serious consequences for power systems, since the heaviest morning demand on power is in the daylight hours even with the time advanced.

Reserve Power Essential

The saving of kilowatt capacity brought about by the observance of "War Time" for the country as a whole represents about 50 percent of the minimum reserves required to furnish adequate and reliable power service in case of accidents to power plants. This reserve, which is essential if we are to be prepared to meet emergencies, could have been maintained without "War Time" only through the expenditures of critical materials in building additional power plant capacity.

It is thus evident that the establishment of "War Time" in effect made available electric power producing capacity for load and reserves for an expanding war production effort without the expenditure of critical materials, labor, machine tools and manufacturing space.

It should be noted that there are substantial savings effected in all months of the year through a reduction in the amount of electric energy required for household, office and commercial use. Even though "War Time" causes some increase in the use of electricity in the early morning hours in the fall and winter months by providing an additional hour of daylight in the evening, it has lowered the over-all consumption of electric energy the year round. This has resulted in important savings in fuel which in turn result in a saving of critical facilities used for the transportation of oil and coal from producing centers.

Confusion from Local Changes

The failure of a state to observe "War Time," confusing in times of peace, becomes very serious in times of war. With the transportation facilities of the country already taxed to capacity, a lack of uniformity in the use of "War Time" throughout the 48 states impairs the efficient operation of these facilities and results in public confusion, causing delays and waste of manpower in the shipment of war materials.

The experience of the few states which have, in effect, abolished "War Time" has resulted in wide-spread comment in the press. In Ohio, which is now following a time which is equivalent to Eastern Standard Time, many of the cities are still following Eastern "War Time" and the interstate transportation services and post offices are required by law to operate on "War Time." The result has been serious confusion which has been pointed out in numerous editorials.

The Dayton, Ohio, *News* on February 22, 1943, commented editorially on the confusion in Ohio as follows:

"The Time Muddle

> "Ohio goes on its new time in a state of confusion. About half the people of the state now find themselves on the new time decreed by the legislature. The rest, through the independent action of cities, remain as they were.
>
> "If the division were on lines of geography, as with the western half of the state on western and the eastern half on eastern time, it would not be so bad. But the differences go by spots.
>
> "Cities remaining on eastern war time are as far apart as Cincinnati and Cleveland. The clock now changes, as one travels across the state, every half hour or so. The situation is absurd and changes, in one way or another, will have to be made. The good intentions of the legislature have done the paving job which unintelligent good intentions are noted for. We have before us a striking example of the results when legislators jump at conclusions, instead of seeking facts and using their heads."

The Lansing, Michigan, *Journal* of February 24, 1943, had the following article.

> "Lansing war industries are likely to revert to Eastern war time 'in the interest of winning the war,' spokesmen declared Wednesday after the city council voted, 11 to 3, in 'closed' session Tuesday night against changing back to 'fast' time.
>
> * * * * *
>
> "A. H. Brandel, production manager of Oldsmobile, said the slow time schedule of Lansing 'has caused utter confusion in all lines of communication with other cities in and out of the state.' He declared that four hours a day are lost by rail, truck and wire.
>
> "'We have got to win a war and we can't let personal inconveniences interfere,' Mr. Brandel added. 'You can't ignore the men who are fighting over across.'"

Readjustments Under "War Time"

The great advantages of "War Time" have obviously not been effected without inconveniences. However, all the issues which are currently being raised have been canvassed many times by the Congress, as well as by state legislatures. Experience has shown that while some groups, particularly in agricultural areas, may find that they are inconvenienced and that "War Time" is of little benefit to them or to their production, the interest of the country as a whole requires the observance of "War Time."

To offset these inconveniences, the possible readjustment of time schedules in the picking up and delivery of dairy products is a matter which should be carefully explored. The predominantly agricultural communities in many cases may observe sun time for purposes of production and still work out an adequate distribution and transportation arrangement with other communities which are on "War Time." Cooperation between farm and city dwellers in the matter of deliveries and in the harvesting of crops could greatly minimize these inconveniences. Although in England one of their most serious problems is that of food production, they have found that the saving resulting from the adoption of two hour "War Time" in the summer months and one hour "War Time" the rest of the year, has more than justified its adoption.

Federal Agencies Support "War Time"

The conclusion that "War Time" is essential to the war effort has not been hastily reached. It has been the result of a year's experience in this country and the experience of our Allies. The War and Navy Departments, the War Production Board, the Office of Defense Transportation, the Interstate Commerce Commission, the Federal Power Commission and other affected Federal agencies have repeatedly endorsed "War Time" as an essential war measure. Recently, Robert P. Patterson, Under Secretary of War, and James V. Forrestal, Under Secretary of the Navy, joined Mr. Donald Nelson in a warning that any change in the law establishing "War Time" would be a serious detriment to increased production in 1943.

Research Committee Meets

The meeting of the NAB Research Committee was held at NAB Headquarters Wednesday, March 31. The meeting was called by Chairman Roger W. Clipp of Station WFIL. Those attending were Barry T. Rumple of NBC and Dr. Frank N. Stanton of CBS. G. Bennett Larson of Station WWDC, Washington, and John C. McCormack of Stations KTBS-KWKH, Shreveport, were not able to attend. Edward F. Evans of the Blue Network attended the meeting at the invitation of the Chairman. Staff members, Lew Avery and Paul Peter also attended.

The task of preparing a recommendation on Station Coverage occupied most of the time of the committee. The Market Data Handbook for Broadcast Stations was briefly examined in copy and printers proof form.

Inasmuch as the agenda for the meeting was not entirely covered, the meeting was recessed to be continued April 14 at NAB Headquarters. The complete report of the research meeting will be given after the continued session.

LEPROSY

The NAB is in receipt of a letter from the Carville, La., Leprosarium from which the following excerpts have been taken:

"What occasions this letter is the frequent use over the radio by other than physicians and scientists of the words 'leper' and 'leprosy' in such a manner as to be not only mis-informative but most unjust to the victims of the disease.

"Dramatic playlets and comedy sketches are the chief offenders." (Here specific examples are cited; i.e.: "You avoid me as though I were a leper."

The letter further explains that the staff and inmates of the Leprosarium appreciate the task involved to change a conception that has been in the minds of people for untold centuries, but requests that on radio, where control is possible, "in place of the word 'leprosy' use the word 'plague,' and replace 'leper' with 'pariah.' This rule to be applied to programs not concerned with scientific discussion of the disease, but where the word is merely dragged in because it is colorful and connotative.

"We earnestly solicit your careful consideration. . . ."

Radio Receives Music Tribute

In an extension of remarks printed in the Congressional Record of Thursday, February 25, 1943, authored by Senator Reynolds of North Carolina, radio receives the following accolade in a letter quoted from Mrs. Margaret Banks, music director of WBIG, writing on "Music in War":

"The development of radio and the phonograph brings music to thousands of homes that it could not otherwise have reached . . . with our splendid inventions of records and transcriptions, music can now come into all sectors. . . ."

Nashville Radio Meeting Attracts Leading Citizens

Mrs. Dorothy Lewis, now touring the east and southwest for the OWI and NAB, reports a fine meeting in Nashville, at which she appeared as Coordinator of Listener Activity for NAB, sponsored by the Radio Council of Tennessee and WSM, WLAC and WSIX.

The following persons attended in addition to Mrs. Lewis and Earl Glade, chairman of the NAB code committee:

R. B. Beale, chamber of commerce secretary; Dr. Joseph E. Burke, president, Ward Belmont college; Dr. A. L. Crabbe, education professor at George Peabody college; Dr. E. H. Ijams, president, David Lipscomb college; Dr. Edward L. Turner, president, Meharry college; Dr. H. L. Swint, Vanderbilt; Frances Zeigler, Vanderbilt school of nursing dean and Altrusa president; Dr. Harold F. Smith, Dean Fisk university, and Norene Dunn, education professor at Scarritt college.

Dr. J. E. Windrow, Peabody Demonstration school principal; Father Earnest Wiley, superintendent of Catholic schools; Dr. A. L. Holt, Tennessee Education association secretary; Martha Parks and Velma Shaffer, state department of education; Carl Brockett, Davidson county schools superintendent; Julia Green, early elementary education supervisor of Davidson county; Mrs. Ora Wakefield, Nashville schools health coordinator, and Miss Leech, Nashville schools library supervisor.

Representing the radio stations were: Harry Stone and Jack Stapp, WSM; F. C. Sowell, jr., Paul Oliphant and J. T. Ward, WLAC, and Jack Wolover and Jack Draughon, WSIX.

Prominent Women Attend

Walter Gasser, American Legion N post commander; Mrs. Paul J. Dunn, Tennessee P.-T. A. congress president; Mrs. W. H. Lambeth, state DAR regent; Mrs. Rogers N. Herbert, regional state commander of Women's Field Army; Mrs. Roland C. Wolfe, National Council of Catholic Women, state treasurer; Mrs. W. H. Fessey, State Medical association women's auxiliary vice president; Mrs. J. C. Gill, state radio chairman of Tennessee Federation of Women's clubs; Mrs. Walter L. Jones, 6th district FWC secretary; Mrs. Y. M. Haley, Nashville FWC president, and Mrs. Buford Smith, Nashville P.-T. A. council president and board of education member.

Mrs. R. H. Warner, Jr., Middle Tennessee Council of Catholic Women district president; Mrs. Isadore Frank, Nashville Council of Jewish Women president; Mrs. Robert L. Green, Housewives' League president; Mrs. Robert L. Lawrence, jr., Nashville Woman's club president; Mrs. Walter Gasser, Nashville Legion Auxiliary president; Mrs. Fred Fuller, Centennial club; Mrs. Edwin Keeble, Junior League; Margaret McKenzie, Business and Professional Women's club; Mrs. A. L. Crabbe, Peabody college, and Mrs. A. K. Holmes, county ACE.

Mrs. Harold Smith, Garden club of Nashville; Lillian

Taylor, UDC chapters; Mrs. M. P. Workman, Carnegie library; Mrs. Donald Maynard, radio council vice president; Mrs. Manuel Eskind, radio council secretary; Mrs. C. J. Bush, radio council treasurer; Mrs. J. G. Bowman, radio council membership chairman; Mrs. Bradley Walker, radio council publicity chairman; Mary Sneed Jones, radio council education chairman; Mrs. Kate H. Trawick, radio council president; Alice Wilkinson, county board of education librarian, and Elizabeth Herbert.

Engineering

MORE TECHNICIANS AVAILABLE

The campaign currently being conducted by the NAB Engineering Department to recruit broadcast station technicians, not presently employed in the broadcast industry, is producing very satisfactory results. NAB has now registered available men and women from 37 states and the District of Columbia.

Stations in need of replacement technicians are again invited to write NAB if it is impossible to fill vacancies locally. The names of several available technicians will be promptly forwarded.

RULE SUSPENDED

Suspension of two operating requirements for FM radio stations and a wartime substitution of less exacting provisions have been adopted by the FCC. Sections 3.229 and 3.261, including subsections (a) and (b), of FCC Rules and Regulations were suspended until further order of the Commission. The action is in recognition of the wartime shortages in materials and particularly in necessary skilled personnel.

Section 3.229, suspended by the Commission, provided that:

> "Within 1 year of the date of first regular operation of a high-frequency broadcast station, continuous field intensity records along several radials shall be submitted to the Commission which will establish the actual field contours, and from which operating constants required to deliver service to the area specified in the license are determined. The Commission may grant extensions of time upon showing of reasonable need therefor."

This rule permitted a check of the actual service area with the predicted area at time of license issuance, as well as data upon which to base power adjustments if required. This type of survey, however, requires the considerable time and services of skilled personnel and the use of suitable measuring equipment installed in an auto or truck. No substitute provision was adopted for Section 3.229.

Section 3.261 (a) required licensees of high frequency (FM) broadcast stations to maintain a regular daily operating schedule, except Sundays, of at least 3 hours between 6 a. m. and 6 p. m. and at least 3 hours between 6 p. m. and midnight, local standard time. Subsection (b) of this rule required the licensees to broadcast during each of the daytime and nighttime scheduled periods at least one hour's program service not duplicated simultaneously in the same area by a standard broadcast station or another FM station. The suspension of today applies to both subsections. In lieu thereof, the Commission substituted a more flexible requirement, which will permit FM operators a minimum service daily, except Sunday, of 6 hours during any portion of the broadcast day, and that the transmission of 2 hours of unduplicated programs be during any part of the broadcast schedule.

ESMWT Grads Are Good Technicians Says WJTN Goldman

The Engineering, Science, Management and War Training courses of the U. S. Department of Education, given throughout the United States, have been exceedingly helpful to broadcasters, the military and industry at large.

Simon Goldman, manager WJTN, Jamestown, N. Y., took an early interest in these courses. How the station has benefited demonstrates that these courses are fertile recruiting grounds for stations technical employees.

We are printing below Mr. Goldman's observations and suggestions in the hope that they will point the way to a complete utilization of this source for broadcast technicians:

Goldman's Report

"The need for licensed technicians for transmitter work on the part of radio stations in general has been one of the big personnel problems of the industry.

"I can't help feeling, however, that some stations are passing up marvelous opportunities afforded them through the NAB-sponsored ESMWT Radio Technicians Courses. Here at WJTN we have worked out a definite plan of attack.

"At first we tried writing letters to the teachers of these courses, which told of the opportunities in the broadcasting field, and asked them to pass the information on to the students who showed aptitude and were doing a creditable job in learning the basic fundamentals. This didn't work, however. So next the chief engineer and I made specific visits to the classes from time to time, talking with the teachers and finding out which students showed natural aptitude and were grasping on to the radio fundamentals in good style.

Much Available Talent

"We then talked to these students, finding out whether they were interested in making radio a career—that is, if they were not enlisted in the Signal Corps or subject to immediate induction in the Army.

"*Believe it or not, in these classes are men who are 4-F,* some who are below the draft age, some who are above the draft age!

"We supplied ourselves with plenty of copies of the FCC Requirements for licenses and other pamphlets on this subject as furnished by the FCC. In addition, we furnished copies of Nielson & Horning's 'Radio Questions and Answers.'

"Our next step was to take the interested parties and give them the material from which to study. Then we made appointments for them to take their license examinations. Most of the fellows get their 2nd class and then go back within 8 weeks for their 1st class.

"Our records to date are as follows: three 1st class men, two 2nd class men (one of whom has already gotten his 1st class, and the other will shortly.) The group contains three 4-F's, and two under the draft age.

"We lost one of our 4-F's to the local police radio system, and both of the fellows under 18 are used in a reserve capacity since they both still go to high school. They fill in for vacations, sicknesses, etc. In addition, our staff has another licensed operator who didn't come up through the ESMWT plan.

"The reason for this letter, portions of which you may want to use, is to encourage other stations to send their Chief Engineers, or go down themselves if necessary, to the Radio Technicians Courses which are in existence throughout the country. Then, do a little selling for themselves and the industry by encouraging students to go on to get their licenses. Many of these people don't know the procedure, and a little help and discussion finds these men responsive to the idea because they usually are the type who like radio and are anxious for broadcast experience.

"It boils down to the following type of procedure: (1) Personally contact students in the ESMWT Courses; (2) provide them with proper material to study for the exam; (3) make arrangements for them to take the exam in the city where an FCC inspector holds forth; (4) provide employment to as many of those who get their license this way as is possible.

"There's a wealth of technician material in these classes, and it's only a matter of going after it.

"'Seek and ye shall find!'"

"P. S. Just now another graduate of ESMWT came in to see me and we're sending him up to take his exam. He is over 38. Brings the total to 6."

Where Courses Are Given

"Fundamentals of Radio I and II" are the names of the ESMWT-NAB courses. According to ESMWT "list of approved courses", July 1, 1942, through January 31, 1943, courses are given at the Universities listed below:

ALABAMA: Alabama Polytechnic Institute, Fundamentals of Radio I* & II*

ARKANSAS: University of Arkansas, Fundamentals of Radio I* & II*

CALIFORNIA: Stanford University, Fundamentals of Radio I* & II*
University of California, Fundamentals of Radio I* & II*
University of Southern California, Fundamentals of Radio I* & II*
University of Santa Clara, Fundamentals of Radio I

COLORADO: University of Colorado, Radio I, II*, III

CONNECTICUT:

FLORIDA: University of Florida, Fundamentals of Radio I* & II*

GEORGIA: Georgia School of Technology, Fundamentals of Radio I (For Negroes)
Fundamentals of Radio I* & II*

IDAHO: University of Idaho, Fundamentals of Radio I* & II*

ILLINOIS: Northwestern University, Fundamentals of Radio I & II
University of Chicago, Fundamentals of Radio I
University of Illinois, Fundamentals of Radio I* & II*
Fundamentals of Radio I (women)
Wheaton College, Fundamentals of Radio I & II

INDIANA: Purdue University, Fundamentals of Radio I* & II* (Ins.)
Rose Polytechnic Institute, Fundamentals of Radio I, II

IOWA: Iowa State College, Fundamentals of Radio I* & II*
State University of Iowa, Fundamentals of Radio I* & II*

KANSAS: University of Kansas, Fundamentals of Radio I* & II*

KENTUCKY: University of Kentucky, Fundamentals of Radio I*
University of Louisville, Fundamentals of Radio I*, II*

LOUISIANA: Louisiana Polytechnic Institute, Fundamentals of Radio I*, II*
Tulane University, Fundamentals of Radio I, II

MAINE: Bates College, Fundamentals of Radio I, II
University of Maine, Fundamentals of Radio I*, II

MASSACHUSETTS: Boston College, Fundamentals of Radio I
Lowell Textile Institute, Fundamentals of Radio II
Massachusetts State College, Fundamentals of Radio II
Northeastern University, Fundamentals of Radio I, II*
Smith College, Fundamentals of Radio
Wellesley College, Fundamentals of Radio II

MICHIGAN: Detroit Institute of Technology, Fundamentals of Radio I, II
Lawrence Institute of Technology, Fundamentals of Radio I, II
Michigan College of Mining & Technology, Fundamentals of Radio I, II
Michigan State College, Fundamentals of Radio I*, II*
University of Detroit, Fundamentals of Radio I, II
Wayne University, Fundamentals of Radio I, II, III

MINNESOTA: St. Olaf College, Fundamentals of Radio II
University of Minnesota, Fundamentals of Radio I*, II*

MISSISSIPPI: Mississippi State College, Fundamentals of Radio I, II (Ins.)

MISSOURI: University of Missouri, Fundamentals of Radio I*, II*
Washington University, Fundamentals of Radio I, II

NEBRASKA: University of Nebraska, Fundamentals of Radio I*, II*

NEW HAMPSHIRE: University of New Hampshire, Radio Technician I

NEW JERSEY: Rutgers University, Radio Technician Training Course I*, II*

NEW MEXICO: University of New Mexico, Fundamentals of Radio I

NEW YORK: Brooklyn College, Fundamentals of Radio I, II
Canisius College, Fundamentals of Radio I, II
The City College of the College of the City of N. Y., Fundamentals of Radio I*, II
Clarkson College of Technology, Fundamentals of Radio I* & II*
Cornell University, Fundamentals of Radio I*
Hofstra College, Fundamentals of Radio I
Hunter College, Fundamentals of Radio I, II
Long Island University, Fundamentals of Radio I, II
Manhattan College, Fundamentals of Radio I, II
New York University, Fundamentals of Radio I, II
Polytechnic Institute of Brooklyn, Fundamentals of Radio I (2 courses)
Pratt Institute, Fundamentals of Radio I, II
Rensselaer Polytechnic Institute, Fundamentals of Radio I*, II*

* *Available in more than one city.*

Syracuse University, Fundamentals of Radio I*, II*
University of Buffalo, Radio Technician Training I*, II
University of Rochester, Fundamentals of Radio I, II
Vassar College, Fundamentals of Radio I, II

NORTH DAKOTA: North Dakota Agricultural College, Fundamentals of Radio I, II
University of North Dakota, Radio Technician Training I

OHIO: Case School of Applied Science, Radio Technician Training II
Miami University, Fundamentals of Radio I
Ohio Northern University, Radio Technician Training*
Ohio State University, Fundamentals of Radio I
Ohio University, Fundamentals of Radio I*, II*
University of Dayton, Fundamentals of Radio I, II (Ins.)
University of Toledo, Radio Technician Training I, II
Western Reserve University, Fundamentals of Radio I, II

PENNSYLVANIA: Carnegie Institute of Technology, Fundamentals of Radio I*
Franklin & Marshall College, Fundamentals of Radio I
Temple University, Fundamentals of Radio I*, II*

SOUTH CAROLINA: University of South Carolina, Fundamentals of Radio I, II

SOUTH DAKOTA: South Dakota State College, Fundamentals of Radio, I*, II*

TENNESSEE: University of Tennessee, Radio Technicians II*
Radio Technicians (Negroes)
Vanderbilt University, Fundamentals of Radio I, II

TEXAS: A. & M. College of Texas, Fundamentals of Radio Communications*
Fundamentals of Radio Communications (Negroes)*
Southern Methodist University, Fundamentals of Radio I, II
Texas Christian University, Fundamentals of Radio I, II
Texas College of Arts & Industries, Fundamentals of Radio I*, II*
Texas Technological College, Fundamentals of Radio I*, II*
University of Texas, Fundamentals of Radio I*, II*

UTAH: University of Utah, Fundamentals of Radio I, II*
Utah State Agricultural College, Fundamentals of Radio

VIRGINIA: University of Richmond, Fundamentals of Radio I, II (Ins.)
Virginia Military Institute, Radio Technician Training Course II
Virginia Polytechnic Institute, Fundamentals of Radio I*, II*

WASHINGTON: University of Washington, Fundamentals of Radio I
Radio Technician Training Course I, II

WEST VIRGINIA: Fundamentals of Radio I,* II*

WISCONSIN: University of Wisconsin, Fundamentals of Radio I*, II*

PUERTO RICO: University of Puerto Rico, Fundamentals of Radio

* *Available in more than one city.*

Other Schools, Too

These schools are prime contractors and the names of other educational institutions which clear through these prime contractors are not listed. Names of additional schools are obtained by writing to the ESMWT Institutional Representative at any of the schools listed above. Sometimes, such schools are located nearer the particular station.

State Legislation

Illinois:

H. 344 (Same as H. 321) (Cilella) RADIO SLANDER ACT—Provides that anyone who makes a statement by radio broadcast, which if published in writing, would be a libel, is guilty of libel and civilly responsible therefor the same as in other cases of libel. Radio broadcasting stations would not be held responsible for libels of which they had no advance knowledge and no opportunity to prevent. Repeal the radio slander act. Referred to Committee on Judiciary.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, April 5th. They are subject to change.

Monday April 5

Further Consolidated Hearing

To Be Held in Federal Court Room 324, Old Post Office Building, Atlanta, Ga.

WALB—Herald Publishing Co., Albany, Ga.—Renewal of license, **1590 kc.**, 1 KW, DA-night, unlimited.

WALB—Herald Publishing Co. (Assignor), Albany Herald Broadcasting Co. (Assignee), Albany, Ga.—Voluntary assignment of license station WALB, **1590 kc.**, 1 KW, DA-night, unlimited.

WALB—Herald Publishing Co., Albany, Ga.—C. P., **1550 kc.**, 1 KW, DA-night, unlimited.

Wednesday, April 7

Oral Argument Before the Commission

REPORT No. B-168:

WGKV—Kanawha Valley Broadcasting Co., Charleston, W. Va.—C. P., **1490 kc.**, 250 watts, unlimited.

Friday, April 9

WLW—The Crosley Corporation, Cincinnati, Ohio.—Modification of license, **700 kc.**, 50 KW night, 500 KW day, unlimited, using W8XO transmitter.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Associated Broadcasters, Inc., San Francisco, Calif.—Granted construction permit for new international broadcast station using **6060, 7230, 9570, 11870, 15290, 17760** and **21610 kc.**, A3 emission, 50 KW; sharing with WBOS-KWID on **6060, 9570, 11870 kc.**; sharing with KWID on **7230, 15290, 17760** and **21610 kc.** (B5-PIB-40).

W67NY—Columbia Broadcasting System, Inc., New York City. —Granted license (B1-LH-15) to cover construction permit (B1-PH-55, as modified), in part, for new station; conditions.

W67C—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted license (B4-LH-17) to cover construction permit (B4-PH-57, as modified), in part, for new station; conditions.

WBAX—John W. Stenger, Jr., Wilkes-Barre, Pa.—Granted petition for 90-days extension of temporary license pending Commission decision in so-called Wilkes-Barre cases.

LICENSE RENEWALS

KMAC—Howard W. Davis, d/b as The Walmac Company, San Antonio, Texas.—Granted temporary extension of license for a period of two months, to June 1, 1943, pending receipt and action on application for renewal.

KWLC—Luther College—Decorah, Iowa.—Granted renewal of license for the period April 1, 1943, to April 1, 1945.

WSOC—Radio Station WSOC, Inc., Charlotte, N. C.—Granted renewal of license for the period April 1, 1943, to April 1, 1945.

WLOK—The Fort Industry Company, Lima, Ohio.—Granted renewal of license for the period April 1, 1943, to April 1, 1945.

MISCELLANEOUS

W2XMT—Metropolitan Television, Inc., New York, N. Y.—Granted modification of construction permit, as modified, which authorized new experimental television broadcast station, for extension of completion date from March 31 to May 31, 1943 (B1-MPVB-98).

WEGO—Wayne M. Nelson, Concord, N. C.—Granted license to cover construction permit as modified, which authorized a new broadcast station (B3-L-1756); granted authority to determine operating power by direct measurement of antenna power (B3-Z-1505).

WSAP—Portsmouth Radio Corp, Portsmouth, Va.—Granted license to cover construction permit as modified, which authorized a new broadcast station (B2-L-1754); granted authority to determine operating power by direct measurement of antenna power (B2-Z-1499).

KGDM—E. F. Peffer, Stockton, Calif.—Granted modification of construction permit as modified, which authorized change in frequency, hours of operation, increase in power, installation of directional antenna for night use, and new transmitter, for extension of completion date from March 20 to May 20, 1943 (B5-MP-1703).

WGKV—Kanawha Valley Broadcasting Co., Charleston, W. Va.—Scheduled for oral argument on April 7, 1943, in re Docket No. 6367.

KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Denied Special Service Authorization to make changes in equipment and operate on **660 kc.**, with 10 KW power, unlimited, for period ending June 1, 1944 (B-SSA-59).

WBYN—WBYN-Brooklyn, Inc., Brooklyn, N. Y.—Denied Special Service Authorization to operate with main studio in New York, N. Y., for period ending December 1, 1944 (B1-SSA-67).

WKBZ—Ashbacker Radio Corp., Muskegon, Mich.—Denied petition for reconsideration of Commission's action of October 27, 1942, designating for hearing application for modification of license, and for grant of same without hearing (Docket No. 6454).

KMAC—Howard W. Davis, tr/as The Walmac Company, San Antonio, Texas.—Granted renewal of license for the period April 1, 1943, and ending not later than April 1, 1945 (B3-R-411).

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-1507).

WLAY—Muscle Shoals Broadcasting Corp., Muscle Shoals, Ala.—Granted license to cover construction permit which authorized installation of a new transmitter (B3-L-1758).

KGBK—Helen Townsley, Area of Great Bend, Kansas.—Granted further extension of relay broadcast station license, upon a temporary basis only, pending determination upon application for renewal of license, in no event later than April 1, 1943 (B4-SRY-240).

WAEA—W. A. Patterson, Area of Chattanooga, Tenn.—Granted further extension of relay broadcast station license, upon a temporary basis only, pending determination upon application for renewal of license, in no event later than April 1, 1943 (B3-SRY-132).

WHQ—Mackinac Radio Service (E. M. Tellefson), Mackinac Island, Mich.—Granted motion for continuance of hearing now scheduled for March 30 to April 30, 1943, in re application for renewal of license.

WOKO—WOKO, Inc., Albany, N. Y.—Granted petition for continuance of hearing on application for renewal of license from April 14 to June 1, 1943.

WLAN—Thomas J. Watson, Endicott, N. Y.—Granted motion for continuance of hearing on application for modification of construction permit from April 1 to May 4, 1943.

KINY—Edwin A. Kraft, Juneau, Alaska.—Granted motion for leave to amend application for modification of construction permit under Rule 1.73, to request frequency **1460** instead of **1050 kc.**, 5 KW, and application removed from hearing docket.

APPLICATIONS FILED AT FCC

960 Kilocycles

KMA—May Broadcasting Co., Shenandoah, Iowa.—Modification of construction permit (B4-P-2599 as modified for installation of directional antenna for night use and increase power) for extension of completion date from 4-23-43 to 6-23-43.

WELI—City Broadcasting Corp., New Haven, Conn.—Transfer of control from Patrick J. Goode to Arde Bulova (2150 shares common stock).

1410 Kilocycles

WNBC—State Broadcasting Corp., Hartford, Conn.—Transfer of control from William J. Sanders to Arde Bulova.

MISCELLANEOUS APPLICATIONS

KRED—Redwood Broadcasting Co., Inc., Portable-Mobile, Eureka, Calif.—License to cover construction permit (B5-PRY-287) for new relay broadcast station.

W9XYH—Head of the Lakes Broadcasting Co.—License for Temporary Class 2 Experimental Station.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Automatic Canteen Company of America, 222 West North Bank St., Chicago, is charged in a complaint with engaging in unlawful practices which may tend to injure competition and create in the respondent corporation a monopoly in the leasing and licensing of automatic vending machines and in the sale of confections and nut products dispensed by the machines. (4933)

Celanese Corporation of America, 180 Madison Ave., New York, is charged in a complaint with failing adequately to disclose to the purchasing public that the yarns and fabrics it manufactures and sells under the name "Celanese" are acetate rayon products and are not composed of silk or wool which they resemble in texture and appearance. (4934)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Makers of Kal, Inc., 256 North New Hampshire Ave., Los Angeles, entered into a stipulation to cease and desist from misrepresenting the therapeutic properties of two medicinal preparations it sells under the names "Lak" and "Lak Plus." (03094)

Nem Company, 457 Fifth Ave., New York, engaged in the sale of a coal tar hair dye designated "Regina," stipulated that they will cease representing in their advertising matter that the product contains an ingredient which will provide the user with special or unique benefits. (03095)

Nu Yorker, entered into a stipulation to cease and desist from certain misrepresentations in connection with the sale of electrically heated scalp caps and facial masks respectively designated "The 'Nu-Yorker' Infra-Red Scalp Cap" and "The 'Nu-Yorker' Infra-Red Beauty Mask." (3425)

Pneumatic Institute Co., 103 Park Ave., New York, has entered into a stipulation to cease and desist from representing that the "Vita-Pneumatic Action" truss he sells is a new discovery and that the use of the device will cause or prevent difficulties associated with rupture or hernia or do more than afford relief from certain kinds of rupture or hernia. (3626)

J. H. Thorp & Co., Inc., 250 Park Ave., New York, engaged in the sale of textile fabrics, stipulated that it will cease and desist from advertising, labeling, or selling any product composed in whole or in part of rayon without disclosing that fact by use of the word "rayon"; and when a product is composed in part of rayon and in part of other fibers, the corporation agrees to discontinue failing to disclose each constituent fiber in the order of its predominance by weight, beginning with the largest single constituent. (3627)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Erdley Hatcheries—An order to cease and desist from misrepresentation in the sale of baby chicks has been issued against John F. Erdley, trading as Erdley Hatcheries, Wray, Colo., and Montgomery Ward & Co., Chicago. (4969)

Walter Kidde & Co., Inc., 140 Cedar St., New York, manufacturer and distributor of fire-extinguishing apparatus, has been ordered to cease and desist from certain misrepresentations of its products and consequent disparagement of competitors' products. (3866)

Linen Supply Board of Trade of New Jersey, Newark, N. J., and its officers, directors and member companies have been ordered to cease and desist from entering into or continuing any combination or agreements under which they engage in restraint of trade practices, including price fixing. The board's member companies supply, lease and rent linen supplies such as coats, trousers, aprons, towels and tablecloths to customers in and adjacent to Newark and New York City. (4588)

Master Artists' Association, Inc.—An order to cease and desist from misrepresentation in the sale of colored photographic enlargements and frames has been issued against Eugene M. Woolard, trading as Master Artists' Association, Inc., who formerly had his principal place of business in East St. Louis, Ill. (4514)

Westville Refinery, Inc., Westville, Ind., engaged in reclaiming, processing and distributing used motor oil, has been ordered to cease and desist from certain misrepresentations concerning the nature of its business and its products. (4370)

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NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N STREET, N. W. WASHINGTON, D. C. Vol. 11, No. 15, April 9, 1943

IMPORTANT NOTICE

NAB By-Laws provide for an annual meeting of the membership at which Directors-at-Large will be nominated and elected and at which any other business pertaining to the Association may be transacted. They further provide that each individual, firm or corporation admitted to active membership "and whose dues are not more than one month in arrears" shall certify one person actively engaged in the business to be its representative in the Association and vote and act for it in all NAB affairs, including the holding of office therein. One vote only is allowed for each active member.

Every member station has been sent a certification card so that it may designate its representative. **Be sure to send these cards in promptly.** Specific attention is also called to the provision regarding payment of dues. Any station whose March, 1943, dues have not been paid by the time of the Conference will be ineligible to vote and any person from that station ineligible to hold office. You are requested to give this matter prompt attention.

Selective Service

McNUTT WRITES FLY

The manpower situation insofar as it affects the broadcasting industry was clarified this week when FCC Chairman James Lawrence Fly made public a letter which he had received from Chairman McNutt of the War Manpower Commission. The letter was as follows:

"I have your communications of March 24 and 27, concerning the local determination of particular radio stations as being essential to the war effort.

"As you know, neither the *List of Essential Activities* nor the Activities and Occupational Bulletins relating to the broadcasting services give any basis for differentiation in the essentiality of one radio station as against another. Insofar as the character and content of broadcasting services are similar as between individual radio stations and such services are deemed related to the war effort, no distinction can be drawn as between particular stations. You recognize, of course, that this interpretation does not assure automatic deferment for all persons in essential occupations in broadcasting services. I have called your communications to the attention of the Bureau of Selective Service and requested that they inform their representatives in the field that no such determination shall be made. Requests for occupational deferment are made by local Selective Service Boards on an individual basis and not on the basis of particular radio stations in which an individual may be employed. Needs of the armed forces are such as to require withdrawal in some instances of persons in essential occupations in essential activities. It is possible, therefore, for individuals in essential occupations in radio stations to fail to obtain occupational deferment, but such failure, however, is not on the grounds of the lack of essentiality of the individual radio station."

Fly Commends Letter

Fly gave it as his offhand impression that the letter clarifies the manpower situation. "This (the letter)", said Chairman Fly, "I think is in line with the understanding which we have cooperatively arrived at with the War Manpower Commission. In matters of detail arising under it I am sure we will continue to have the cooperation of the Manpower Commission. I am quite happy to have this letter and I agree to give it to you for such assistance as it may render to the industry."

The Chairman said FCC had never asked the Manpower Commission to assure broadcast stations that all radio employees should be deferred. The Manpower Commission was asked, Fly said, to recognize the broadcast

(Continued on page 156)

Radio War Conference

Palmer House, Chicago, April 27-29

The War and Radio's part in the War are of vital concern to you as an American citizen and as a broadcaster. The War Conference is an assignment in the war interest as well as a civic responsibility. Your participation and attendance are necessary to successful operation of War Radio. Avail yourself of the privilege of pre-registration. Send your cards and checks to NAB.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Arthur C. Stringer, *Director of Promotion.*

SELECTIVE SERVICE

(Continued from page 155)

industry as an essential industry and certain of its activities as essential. That has been done.

CLASS 3-B DROPPED BY PHILADELPHIA DRAFT BOARDS

(This story was rewritten from *The Philadelphia Inquirer* of April 8, 1943. Selective Service headquarters has released nothing on this subject.)

Philadelphia draft boards Monday dropped Selective Service Classification 3-B and created a new classification, 3-D, according to a page one story in the *Philadelphia Inquirer*.

Class 3-B heretofore included married men and men with collateral dependents engaged in any one of the 35 essential industries as defined by WMC. These men will be re-classified according to their merits.

Class 3-D will include men upon whom induction would incur "extraordinary hardship," primarily financial so far as family or dependency support is concerned.

Class 3-A will consist of fathers, maintaining a home, who have children conceived prior to December 7, 1941, and born before September 14, 1942.

WMC WANTS TO AVOID NATIONAL SERVICE ACT

(Released by NAB News Bureau April 6.)

War Manpower Commission is literally "bending over backward" to procure men for the armed forces and to provide for needs of essential civilian activity without, it is hoped, having to resort to further legislation such as a National Service Act, Russell P. Place, NAB general counsel, stated last week in a release to the trade.

"During the last three months, a welter of confusing and often seemingly conflicting press releases have appeared in the papers with reference to classification and induction of registrants," Place's statement read.

"By means of legitimate pressure, permissible under the Act and Regulations, WMC is seeking to force registrants into essential activities.

"Net result is that registrants are confused and uncertain as to their status now and in the future. With about 40 million registrants concerned, impact of Selective Service on the people is second only to the war itself.

Stress "How to Stay Out"

"Effect of the publicity seems to have been to place stress on how to stay out of the Army, rather than on when induction is likely to occur. Such a major disruption of normal life as induction calls for vital rearrangements of business and personal affairs.

"The American people should be told as nearly accurately and as far in advance as possible of the imminence of induction. Uncertainty breeds fear and discontent; a measure of certainty should result in confidence and better planning by registrants and employers.

"It is common knowledge that the day when registrants with children will be inducted, and many already have been, is not far off. Reclassification into 1-A and, in many cases, determination of appeals, must precede induction. Is it not wise now to announce the date their reclassification will begin and to give a reasonably definite indication of the time when their induction will take place?"

DEFERMENT OF RADIO REPAIRMEN

Local boards have been officially informed by national headquarters of Selective Service System that Radio Repair Services are an essential activity and Radio Repairman is an essential occupation in support of the war effort. Previously included in Occupational Bulletin No. 42, this information, issued for the guidance of local boards in determining claims for occupational deferment, is now included in Activity and Occupation Bulletin No. 31, effective March 1, 1943.

When an employer has sought occupational deferment of a radio repairman by filing Form 42-A with his local board, and the local board has classified the registrant 1-A, the employer should appeal the case to the Board of Appeals. Appeal must be taken within ten days from the date of the mailing of the notice of classification, copy of which is mailed to the employer as well as to the registrant. In order to take an appeal, the employer should write a letter to the local board to that effect, or sign the appeal form on the back of the registrant's questionnaire. Employers have this right, although it has been reported to NAB that some local boards have advised employers to the contrary. If the registrant is self-employed, he himself may take appeal.

War Conference Reservations

Priorities for the NAB membership on room and suite reservations at the Palmer House will expire April 15. After that date all reservations requests will be made in the order received, whether from members, non-members or others.

TUBES TO BE STAMPED "MR"

Radio tubes currently manufactured to keep home sets in repair will carry familiar brand names instead of the general name, "Victory Line," recently considered by the industry and by the Radio Division of the War Production Board, it is announced today. WPB officials said that brand names will probably be retained for at least ninety days.

Most manufacturers have indicated that they will mark tubes made from materials alloted by the WPB for civilian use by the initials, "M.R." standing for "Maintenance and Repair."

Comment

This move is apparently designed to eliminate the indiscriminate buying of civilian tubes by government field procurement personnel. This method has previously diverted many tubes from intended civilian use.

WOMEN TECHNICIANS

The International Brotherhood of Electrical Workers has sent to all its broadcast locals a memorandum regarding the admission of women in those stations now operating under contract with the union.

In brief, the union's policy will be to admit women at a reduced initiation fee and to permit their employment as studio technicians, the number in each station not to exceed the number of male studio technicians.

HAROLD FAIR ACCEPTS PROGRAM COMMITTEE CHAIRMANSHIP

Harold Fair, program director of WHO, has accepted the appointment of chairman of the newly organized NAB program directors executive committee. Fair will begin active functioning in his new post when he presides at the program directors executive committee dinner and round table Tuesday, April 27, at the NAB War Conference in Chicago.

FLY GETS NEW SECRETARY

Appointment of Norman E. Jorgensen as secretary to Chairman James Lawrence Fly has been announced by the FCC.

Born July 23, 1908, in Chicago, Jorgensen was educated in Chicago schools, receiving from the University of Chicago his Ph.B. in 1933, and J.D. in 1943. He is married and has two children.

Before coming to the FCC, Jorgensen worked in the sales department of the Firestone Tire & Rubber Company during 1933, and through 1940 was employed by Chalmers and Co., merchandise distributors, Iron Mountain, Mich., where he became sales manager. Most recently he was the Editor-in-Chief of the University of Chicago Law Review.

STORER TO NAVY

The Navy department has confirmed appointment of George B. Storer, president of Fort Industry Co., headquarters station WSPD, Toledo, Ohio, as lieutenant-commander. Storer, whose interests embrace the steel industry, will be inspector of material stationed at Chicago, Illinois.

CONFIDENCE MEN AT LARGE

With the increasing turnover in station personnel, unreliable and shady characters are seeking to exploit some stations. Recently we received a letter from an eastern station telling of a "deadbeat" who got on the payroll, cashed several no account checks and otherwise used the station.

NAB cannot pass upon the qualifications of men seeking employment, nor upon their reliability.

We ask any station managers who have been victimized to send us the name of the individual, all of the facts about his activities and such other material as may be pertinent.

Any time a station manager desires information about persons seeking employment, inquiry may be made of NAB and we will advise if the person is listed with us as one of those not worthy of employment, and provide the facts as they have been filed with us.

STATE LEGISLATION

Illinois:

S. 259 (Madden) BEAUTY CULTURE ADVERTISING—An act relating to the practice of beauty culture by advertising the prices for services performed by any registrant. Referred to Committee on License and Miscellany.

Ohio:

H. 180 (Griffin) SALE OF APPLES—To promote the consumption and sale of apples by providing for research and an advertising sales promotion campaign to increase the consumption of Ohio grown apples; to levy and collect an assessment; to create the Ohio state apple authority and to define its powers and duties; to provide penalties for violation of this act. Reported by Sub. in House.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, April 12. It is subject to change.

Monday, April 12

WERC—Presque Isle Broadcasting Co., Erie, Pa.—Modification of license, 1330 kc., 100 watts night, 250 watts day, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Granted extension of Special Service Authorization for period ending August 25, 1943 (B5-SSA-70).

WJW—WJW, Inc., Akron, Ohio.—Granted modification (B2-MP-1705) of construction permit (B2-P-3263, as modified), for change of transmitter location to north side of North Royalton Rd., between Ridge Rd. and State Rd. #94, Cuyahoga County, Ohio, part (c) of conditional clause to be modified to read as follows: "The nuisance contour (0.25 mv/m) of WJW shall be determined by measurements under actual operating conditions;" and for extension of commencement and completion dates.

KVAK—Carl Latenser (Assignor), S. H. Patterson (Assignee), Atchison, Kans.—Granted consent to voluntary assignment of license (B4-AL-361) of station KVAK, from Carl Latenser to S. H. Patterson, for a total consideration of $9,500.00 (Commissioner Payne voting "No").

WKBB—Sanders Bros. Radio Station (Assignor), Dubuque Broadcasting Co. (Assignee), Dubuque, Iowa.—Granted consent to voluntary assignment of license (B4-AL-364), of station WKBB, from Sanders Bros. Broadcasting Station to Dubuque Broadcasting Co., for a total consideration of $25,000.00 (Commissioners Payne and Craven voting "No").

WOSH—Howard H. Wilson (Assignor), Oshkosh Broadcasting Co. (Assignee), Oshkosh, Wis.—Granted consent to assignment of license (B4-AL-365) of station WOSH from

Howard H. Wilson to Oshkosh Broadcasting Co., for a total consideration of $45,000.00.

DESIGNATED FOR HEARING

KWSC—State College of Washington, Pullman, Wash.—Designated for hearing application for modification of license (B5-ML-1155) to change frequency from **1250** to **1030 kc.,** power and hours of operation from 5 KW, S-KTW, to 1 KW night, 5 KW LS, unlimited. (Requests facilities of KOB.)

KFMB—Warren B. Worcester, deceased (Transferor); The First National Trust and Savings Bank of San Diego, as Trustee under Declaration of Trust for Warren B. Worcester (Transferee); Worcester Broadcasting Corp., San Diego, Calif.—Designated for hearing application for consent to voluntary transfer of control of Worcester Broadcasting Corp., licensee of station KFMB, from Warren B. Worcester, deceased, to The First National Trust & Savings Bank of San Diego, as Trustee, under Declaration of Trust for Warren B. Worcester, together with application for renewal of license to be heard in the same proceeding (B5-TC-315).

LICENSE RENEWALS

KAST—Astoria Broadcasting Co., Astoria, Ore.—Granted renewal of license for the regular period (B5-R-856).

KVAK—Carl Latenser, Atchison, Kans.—Granted renewal of license (B4-R-1006), (Commissioner Payne voting "No").

MISCELLANEOUS

WNAC—The Yankee Network, Inc., Boston, Mass.—Granted modification of construction permit (B1-P-3455) for move of transmitter to corner of Vershire Street and Harriett Avenue, Quincy, Mass., approximately 2.4 miles southwest of the present location; make changes in directional antenna for night use, and extend commencement date to 60 days after grant and completion date to 120 days thereafter. The action taken herein is subject to the express condition that the permittee herein shall satisfy legitimate complaints of blanketing within the 250 mv/m contour, including external and cross modulation, and submission of proof that the operation of radio station WMEX is not materially affected by the operation herein proposed. Towers to be marked in accordance with specifications issued pursuant to Section 303(q) of the Communications Act of 1934 as amended (B1-MP-1706).

WALB—Herald Publishing Co., Albany, Ga. (Dockets 6398 and 6399), and Herald Publishing Co., and Albany Herald Broadcasting Co., Albany, Ga. (Docket 6400).—Granted request for a continuance of the further hearing now set for April 5, 1943, in re applications of WALB for renewal of license and for construction permit, and application of Herald Publishing Co. (WALB) and Albany Herald Broadcasting Co. for voluntary assignment of license of station WALB; further consolidated hearing continued until April 19, 1943.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted modification of construction permit as modified, which authorized increase in power, installation of new transmitter and directional antenna for night use, and change hours of operation, for extension of completion date from April 1, 1943, to June 1, 1943 (B2-MP-1708).

WASH—King-Trendle Broadcasting Corp., Grand Rapids, Mich. —Adopted Order dismissing application for modification of license (B2-ML-1142, Docket 6473), since the license of station WASH was cancelled by the Commission on March 16, 1943, after the facilities were voluntarily surrendered to WASH.

WLW—The Crosley Corp., Cincinnati, Ohio.—Granted petition to dismiss without prejudice application for modification of license to operate with 500 KW day, 50 KW night on **700 kc.,** using W8XO transmitter.

WERC—Presque Isle Broadcasting Co., Erie, Pa.—Granted motion to dismiss without prejudice application for modification of license to operate on **1330 kc.,** 100 watts night, 250 watts day, unlimited time.

APPLICATIONS FILED AT FCC

570 Kilocycles

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Modification of construction permit (B2-P-2547, as modified, which authorized increase in power, installation of new transmitter and directional antenna for night use, and change hours of operation) for extension of completion date from 4-1-43 to 6-1-43.

1140 Kilocycles

KGDM—E. F. Peffer, Stockton, Calif.—License to cover construction permit (B5-P-3199), as modified, for change in frequency and hours, increase in power, directional antenna for night and new transmitter.

KGDM—E. F. Peffer, Stockton, Calif.—Authority to determine power by direct measurement.

1170 Kilocycles

KVOO—Southwestern Sales Corp., Tulsa, Okla.—License to cover construction permit (B3-P-2539), as modified, for increase in power, change hours and install new transmitter and directional antenna for night.

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Authority to determine operating power by direct measurement.

1240 Kilocycles

KICD—Iowa Great Lakes Broadcasting Co., Spencer, Iowa.—Modification of license to change location of main studio from 6th Street and Grand Avenue, Spencer, Iowa, to on U. S. Highways 71 and 18, 0.8 mile North of Spencer, Iowa.

1350 Kilocycles

WORK—York Broadcasting Co., York, Pa.—Modifications of construction permit (B2-P-3205, as modified, for installation of directional antenna for night use) for extension of completion date to 6-18-43.

1370 Kilocycles

WSAY—Brown Radio Service & Laboratory (Gordon P. Brown, owner), Rochester, N. Y.—Modification of construction permit (B1-P-2924, as modified, which authorized change of frequency, increase in power, directional antenna for day and night, and new transmitter and move of transmitter), for extension of completion date from 5-1-43 to 11-1-43.

1400 Kilocycles

WCBI—Birney Imes, Columbus, Miss.—Voluntary assignment of license from Birney Imes to BIRNEY IMES, JR.

1450 Kilocycles

WHDL—WHDL, Inc., Olean, N. Y.—Modification of license to change main studio from Olean, N. Y., to 3219 W. State Road, Route 17, Town of Allegany, N. Y.

1480 Kilocycles

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Modification of license to increase power from 1 KW night and 5 KW day to 5 KW day and night, employing directional antenna night.

FM APPLICATION

W39NY—City of New York, Municipal Broadcasting System, New York, N. Y.—License to cover construction permit (B1-PH-83, as modified and which authorized new high frequency broadcast station).

MISCELLANEOUS APPLICATION

W3XO—C. M. Jansky, Jr., and Stuart L. Bailey, d/b as Jansky & Bailey, Washington, D. C.—License for Temporary Class 2 Experimental Broadcast Station.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

California Lima Bean Growers Association, et al.—Violation of the brokerage section of the Robinson-Patman Act is alleged in separate complaints issued against California Lima Bean Growers Association (4939), Oxnard, Calif., and Harry Duvall Childers, trading as H. D. Childers Co. (4938), Mobile, Ala.

National Merchandising Co., and Max H. Greenberg, having their place of business at 326 Erie Building, Cleveland, Ohio, are charged, in a complaint with the use of lottery methods in the sale to ultimate purchasers of sporting goods, silverware, radios, pen and pencil sets and other merchandise. (4936)

Proctor & Gamble Company—A complaint has been issued charging Proctor and Gamble Co., Cincinnati, with misrepresentation of its liquid dentifrice designated "Teel" and with consequent unfair disparagement of tooth pastes and powders sold by competitors. Of the several ingredients contained in Teel, its principal cleansing agent is sodium alkyl sulphate, which possesses detergent qualities similar to those of soap. (4937)

Albert E. Voaden, 211 Charlervoix Building, Detroit, is charged in a complaint with misrepresentation in connection with the sale of printed questionnaire cards and forms intended for use by collection agencies and creditors in obtaining information concerning debtors. The respondent trades under various names, including "Cigarette Smoker's Survey," "Bankers and Merchants Pen Co.," and "Alvin's (No-Lose) Key Chains." (4935)

STIPULATIONS

No stipulations were entered into by the Commission last week.

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Atmoray, Inc., 408 N. E. Thompson St., and Atmozone, 2140 N. E. Union Ave., both of Portland, Oreg., manufacturers and distributors of a medical device known as "Atmoray," an ozone generator intended for use in the treatment of various ailments and diseases, have been ordered to cease and desist from false advertising and misrepresentation of the product. (4630)

Gallant Trading Co., Los Angeles, is directed in an order to cease and desist from misrepresentation in connection with the sale of various articles of merchandise, including clothing, shoes, blankets, mattresses and tarpaulins. (4780)

A. & M. Karagheusian, Inc., 295 Fifth Ave., New York, manufacturer and importer of carpets and rugs, has been ordered to cease and desist from representations which tend to mislead purchasers into the erroneous belief that certain of its domestic rugs are Oriental rugs or reproductions of Orientals. The respondent has factories at Freehold and Roselle, N. J., and foreign offices in Tientsin, China, and throughout Persia. (4305)

Marshall Field & Co., Chicago, trading as Karastan Rug Mills, has been ordered to cease and desist from certain misrepresentations in the sale of rugs. (4493)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON, D. C. Vol. 11, No. 16, April 16, 1943

Broadcast Advertising

SMALL STATIONS WAR CONFERENCE COMMITTEE NAMED

On the Thursday morning program at the War Conference, the role of advertising in time of war will be discussed. In addition to talks by Chester LaRoche, director of the Advertising Council, and William B. Lewis, of the OWI, there will be a talk by a representative of a small station, who will outline the problems faced by small stations.

Many in the industry have expressed keen interest in the small stations problems, and many solutions have been suggested, including government payment for time. So that the views of the industry on these various subjects may be presented at this meeting, Neville Miller is requesting the following broadcasters to serve on a committee to consider these subjects and make the report.

James W. Woodruff, Jr., WGPC, Albany, Ga.—Chairman
James R. Curtis, KFRO, Longview, Tex.
John Elmer, WCBM, Baltimore, Md.
Leo Fitzpatrick, WJR, Detroit, Mich.
John J. Gillin, Jr., WOW, Omaha, Neb.
Herbert Hollister, KANS, Wichita, Kans.
Robert Hudson, Rocky Mountain Radio Council, Denver, Colo.
William F. Maag, Jr., WFMJ, Youngstown, Ohio
Marshall Pengra, KRNR, Roseburg, Ore.
Fred Schilplin, KFAM, St. Cloud, Minn.
H. E. Studebaker, KUJ, KRLC, Walla Walla, Wash.
Art Thomas, WJAG, Norfolk, Neb.

The committee will meet at 6:30 p. m., Tuesday, April 27th, to discuss the subjects and to prepare a report for the Conference. Members of the industry are urged to send to any member of this committee their views.

Woodruff, who is a NAB director-at-large representing small stations, in addition to acting as chairman of the committee will also preside at the Thursday morning War Conference session at which these subjects will be discussed.

Labor

WAGE AND SALARY FREEZING

President Roosevelt on April 8 eliminated "inequalities" from the list of reasons for increasing wages or salaries—and thus eliminated the mainstay for most recent increases.

The only remaining grounds for increases are the "Little Steel" (15 per cent) formula and "substandards." Your guess is as good as the next one as to what constitutes a "substandard" wage or salary. The War Labor Board doesn't know.

The text of the President's statement and the accompanying executive order, elsewhere in this issue of the reports.

NAB PROTESTS IBEW AWARD

The NAB has asked the San Francisco Regional War Labor Board for permission to appear and to file a brief when the board considers an arbitration award in a controversy between Station KPAS, Pasadena, and the International Brotherhood of Electrical Workers.

The board has taken the NAB request under advisement.

In setting the new wage scale for KPAS, George Cheney, a Labor Department conciliator acting as arbiter, announced two principles which the NAB contends are wholly fallacious:

(1) **That the wages of broadcast technicians and building trades technicians are comparable.**

(2) **That all broadcast technicians do the same work, no matter what the size or condition of the station; and that all should receive equal pay.**

It is probable that Executive Order 9328, printed in this issue, will forestall board approval of the award, but the

(Continued on page 162)

Radio and The War

That's the principal business of the NAB Radio War Conference to be held April 27-29 at the Palmer House in Chicago. Broadcasting is a war weapon. The War Conference will give you pointers and ask your advice on how to wield it best in the cause of freedom.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Arthur C. Stringer, *Director of Promotion.*

NAB PROTESTS IBEW AWARD

(Continued from page 161)

NAB intends to proceed with its contest of the principles involved.

RELIEF TAX ABOLISHED

Members of Local 802, American Federation of Musicians, New York, voted Monday at a meeting in Carnegie Hall to abolish the 3 per cent tax which the union has levied on its working members for the last seven years to aid its unemployed musicians. **Increased employment was one reason advanced why the tax should be abolished.**

Of $752,904.49 collected for last year's relief and organizational fund, the 3 per cent tax accounted for $485,911.74, according to Local 802's official journal. The other methods of raising funds for unemployment relief will continue, it was said. In another vote yesterday the musicians defeated a resolution which would have limited a member to one steady job.

AFM PULLS OUT OF CTLC

The American Federation of Musicians has resigned from the Canadian Trades and Labor Congress because delegates to a recent congress convention in Winnipeg, including two members of the musicians' union, voted to let a children's orchestra entertain them.

The story of how the Canadian labor representatives "hooted down" the A. F. M. official who sought to object to the concert by the nonunion youth group, appears in the minutes of the federation's executive board meeting on February 6. The minutes are published in the new issue of The International Musician, the union's organ.

The minutes on the matter follow:

"Report is received from Brother Arthur Dowell of Toronto of an incident which happened at the convention of the Canadian Trades and Labor Congress held in Winnipeg recently, at which he was the official representative of the A. F. M.

'Out of Order'

"During one of the sessions of the convention, a children's orchestra played and when Brother Dowell attempted to object he was hooted down and declared out of order by the chairman.

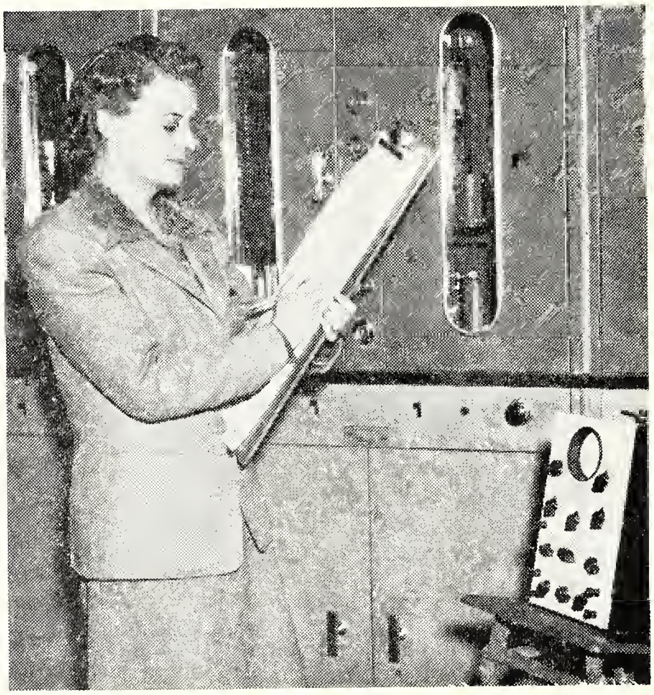
"On this occasion Brother D. Swailes of Local 190, Winnipeg, and Ed Jamieson of Local 145, Vancouver, spoke in favor of the children's orchestra and expressed disapproval of the position taken by Brother Dowell.

"In view of the treatment accorded our representative and the permitting of a non-federation orchestra to play at a trade union convention, the board, on motion, decides to resign from the Canadian Trades and Labor Congress.

"On motion, it is decided that Brothers Swailes and Jamieson be directed to show cause why charges should not be preferred against them for their attitude on this occasion."

YOU, TOO, CAN DO THIS!

Terry Teal



Mrs. Ruth Dorin

These women are full-time technicians employed by Station WRNL, Richmond, Va. Miss Teal operates the studio controls, while Mrs. Dorin takes a meter reading at the transmitter. They were trained first as part-time station personnel by the chief engineer and took the ESMWT courses at the same time. With the continually increasing war manpower needs draining technicians, station operators are urgently advised to undertake training of women. They are proving up as good as men and are turning in able performances, according to reports.

PLAUDITS GIVEN BY DAVIS

Bravery of American correspondents and enterprise of American communications and news media, including radio, were cited by Elmer Davis, director, OWI, with giving the American people "frank and complete information about the war."

In giving the roll of the correspondents killed and wounded in line of duty, Davis mentioned Don Bell, anti-Japanese radio news commentator in Manila, killed by occupying forces, and Frank Josef Cuhel, of MBS, killed in an overseas plane crash en route to cover a war assignment.

'SUBLINE FAITH'

(Reprinted from *Variety*)

Simon & Schuster, the book publisher, has discovered radio advertising produces customers with sublime faith in the advertiser. During the final lap for federal income tax returns, the publisher received filled-out tax forms with money attached, plus a note asking that the figures be checked and the contents relayed to the collector of internal revenue.

S. & S. had used spot radio to plug its $1 edition on how to make out the federal tax return, and some of the purchasers figured that the publisher wouldn't mind granting the additional service.

THE BEAM

Due to the current revision of the membership list of the Association of Women Directors of NAB, station operators who received The Beam with last week's reports are asked to pass it on to their women broadcasters as it will not be sent to the AWD list.

BMI TOP TUNES

(These songs currently are listed by Variety "sheets" as being among those most played on the air.)

BRAZIL—Southern Music Publishing Co.

DON'T CRY—National Music Co.

CANTEEN BOUNCE—Edward B. Marks Music Corp.

I DON'T BELIEVE IN RUMORS—BMI.

DO I KNOW WHAT I'M DOING—Melody Lane.

IT STARTED ALL OVER AGAIN—Embassy.

SHO' NUFF—Republic.

I HEARD YOU CRIED LAST NIGHT—Campbell, Loft and Porgie.

IN A LITTLE SWISS CHALET—Top Music.

NIGHT TRAIN FOR MEMPHIS—Southern Music.

913 STATIONS

During the month of March 1943, the FCC licensed three stations and two stations were deleted. A comparative table by months, follows:

	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1
Operating	897	899	906	906	905	906	908	910	909	910	910	910	911
Construction	27	25	18	19	16	14	11	9	9	7	6	5	2
	924	924	924	924	925	920	919	919	918	917	916	915	913

Listener Activity

DOROTHY LEWIS TOUR CUT SHORT BY FAMILY ILLNESS

Dorothy Lewis, on tour of southwestern and eastern cities for the Office of War Information and NAB, was forced to cut short her itinerary at Birmingham, Ala., because of the serious illness of her daughter. Mrs. Lewis missed stops at Atlanta, Winston-Salem, Richmond, Greensboro and Washington, D. C.

Following are reports of meetings Mrs. Lewis attended on the completed portion of her trip:

St. Louis

Meeting held March 29, with George Burbank, KSD, presiding. A planning committee was appointed to set up a Radio Council for the St. Louis area. The Association of Women Directors of St. Louis radio stations met during the morning and expressed the need of enlisting services of community leaders to help tell the war story and to create better local understanding of government directives.

Columbia, Mo.

Plans were made to establish a Radio Council of Columbia at a meeting at Stephens College with representatives of KFRU and Sherman Lawton, of Stephens College radio division, cooperating.

Kansas City, Mo.

On April 1 a luncheon was held at the Womens City Club with Mrs. George P. Truitt acting as chairman. A Radio Council plan was approved and Mrs. Truitt named temporary chairman, with Mrs. Marisha Pugsley as secretary. Both the Federation of Womens Clubs and the P.-T. A. Council (71 units), Mrs. R. L. Dominick, president, pledged support. Representatives from Topeka, Independence and Grand View were present. Dr. Clarence Decker, president, Kansas City University, offered cooperation. Radio station executives approved all proposed councill projects.

Tulsa, Okla.

A conference on children's programs was held with representatives of all local stations attending, followed by a luncheon at the chamber of commerce, April 2, at which Mrs. Lewis made the principal speech, "The Listeners Stake in American Radio." An afternoon meeting in KVOO's studios was held with station representatives from the three local stations voting to hold a Radio Council organization meeting later.

Oklahoma City, Okla.

Meeting was held April 3 at the YWCA with representatives from the four local stations and 12 civic and service organizations present. A Radio Council was approved with Dr. Alice Sowers of the University of Oklahoma and representatives of the Junior League and local P.-T. A. named to head a planning committee.

VICTORY VOLUNTEER WEEK

The President has proclaimed May 16 as "I Am An American Day." The program sponsored by the "I Am An American" Foundation provides for Victory Volunteer Week with days assigned as follows: Sunday, May 9, Churches; Monday, May 10, Labor; Tuesday, May 11, Management; Wednesday, May 12, Law Makers; Thursday, May 13, Schools; Friday, May 14, Organizations; Saturday, May 15, Farmers; Sunday, May 16, the climax of Victory Volunteer Week of Rededication when citizens of all ages, faiths and occupations are asked to join in the solemn pledge to give, to work, to sacrifice for victory and freedom, and to join in public "exercise designed to assist our citizens, both native-born and naturalized, to understand more fully the duties of citizenship and its special responsibilities in a nation at war."

Inquiries concerning Victory Volunteer Week should be addressed to Benjamin Neal, Taft Building, Los Angeles, California.

Materials

YOUR REPORT IS NEEDED

Information requested from stations on March 26 has been received from cities listed below. Included are several which reported after the bulletin-letter of April 14 was mailed.

It is our hope that the desired information will soon be received from all other cities not listed.

Information is reported en route from Cincinnati, Kansas City, Mo., Memphis, Philadelphia, Richmond, Southern California and Toledo.

Reporting Cities

ALABAMA—Birmingham, Muscle Shoals (Sheffield)
ALASKA—Ketchikan
ARKANSAS—Little Rock
CALIFORNIA—Hollywood, Eureka, Fresno, Merced, Monterey, Los Angeles, Sacramento, Stockton, Santa Barbara, San Luis Obispo
COLORADO—Denver
FLORIDA—Miami, Tampa
GEORGIA—Gainesville, West Point
ILLINOIS—Chicago, Peoria, Quincy, Rockford, Tuscola
INDIANA—Fort Wayne, Kokomo, Muncie, Terre Haute
IOWA—Burlington, Clinton, Des Moines, Mason City, Shenandoah, Sioux City
KANSAS—Coffeyville, Dodge City, Emporia, Wichita
KENTUCKY—Louisville, Owensboro
LOUISIANA—Baton Rouge, Shreveport
MAINE—Portland
MARYLAND—Baltimore
MASSACHUSETTS—Springfield
MICHIGAN—Grand Rapids, Kalamazoo, Pontiac
MINNESOTA—Virginia
MISSISSIPPI—Greenville
MISSOURI—Columbia, St. Louis, Springfield
NEBRASKA—North Platte, Omaha
NEW MEXICO—Albuquerque
NEW YORK—Albany, Binghamton, Elmira, Jamestown, Syracuse, Utica, Watertown, Ithaca
NORTH CAROLINA—Asheville, Charlotte, Greensboro
NORTH DAKOTA—Jamestown
OHIO—Canton, Lima, Marion, Youngstown
OKLAHOMA—Tulsa
OREGON—Albany, The Dalles, Corvallis, Eugene, Portland
PENNSYLVANIA—Pittsburgh, Sunbury
SOUTH CAROLINA—Charleston
SOUTH DAKOTA—Yankton
TENNESSEE—Knoxville, Nashville
TEXAS—Dallas, Houston, Longview, San Antonio, Waco
UTAH—Ogden
VIRGINIA—Charlottesville, Danville, Lynchburg, Norfolk-Portsmouth, Roanoke, Suffolk
WASHINGTON—Aberdeen, Vancouver, Wenatchee
WEST VIRGINIA—Beckley, Morgantown, Wheeling
WISCONSIN—LaCrosse, Sheboygan

Ohio Radio Institute

High point of NAB participation in the 14th Institute for Education by Radio, Ohio State University, April 30-May 3, at the Deshler-Wallick hotel, Columbus, will be at 8 p. m. Saturday, May 1, with Neville Miller presiding.

The Peabody awards will be presented at that time with Dr. S. V. Sanford, chancellor, University System of Georgia, making the presentations, and Earl Glade, of KSL, NAB code committee chairman, will speak on "What is the public interest, convenience and necessity?" as applied to radio.

Also participating in the various sessions from NAB will be Willard D. Egolf, assistant to the president; Lewis Avery, director of broadcast advertising; Howard S. Frazier, director of engineering, and Dorothy Lewis, coordinator of listener activity.

Under the general heading of "Radio in the War and After" the Institute breaks down into the following subsessions and meetings:

April 30

8 p.m. "Radio's Wartime Strategy," Arthur J. Klein, dean, college of education, Ohio State University, presiding.
10:15 p.m. "Meeting for Chairmen," I. Keith Tyler, director, Institute for Education by Radio, chairman.

May 1

9 a.m. "Problems of Wartime Operation," Howard L. Bevis, president, O.S.U., presiding.
10:45 a.m. "Problems of News Broadcasting," Harvey H. Davis, vice president, O.S.U., presiding.
12:15 p.m. "Religious Broadcasts Luncheon," Albert W. Palmer, president, Chicago Theological Seminary, chairman.
1:50 p.m. "Of Men and Books Demonstration," Wilfred Eberhart, assistant professor of education, O.S.U., chairman.
2 p.m. "Preparatory General Meeting."
2:30 p.m. "Agricultural and Homemaking Broadcasts," Maurice L. Du Mars, radio service, office of information, U. S. Department of Agriculture, presiding.
2:30 p.m. "Broadcasting by National Organizations," Tom Stewart, American Junior Red Cross, chairman.
2:30 p.m. "Children's Programs," Gloria Chandler, Association of Junior Leagues of America, chairman.
2:30 p.m. "Recordings for School Use," R. R. Lowdermilk, U. S. Office of Education, chairman.
2:30 p.m. "Research in Educational Broadcasting," H. B. Summers, manager, public service division, BLUE network, chairman.
2:30 p.m. "School Broadcasting," George Jennings, radio council, Chicago Public schools, chairman.
2:30 p.m. "College Courses in Radio," Albert Crews, radio department, Northwestern University, chairman.
2:30 p.m. "Music Broadcasts," Burton Paulu, manager station WLB, University of Minnesota, chairman.

5 p.m. "Documentary Reporting," T. C. Holy, bureau of educational research, O.S.U., presiding.

8 p.m. "In-School Broadcasting," Marguerite Fleming, radio workshop, South high school, Columbus, presiding.

8 p.m. "National Association of Broadcasters," Neville Miller, president.

8 p.m. "National Association of Educational Broadcasters," Gilbert D. Williams, program director, WBAA, Purdue University, presiding.

8 p.m. "National Association of Women Directors, NAB," Ruth Chilton, station WSYR, Syracuse, presiding.

8 p.m. "Teacher Education in Radio," Luella Hoskins, New York University, presiding.

8 p.m. "The Negro and Radio in Education," Walter N. Ridley, Virginia State College for Negroes, presiding.

8 p.m. "Radio Editors," Wauhilla La Hay, *Chicago Sun*, presiding.

8 p.m. "Public Health Broadcasts," David Resnick, National Society for the Prevention of Blindness, presiding.

May 2

9:30 a.m. (Saturday afternoon sessions continued.)

2:30 p.m. "Radio Interpreting a Region," W. W. Charters, War Manpower Commission, presiding.

3:30 p.m. "Radio and Manpower," Judith Waller, public service director, NBC, Chicago, presiding.

7 p.m. "Annual Institute Dinner," Sir Gerald Campbell, K.C.M.G., British minister and special assistant to the British Ambassador, speaker on topic "Developing Understanding Among the United Nations."

May 3

9:45 a.m. "Production Techniques," Kenneth W. MacGregor, program director, WGN, chairman.

9:45 a.m. "Promotion of Educational Programs," Jennings Pierce, public service manager, NBC, Hollywood, chairman.

9:45 a.m. "College Public Relations Broadcasting," Joseph F. Wright, station WILL, University of Illinois, chairman.

9:45 a.m. "Foreign Language Teaching by Radio," W. S. Hendrix, professor romance languages, O.S.U., chairman.

9:45 a.m. "Public Events Broadcasts in the War," John L. Carpenter, stations KOIN-KALE, chairman.

9:45 a.m. "Radio Writing Under War Conditions," Robert J. Landry, program writing director, CBS, chairman.

9:45 a.m. "Television and Education," Paul Thornton, educational department, RCA, chairman.

9:45 a.m. "Hate Propaganda and Its Effect Upon War and Peace," Carl Friedrich, director, Radiobroadcasting Research Project, chairman.

9:45 a.m. "Children's Program Idea Exchange," Harriet Hester, formerly with station WLS, chairman.

9:45 a.m. "Radio and Civilian Defense," B. H. Darrow, information officer, OCD, Cleveland, chairman.

9:45 a.m. "Teaching Radio Program Discrimination," Alice Sterner, Barringer high school, Newark, N. J., chairman.

2 p.m. "Radio and the Post-War World," Mr. Tyler, presiding.

Two pre-conference meetings on April 30 are:

"International Radio as a Means to Understanding," at 10 a.m. with Sterling Fisher, director, Inter-American University of the Air, presiding, and an informal tea for newcomers at 3 p.m. with Mr. Tyler, chairman.

USDA APPOINTS JARRETT

Henry Jarrett has been named assistant director of information, Department of Agriculture, in charge of press and radio. He succeeds Whitney Tharin who is resigning from the Government service to become Washington manager of the Agricultural News Service. Jarrett has served as reporter and copyreader on the *Baltimore Sun* papers. Since 1934, he has done press and radio work on the AAA and Department of Agriculture staffs. In 1941 he served as chief of press for the Department. For a time in 1942 he was on the staff of the *United States News*. He returned to the Department in 1942 as special assistant to the Secretary, from which position he returns to the Office of Information. Contacts formerly made with Tharin should be made now with Jarrett. W. K. Charles continues as chief of press and Wallace L. Kadderly as chief of radio.

STATEMENT BY THE PRESIDENT

The Executive Order I have signed today is a Hold-the-Line order.

To hold the line we cannot tolerate further increases in prices affecting the cost of living or further increases in general wage or salary rates except where clearly necessary to correct substandard living conditions. The only way to hold the line is to stop trying to find justifications for not holding it here or not holding it there.

No one straw may break a camel's back, but there is always a last straw. We cannot afford to take further chances in relaxing the line. We already have taken too many.

On the price front, the directions in the Order are clear and specific.

All items affecting the cost of living are to be brought under control. No further price increases are to be sanctioned unless imperatively required by law. Adjustments in the price relationships between different commodities will be permitted if such adjustments can be made without increasing the general cost of living. But any further inducements to maintain or increase production must not be allowed to disturb the present price levels; such further inducements whether they take the form of support prices or subsidies, must not be allowed to increase prices to consumers. Of course, the extent to which subsidies and other payments may be used to help keep down the cost of living will depend on Congressional authorization.

Some prices affecting the cost of living are already above the levels of September 15, 1942. All of these cannot be rolled back. But some of these can and should be rolled back. The Order directs the reduction of all prices which are excessively high, inequitable, or unfair. The Stabilization Act was not intended to be used as a shield to protect prices which were excessively high on September 15, 1942.

No Further Wage Increases

On the wage front the directions in the Order are equally clear and specific.

There are to be no further increases in wage rates or salary scales beyond the Little Steel Formula, except where clearly necessary to correct substandards of living. Reclassifications and promotions must not be permitted to affect the general level of production costs or to justify price increases or to forestall price reductions.

The Order also makes clear the authority of the Chairman of the War Manpower Commission to forbid the employment by an employer of any new employee except in accordance with regulations of the Chairman, the purpose being to prevent such employment at a higher wage or salary than that received by the employee in his last employment unless the change of employment will aid in the prosecution of the war.

It further calls the attention of all agencies of the federal government and of state and municipal authorities concerned with the rates of common carriers and public utilities to the stabilization program in the hope that rate increases will be disapproved and rate reductions ordered so far as may be consistent with federal and state laws.

For sometime it has been apparent that this action must be taken because of the continued pressure for increased wages and increased prices. I have heretofore refrained from acting because of the contention of the supporters of the Bankhead bill that under the Act of October 2, 1942, I had no authority to place ceiling prices on certain commodities at existing levels. My views on that question were set forth in my message of April 2, vetoing the Bankhead bill.

'Cannot Permit Upward Spiral'

The Senate did not vote upon the question of passing the bill over the veto. Its author moved to recommit the bill to the Committee on Agriculture, stating that there were not sufficient votes to override the veto.

I am advised that weeks or months from this date the bill may be reported for consideration. I am also advised that in the history of the Congress no bill vetoed by a President and recommitted to a committee has ever become law.

I cannot wait to see whether the Committee at some future date will again report the bill to the Senate. I cannot permit a continuance of the upward spiral of prices.

Some groups have been urging increased prices for farmers on the ground that wage earners have unduly profited. Other groups have been urging increased wages on the ground that farmers have unduly profited. A continuance of this conflict will not only cause inflation but will breed disunity at a time when unity is essential.

Under the Act of October 2, 1942, Congress directed that so far as is practicable, wages, salaries and prices should be stabilized as of the level of September 15. Under that direction inflation has been slowed up. Now we must stop it.

We cannot stop inflation solely by wage and price ceilings. We cannot stop it solely by rationing. To complete the job, Congress must act to reduce and hold in check the excess purchasing power. We must be prepared to tax ourselves more, to spend less and save more. The details of new fiscal legislation must be worked out by the appropriate committees of the House and the Senate. The executive departments stand ready to submit suggestions whenever the committees desire.

I am exerting every power I possess to preserve our stabilization program.

I am sure the Congress will cooperate.

EXECUTIVE ORDER

By virtue of the authority vested in me by the Constitution and the statutes, and particularly by the First War Powers Act, 1941, and the Act of October 2, 1942, entitled "An Act to Amend the Emergency Price Control Act of 1942, to Aid in Preventing Inflation, and for Other Purposes," as President of the United States and Commander in Chief of the Army and Navy, and in order to safeguard the stabilization of prices, wages and salaries, affecting the cost of living on the basis of levels existing on September 15, 1942, as authorized and directed by said Act of Congress of October 2, 1942, and Executive Order No. 9250 of October 3, 1942, and to prevent increases in wages, salaries, prices and profits, which, however, justifiable if viewed apart from their effect upon the economy, tend to undermine the basis of stabilization, and to provide such regulations with respect to the control of price, wage and salary increases as are necessary to maintain stabilization, it is hereby ordered as follows:

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1. In the case of agricultural commodities the Price Administrator and the Administrator of Food Production and Distribution (hereinafter referred to as the Food Administrator) are directed, and in the case of other commodities the Price Administrator is directed to take immediate steps to place ceiling prices on all commodities affecting the cost of living. Each of them is directed to authorize no further increases in ceiling prices except to the minimum extent required by law. Each of them is further directed immediately to use all discretionary powers vested in them by law to prevent further price increases direct or indirect, to prevent profiteering and to reduce prices which are excessively high, unfair or inequitable. Nothing herein, however, shall be construed to prevent the Food Administrator and the Price Administrator, subject to the general policy directives of the Economic Stabilization Director, from making such readjustments in price relationships appropriate for various commodities, or classes, qualities or grades thereof or for seasonal variations or for various marketing areas, or from authorizing such support prices, subsidies or other inducements as may be authorized by law and deemed necessary to maintain or increase production, provided that such action does not increase the cost of living. The power, functions and duties conferred on the Secretary of Agriculture under section 3 of the Emergency Price Control Act of 1942 (Public Law 421, 77th Cong.) and under section 3 of the Act of October 2, 1942 (Public Law 729, 77th Cong.) are hereby transferred to, and shall be exercised by the Food Administrator.

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2. The National War Labor Board, the Commissioner of Internal Revenue and other agencies exercising authority conferred by Executive Order No. 9250 or Executive Order 9299 and the regulations issued pursuant thereto over wage or salary increases are directed to authorize no further increase in wages or salaries except such as are clearly necessary to correct substandards of living, provided that nothing herein shall be construed to prevent such agencies from making such wage or salary readjustments as may be deemed appropriate and may not have heretofore been made to compensate, in accordance with the Little Steel Formula as heretofore defined by the National War Labor Board, for the rise in the cost of living between January 1, 1941 and May 1, 1942. Nor shall anything herein be construed to prevent such agencies, subject to the general policies and directives of the Economic Stabilization Director, from authorizing reasonable adjustments of wages and salaries in case of promotions, reclassifications, merit increases, incentive wages or the like, provided that such adjustments do not increase the level of production costs appreciably or furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices.

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3. The Chairman of the War Manpower Commission is authorized to forbid the employment by any employer of any new employee or the acceptance of employment by a new employee except as authorized in accordance with regulations which may be issued by the Chairman of the War Manpower Commission, with the approval of the Economic Stabilization Director, for the purpose of preventing such employment at a wage or salary higher than that received by such new employee in his last employment unless the change of employment would aid in the effective prosecution of the war.

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4. The attention of all agencies of the Federal Government, and of all State and municipal authorities, concerned with the rates of common carriers or other public utilities, is directed to the stabilization program of which this order is a part so that rate increases will be disapproved and rate reductions effected, consistently with the Act of October 2, 1942, and other applicable federal, state or municipal law, in order to keep down the cost of living and effectuate the purposes of the stabilization program.

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5. To provide for the consistent administration of this order and Executive Order No. 9250, and other orders

and regulations of similar import and for the effectuation of the purposes of the Act of October 2, 1942, the Economic Stabilization Director is authorized to exercise all powers and duties conferred upon the President by that Act, and the Economic Stabilization Director is authorized and directed to take such action and to issue such directives under the authority of that Act as he deems necessary to stabilize the national economy, to maintain and increase production and to aid in the effective prosecution of the war. Except insofar as they are inconsistent with this order or except insofar as the Director shall otherwise direct, powers and duties conferred upon the President by the said Act and heretofore devolved upon agenices or persons other than the Director shall continue to be exercised and performed by such agencies and persons.

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6. Except insofar as they are inconsistent with this order, Executive Order 9250 and the regulations issued pursuant thereto shall remain in full force and effect.

Franklin D. Roosevelt.

The White House,
April 8, 1943.

Here Are a Couple of Roses

OFFICE OF PRICE ADMINISTRATION

Mr. Neville Miller, President,
National Association of Broadcasters,
Washington, D. C.

Dear Mr. Miller:

I wish to take this opportunity to express on behalf of the Office of Price Administration and myself the deepest appreciation for the fine public service rendered by your industry during the past few months in helping explain to the American people the essential facts concerning recent rationing programs instituted by this agency.

We in OPA have been faced recently with the problem of implementing complex rationing programs covering footwear, processed foods, and meats and fats. The task of instilling in the American people an understanding of (a) the reasons underlying these programs and (b) the mechanics of their operation has been a difficult one. In certain cases we have had to get information out to every household and to thousands of merchants with a minimum of delay. We turned, of course, to our system of free radio for aid in this important work.

The industry has responded magnificently. You have helped us in three principal ways: (a) Through your regular news broadcasts you have enabled us to get basic information out almost simultaneously; (b) through your commentators you have aided us in dissemination of explanatory material designed to secure wide understanding and acceptance of our programs; and (c) by making available time on your stations for myself and other OPA officials you have made it possible for us to make detailed explanations of OPA problems.

Your cooperation has proved to be a vital factor in the success of these "home front" measures which are related intimately to the winning of the war. For that we in OPA extend to you our grateful thanks and appreciation.

Sincerely yours,

Prentiss M. Brown.

TREASURY DEPARTMENT

April 15, 1943.

Mr. Art Stringer,
National Association of Broadcasters,
1760 N Street N. W.,
Washington, D. C.

Dear Mr. Stringer:

On behalf of the Treasury Department, we want to express to you and all associated with NAB our heartiest thanks for the invaluable cooperation given us in planning and publicizing RADIO DAY to launch the 2nd War Loan.

April 12, 1943 should go down in radio history as the greatest all-out cooperative effort ever accomplished by the industry. The Treasury Department is deeply grateful to the nation's broadcasters who gave so unsparingly of their time and effort to make Radio Day such a tremendous success. Since it is impossible personally to thank the thousands of people who contributed toward the radio launching of the 2nd War Loan, we hope that you will pass on to all your stations our sincere and heartfelt THANKS.

Sincerely

Vincent F. Callahan,
Director of Radio, Press and Advertising.

Marjorie L. Spriggs,
Chief, Radio Section, War Savings Staff.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, April 19th. They are subject to change.

Monday, April 19

Further Consolidated Hearing

To Be Held in Room 324, Old Post Office Building, Atlanta, Georgia

WALB—Herald Publishing Co., Albany, Ga.—Renewal of license, **1590 kc.,** 1 KW, DA-night, unlimited.

WALB—Herald Publishing Co. (Assignor), Albany Herald Broadcasting Co. (Assignee), Albany, Ga.—Voluntary assignment of license, station WALB, **1590 kc.,** 1 KW, DA-night, unlimited.

WALB—Herald Publishing Co., Albany, Ga.—C. P., **1550 kc.,** 1 KW, DA-night, unlimited.

Tuesday, April 20

Further Hearing

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Renewal of license (main and auxiliary), **1520 kc.,** 50 KW, unlimited, DA-day and night.

WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Renewal of license (main and auxiliary), **550 kc.,** 1 KW night, 5 KW day, unlimited, DA-night.

Wednesday, April 21

WMAN—M and M Broadcasting Co., Marinette, Wis.—Modification of license, **570 kc.**, 100 watts night, 250 watts day, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

LICENSE RENEWALS

WBRW—McDowell Service Company, Welch, W. Va.—Granted renewal of license for the regular period (B2-R-1086).

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.; KSFO, The Associated Broadcasters, Inc., San Francisco, Calif.—Granted renewal of license for station KQW for the period ending February 1, 1944, authorizing unlimited time operation on **740 kc.** with 5 KW, using directional antenna. The Commission also adopted Decision and Order denying without prejudice the applications for construction permits of KQW and KSFO, and ordered that Proposed Findings of Fact and Conclusions of the Commission (B-162), except for paragraph 7 thereof, be adopted as the Findings of Fact and Conclusions of the Commission.

W1XTG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted license for Class 2 Experimental Broadcast Station, the same to conform with that dated July 16, 1940, except as follows: (1) antenna supporting structure to be painted and lighted in accordance with Specification 'B' (to conform to requirements issued WTAG for the structure); and (2) transmitter to be described as General Electric Type GF-101-A (to conform to a cross index filed by the manufacturer); and (3) for the term beginning the date of grant and ending April 1, 1944.

KGDM—E. F. Peffer, Stockton, Calif.—Granted license (B5-L-1759) to cover construction permit (B5-P-3199 as modified), for change in frequency to **1140 kc.**, hours of operation to unlimited, increase in power to 5 KW, installation of directional antenna for night use, and new transmitter; also authority to determine operating power by direct measurement of antenna power (B5-Z-1510).

MISCELLANEOUS

KRED—Redwood Broadcasting Co., Inc., Portable-Mobile, area of Eureka, Calif.—Granted license to cover construction permit for new relay broadcast station (B5-LRY-290).

APPLICATIONS FILED AT FCC

1340 Kilocycles

WDAK—L. J. Duncan, Leila A. Duncan, Josephine A. Keith, Effie H. Allen and Aubrey Gay, d/b as Valley Broadcasting Co., West Point, Ga.—Construction permit to move transmitter and studio from General Tyler Hotel, West Point, Georgia, to 1028½ Broadway, Columbus, Georgia.

1460 Kilocycles

KINY—Edwin A. Kraft, Juneau, Alaska.—Modification of construction permit (B-P-3089, which authorized increase in power and changes in equipment and antenna) for change in frequency from **1460** to **1050 kc.**, changes in transmitting equipment, and extension of commencement and completion dates from 9-9-41 and 3-9-42 to 20 days after grant and 30 days thereafter, respectively. Amended: to install new transmitter, omit request for change in frequency, and extend commencement and completion dates from 9-9-41 and 3-9-42 to 10 days after grant and 90 days thereafter, respectively.

1470 Kilocycles

WCBA—Lehigh Valley Broadcasting Co., Allentown, Pa.—Authority to determine operating power by direct measurement of antenna power.

WSAN—Lehigh Valley Broadcasting Co., Allentown, Pa.—Authority to determine operating power by direct measurement of antenna power.

TELEVISION APPLICATION

W8XCT—The Crosley Corporation, Cincinnati, Ohio.—Modification of construction permit (B2-PVB-23, as modified and which authorized new television station) for extension of completion date from 4-28-43 to 10-28-43.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

No complaints were issued by the Federal Trade Commission last week.

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Garment Box Manufacturers Association and its members and officers, all of New York City, have been ordered to cease and desist from fixing prices and engaging in other restraint-of-trade practices in connection with the sale of garment boxes. The association members are assemblers of garment boxes, their volume of sales constituting a substantial part of all such products sold in the United States. (4777)

Grabosky Brothers, cigar manufacturers with plants at Philadelphia and Perth Amboy, N. J., have been ordered to cease and desist from violation of the Robinson-Patman Act in the sale of their products. (4740)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Bond Stores, Inc., 261 5th Ave., New York, operating manufacturing plants at Rochester, N. Y., and New Brunswick, N. J., and retail stores in various cities, has entered into a stipulation to cease and desist from certain representations in connection with the sale of men's clothing. (3632)

Boomer's Mail Order Service, 815 County St., Portsmouth, Va., engaged in the sale of a coal tar hair dye designated "Blackstone Hair Coloring," entered into a stipulation to cease and desist from representing that the product restores hair to its natural color and that it is safe and harmless. According to the stipulation, the preparation contains ingredients which may cause skin irritation on certain individuals. (03097)

Buenger Pharmacal Co., 1441 Welton St., Denver, have entered into a stipulation to cease and desist from representing that the medicinal preparation it sells under the name "Me-Ba" will relieve or cure gas pains, indigestion, heartburn or ulcers or that it goes to the cause of disorders of the stomach. (03096)

Chicago Mail Order Co., 511 South Paulina St., Chicago, engaged in selling medicinal preparations designated "Security Suppositories" and "Stillman's Suppositories," has stipulated to cease and desist from representing by use of the designation "security," or by any other means, that the preparation designated "Security Suppositories" gives security or complete protection against conception or that its preparations are non-irritating to normal vaginal tissues. (03099)

Consolidated Royal Chemical Corporation, 544 South Wells St., Chicago, selling a preparation designated "Krank's Hair Oil," and Benson & Dall, Inc., an advertising agency disseminating advertisements for the product, have stipulated to cease representing that "Krank's Hair Oil" will stop dandruff; that it is a cure or remedy for dandruff or has therapeutic value in the treatment of dandruff in excess of the removal of dandruff scales; that it will stop falling hair or early baldness; that it will promote the development of a good head of hair, or that Krank's Hair Oil will have any therapeutic value in the treatment of irritation of the scalp in excess of affording relief from minor irritation due to the presence of dandruff scales. (03098)

Cravenette Company, U. S. A., Hoboken, N. J., selling and distributing a compound or preparation designated "Cravenette" for use as a treatment for fabrics, has stipulated that, in connection with the sale of its product or of any other preparation of substantially the same ingredients, it will cease and desist from the use of representations, "SHEDS RAIN—SNOW—SLEET," "Won't Get Soggy," or from any other statement or representation of like meaning. (3630)

A. C. Horn Company, Horn Bldg., Long Island City, N. Y., selling and distributing alleged waterproofing and dampproofing materials, including products designated "Colorundum," "Dehydratine," "Ferro-Fax," "Hydratite" and "Metalon," has entered into a stipulation in which it agrees to discontinue use of the words "waterproof," "waterproofing," "watertight," "dampproofing" or other words of like meaning as descriptive of such products; provided, however, that if the product or products are effective waterproofers or dampproofers under certain conditions, then such words may be used if immediately accompanied in equally conspicuous type, by such words as will definitely and truthfully disclose the conditions or condition under which such products are effective for the purposes represented. (3628)

Jessop Steel Co., 534 Green St., Washington, Pa., stipulated that it will cease and desist from making any statement or representation which may tend to convey the impression that certain of its steel products designated "Silver-Ply Stainless-Clad Steel" are made of or are plated with silver or silver-ply. (3630)

Thomas Martindale & Co., 25 North Tenth St., Philadelphia, selling a medicinal preparation designated "Thomas Lecithin Capsules with Vitamin D." has stipulated to cease representing that the preparation will be beneficial in the treatment of nervous exhaustion, nervous headache, nervous insomnia, nervousness, or the symptoms of nervousness such as irritability or loss of temper; that it will increase "nerve energy" or is "brain food," or that the preparation, if used as directed, will furnish the average minimum daily requirement of phosphorus. (03101)

Milkmaid, Inc., 647 Fifth Ave., New York, and Lorr Laboratories, 200 Godwin Ave., Paterson, N. J., selling various cosmetics under the brand name of "Milkmaid," and The H. M. Kiesewetter Advertising Agency, Incorporated, 9 East 40th St., New York, advertising agency which disseminated advertisements for the products, have stipulated to cease representing that Milkmaid cosmetics will nourish the skin or that the cosmetics designated "Milkmaid Emulsion" contains milk or cream. The respondents also agree to cease and desist from use in the brand name of the cosmetic designated "Milkmaid Emulsion" or the word "Milkmaid" unless in direct conjunction therewith it is stated that the preparation does not contain milk. (03100)

Richman Brothers Co., Cleveland, Ohio, has been ordered to cease and desist from misrepresentation in the sale of men's clothing which it manufactures and distributes through 62 retail stores it operates in 57 cities. The respondent company also does a mail order business and employs some 600 salesmen. (4844)

United Sales Co., selling and distributing novelty jewelry stipulated that it will cease representing as the customary or regular prices of any article of jewelry, prices that are fictitious and in excess of the prices at which such products are regularly offered for sale and sold; using the words "REPLICA DIAMOND RINGS," "REPLICA GEMS" or other words of like meaning as descriptive of any ring inset or other product which is not in fact a true reproduction of the inset or gem named, that is to say, an article having the essential hardness, properties, and other characteristics of a diamond or other gem; using the terms "14 K Gold Plated," "14-KT Gold Finish" or "14-K Finish" or other term of like meaning as descriptive of a gold alloy covering which is not of actually 14 carat fineness and which is not of such substantiality as properly to be designated or described as "14 K Gold Plated"; representing that his jewelry is "high-quality," that its quality is such as to withstand tests by acid or fire or that it is acid proof; using the statement "Social leaders, millionaires and our finest people wear these . . ." or other representation of like meaning, or representing that he is directly cooperating with manufacturers in the sale of such jewelry or that he represents any jewelry manufacturer in the sale and distribution of merchandise. (3629)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N STREET, N. W. WASHINGTON, D. C. Vol. 11, No. 17, April 23, 1943

Elmer Davis to Address NAB War Conference

(Released by NAB News Bureau April 19)

Elmer Davis, director of the Office of War Information, will be one of four keynote speakers at the NAB War Conference at the Palmer House, Chicago, April 27-29.

In accepting the NAB invitation, Davis said: "It is a pleasure to address the War Conference of the National Association of Broadcasters. The industry has given great service to the war effort and I am confident that service will be continued."

As previously announced, James Lawrence Fly, Federal Communications Commission chairman, and Byron Price, director of the Office of Censorship, also will address the conference. The fourth speaker, a high ranking military officer, must remain anonymous until the day he speaks, for security reasons.

Supplementing these four speakers will be prominent men from civilian, government and military ranks. Included among broadcasters who will address the conference are William S. Paley, president, Columbia Broadcasting System; Dr. James R. Angell, public service counsellor, National Broadcasting Company, and Lindsay Wellington and William M. Newton, of British Broadcasting Corporation.

Doctor Angell, commenting on the conference, said: "There is no part of our national war activity to which radio has not made significant contributions, many of them invaluable. On the battle front and the home front alike, its voice is constantly heard bringing information, encouragement and good cheer to all."

AGENDA NAB Radio War Conference

Monday, April 26—Pre-Conference

9:00 A.M—Registration
10:30 A.M.—Sales Managers Committee
10:30 A.M.—Accounting Committee
12:30 P.M.—American Federation of Musicians Steering Committee
2:00 P.M.—NAB Bureau of Copyrights
2:00 P.M.—Public Relations Committee
2:00 P.M.—Research Committee
2:00 P.M.—Engineering Committee
2:30 P.M.—Code Committee
3:00 P.M.—Retail Promotion Committee
3:00 P.M.—Labor, Wage and Hour Committees
4:00 P.M.—BMI Board
7:00 P.M.—NAB Board of Directors (past and present) Supper

(Continued on page 172)

Job Freezing

Unless and until Paul McNutt changes his mind, radio employees cannot change jobs for higher pay without the permission of the War Manpower Commission. This permission, it is said, will be hard to get.

Mr. McNutt's order provides the answer to one of the country's greatest problems: inflationary bidding in the labor market.

Needless to say, the labor unions are against it and are making strenuous efforts to get Mr. McNutt to weaken. The unions are finding a great deal of support from those employers who would rather outbid other employers for trained men than train men themselves. Such a combination may wear Mr. McNutt down. If they do, wage and salary stabilization just won't work, and you'd better hold your hats, boys, for an inflationary ride that will make Mr. Morgenthau's "phoney dollar" seem, in retrospect, sound as the Rock of Gibraltar.

If the order sticks, it should stimulate interest in training plans to a degree that up to now has not even been dreamed of.

Here are (1) the text of Mr. McNutt's order, (2) Mr. McNutt's explanatory statement, and (3) a list of the 66 cities in which there are employment stabilization plans in effect (not to be confused with the labor shortage list). The stabilization list is important because hiring must be done in accordance with those plans in those cities. Elsewhere, the WMC must be consulted. *To play safe, consult your local WMC officials before hiring anyone* who has been working at another station or in another essential industry.

REGULATIONS OF WAR MANPOWER COMMISSION RESTRICTING TRANSFER OF WORKERS

(Official Text)

TITLE 29—LABOR

CHAPTER VII—WAR MANPOWER COMMISSION

PART 904—RESTRICTING TRANSFER OF WORKERS

(Regulation No. 4)

Pursuant to the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9328, dated April 8, 1943, I hereby prescribe the following regulation:

904.1 *Workers Previously Engaged in Other Than Essential Activities for Work in Essential Activities.* Any employer engaged in an essential activity may hire for work in such activity any new employee who for the preceding 30 days was not engaged in an essential activity.

904.2 *Workers Previously Engaged in Essential Activities for Work in Other Than Essential Activities.* No

(Continued on page 173)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Arthur C. Stringer, *Director of Promotion.*

ELMER DAVIS TO ADDRESS NAB WAR CONFERENCE

(Continued from page 171)

Tuesday, April 27

7:30 A.M.—Staff Breakfast
8:30 A.M.—Registration
8:30 A.M.—C. E. Hooper, Inc., Breakfast
10:30 A.M.—General Session—War Manpower and Materials

Speakers: Lawrence A. Appley, executive director, War Manpower Commission; Almon Roth, wage stabilization and manpower director, War Labor Board; Lindsay Wellington, North American manager, British Broadcasting Corporaiton, and Lieut.-Comm. Patrick H. Winston, assistant executive, Selective Service System.

President's Report
Secretary-Treasurer's Report
Committee Appointments
Announcements
Manpower

1. Needs of the Army
2. Needs of Industry
3. Selective Service
4. How to Meet the Need

12:45 P.M.—Luncheon

Elmer Davis, Director, Office of War Information, speaker

Memorial to Radio War Dead

2:30 P.M.—General Session—War and Materials

Speakers: Frank McIntosh, assistant director, Radio and Radar division, War Production Board; Col. R. Ernest Dupuy, chief, news division, War Department public relations; Col. E. J. F. Glavin, 1st Army Command, 1st Corps Area, New York; Lieut.-Col. Edward M. Kirby, Radio division, War Department public relations; Capt. Frank E. Pellegrin, Radio division, War Department public relations; Lieut.-Comm. Morgan Reichner, Navy public relations, Washington, and Lieut. Holman Faust, Navy public relations, Chicago.

Morris Weisz, industry consultant branch, labor production division, War Production Board, special consultant.

1. Operation of Stations
2. Listeners
3. Operations under Fighter Command

4:30 P.M.—Clear Channel stations meeting
6:30 P.M.—Program Managers Executive Committee dinner
6:30 P.M.—Small Stations Problems Committee
7:00 P.M.—CBS Advisory Committee
8:30 P.M.—Program Managers Round-Table

Wednesday, April 28

7:30 A.M.—Staff Breakfast
8:30 A.M.—Breakfast Round-Tables

1. Manpower and Selective Service—Lt. Col. Ernest M. Culligan and Lieut.-Comm. Patrick H. Winston, speakers.
2. Foreign Language—Arthur Simon, WPEN, Philadelphia, chairman of the Foreign Language Wartime Control Committee, and Robert Richards, assistant, radio division, Office of Censorship.
3. Tubes, Equipment, Batteries, Receiving Sets—Frank McIntosh
4. Music
5. Radio Management Club of Chicago—Sales and Program Managers

10:30 A.M.—General Session—Radio Problems and the War

Speakers: Byron Price, director, Office of Censorship; Don Stauffer, chief, radio branch, Office of War Information; Andrew Dudley, chief, campaigns section, Office of War Information; William S. Paley, president, CBS; and Dr. James R. Angell, public service counsellor, NBC.

1. Censorship
2. The Government and Programs

12:45 P.M.—Luncheon

James Lawrence Fly, chairman, Federal Communications Commission, speaker.

2:30 P.M.—General Session—Sales Problems During Wartime

Speakers: Lewis H. Avery, director, department of broadcast advertising, NAB; Sheldon R. Coons, advertising consultant, and Paul Morency, WTIC, Hartford, Conn., chairman, Retail Promotion Plan Committee.

1. Retail Promotion Committee Plan
2. Petrillo Recording Ban

NAB Annual Meeting

1. Election of Directors-at-Large
2. Vote on By-Laws Changes

7:30 P.M.—"Desert Victory"—motion picture
8:30 P.M.—"Sales—A Wartime Necessity"—Lewis H. Avery, Helen Kennedy, Kroger Grocery & Baking Co., Cincinnati, and John A. Garber, Strawbridge and Clothier, Philadelphia, speakers.
8:30 P.M.—NAB Association of Women Directors—Mrs. Dorothy Lewis, NAB coordinator of listener activity; Willard D. Egolf, NAB assistant to the president, and Ruth Chilton, WSYR, Syracuse, New York, president, AWD.

Thursday, April 29

7:30 A.M.—Staff Breakfast
8:30 A.M.—Breakfast Round-Tables

1. Censorship—J. Harold Ryan, Fort Industry stations, assistant director, Office of Censorship, and Gene Carr, assistant, radio division, Office of Censorship, speakers.
2. Manpower; Women; 48-Hour Week; Wage Stabilization—William M. Newton, middle-western representative, British Broadcasting Corporation, speaker.
3. Office of War Information—Don Stauffer, Philip H. Cohen, chief, government liaison division, Office of War Information, and Richard Connor, acting chief, industry relations division, Office of War Information.
4. Sales Managers; Audience Measurement—Carlos Franco, vice-president, Young and Rubicam, Inc.
5. The Recording Ban
6. Legislation and Taxation—Alger B. Chapman, lawyer, Alvord & Alvord, Washington, D. C., speaker.

10:30 A.M.—General Session—Role of Advertising in Wartime

1. Recommended Standards for Coverage Maps—Roger Clipp, WFIL, Philadelphia, chairman, NAB Research Committee; John M. Outler, Jr., WSB, Atlanta, chairman, NAB Sales Managers Executive Committee, and John Hymes, Foote, Cone & Belding, speakers.
2. The Small Stations Problem—Marshall Pengra, KRNR, Roseburg, Ore., speaker. Panel: Chester LaRoche, chairman, Advertising Council; Wil-

liam Lewis, assistant director, plans and production, Office of War Information, and James Woodruff, WATL, Atlanta, chairman, Small Stations Problems Steering Committee.

1:30 P.M.—Luncheon

Military speaker—name withheld for military security. Resolutions and Adjournment of Conference.

2:30 P.M.—Meeting of new NAB Board of Directors

JOB FREEZING

(Continued from page 171)

employer shall hire for work in an activity other than an essential activity any new employee who, during the preceding 30-day period, was engaged in an essential activity if the wage or salary rate to be paid by the employer would exceed the rate most recently earned by such employee.

904.3 *Workers Previously Engaged in Essential Activities for Work in Other Essential Activities.* No employer shall hire (except as provided for in Section 904.4 of this regulation) for work in an essential activity any new employee who, during the preceding 30-day period, was engaged in an essential activity if the salary or wage rate to be paid by the employer would exceed the rate most recently received during such period by the employee.

904.4. *Workers Previously Engaged in Essential Activities for Work in Other Essential Activities in Areas or Industries Subject to War Manpower Commission Employment Stabilization Program.* (a) Any employer engaged in an essential activity may hire for work in such activity any new employee who, during the preceding 30-day period, was engaged in an essential activity, without regard to his preceding wage rate or salary scale, providing such hiring is subject to, and permitted under an employment stabilization program approved by the War Manpower Commission. (b) A statement of availability shall be issued to any worker by his last employer or by the War Manpower Commission as may be provided in such employment stabilization programs and whenever the worker:

(1) is discharged by his last employer,
(2) is laid off for an indefinite period or for a period of 7 or more days, or
(3) can establish that his present employment does not utilize him at his highest skill or that he is not being employed at full time.

No statement of availability shall be issued solely on the ground that an individual's wage or salary rate is substantially less than that prevailing in the locality for the same or substantially similar work.

Any such statement shall contain the worker's name, his social security account number, if any, the name and address of the issuing employer or War Manpower Commission officer and office, the date of issuance, and a statement to the effect that the worker may be hired elsewhere in an essential activity. The inclusion by an employer on such notice of any information other than that required by this regulation shall be deemed to be a violation of this regulation.

904.5 *Acceptance of Employment by Workers.* No individual shall accept new employment with an employer if the employer is prohibited from hiring him under this regulation.

904.6 *Penalties.* The hiring by an employer of a new employee, or the acceptance by an individual of new employment, in violation of this regulation is subject to the penal provisions of the Act of October 2, 1942 (Pub. No. 729, 77th Cong.). The provisions of Sec. 4001.10 of the Regulations of the Economic Stabilization Director, issued October 27, 1942, apply to any wages or salaries paid in violation of this regulation.

904.7 *Definitions.* (a) *Essential activity* means any activity in the War Manpower Commission List of Essential Activities (see Appendix A) and any activity approved by a Regional Manpower Director as a locally needed activity.

(b) *New employee* means any individual who has not been in the employ of the hiring employer at any time during the preceding 30-day period.

(c) *New employment* means employment with an employer by whom the individual has not been employed at any time during the 30-day period preceding such employment.

904.8 *Employee-Employer Agreements.* Nothing in this regulation shall be construed to prejudice existing rights of an employee under any agreement with his employer.

904.9 *Effective Date.* This regulation shall become effective at 12:01 a.m., Sunday, April 18, 1943.

(Signed) PAUL V. MCNUTT,
Chairman,
War Manpower Commission,
April 16, 1943.

Approved:

JAMES F. BYRNES (Signed)
Economic Stabilization Director,
April 16, 1943.

STATEMENT OF WAR MANPOWER COMMISSION CHAIRMAN EXPLAINING JOB-TRANSFER REGULATIONS

(Official Text)

Opening Statement of Mr. McNutt at Press Conference of Saturday, April 17

These regulations are a sincere attempt on my part to fulfill the intention of Section 3 of the Executive Order issued by the President on April 8. The extent of that Section, as we have interpreted it, is exactly what it says—to prohibit the transfer of workers for higher pay except as such transfers are in interest of the war effort.

For some time the War Manpower Commission has been promoting voluntary control over transfer of workers through what is known as Employment Stabilization Plans. The basic purpose of these plans is to see that workers are placed in positions which will fully utilize their skills to the best interests of the war effort.

These plans spell out those conditions of transfer which are in the interests of the war effort. In general, they say specifically that workers cannot transfer from one essential activity to another except with statements of availability issued by the employer or the local War Manpower authorities.

It is therefore natural that I should look to these stabilization plans as the means for determining that transfers involving differences in pay are in the interest of the war effort.

There are now in operation over 60 of these stabilization plans and they are increasing in number each week. At this moment several are in process of development. They are all in areas where the labor shortages are critical and by that I mean Groups I and II.

Paragraph 904.1 deals with the movement of workers from other than essential activities into essential activities. You will notice this movement is permitted without regard to wages, as it is at present. The reason for the 30-day period is to prevent workers from leaving an essential activity, working in an other than essential activity for two or three days and then moving from there back into some essential activity at a higher wage. The reason we are not restricting this movement into essential activity is because such movement is in the interest of the war effort and should be encouraged.

Paragraph 904.2 deals with workers transferring from essential activities into other than essential activity. This is not in the interest of the war effort, therefore no such transfers are permitted at an increase in pay. It should be indicated that while such transfers are not desirable, they are not prohibited at equal pay.

Paragraph 904.3 deals with movement between essential activities. Such movement is not permitted when an increase in pay is involved, except as provided in 904.4. This movement between essential activities for no other reason than to receive higher pay is one of the most serious and wasteful forms of labor turnover now prevalent.

Paragraph 904.4 is also concerned with the movement of workers from one essential activity to another. It permits transfers at higher pay when such transfers are in the interest of the war effort, provided they are made in accordance with the provisions of the local employment stabilization plans.

It should be explained that a "Statement of Availability" is synonymous with a "Certificate of Separation" which is the term used in some plans.

You will notice in the last sentence of Section 904.4 it says that the employer cannot place on the Statement of Availability any informatoin other than required. The reason for this is to protect the employee against prejudicial information that has no bearing whatever on the case.

Paragraph 904.5 makes the employee equally liable with the employer for transfer not in accordance with these regulations.

The rest of the document needs no elaboration at this time. I am perfectly willing, however, to answer any questions. I would like to point out that the reason for making it effective on Sunday morning is to give workers and employers an opportunity to read it carefully and understand it better, thereby avoiding confusion that might be created by quick headline reading on a work day morning.

We have endeavored to write these regulations in the simplest of terms. They mean exactly what they say and I am now open to any questions that you may have. (END OF OFFICIAL TEXT).

WAR MANPOWER COMMISSION EMPLOYMENT STABILIZATION PLANS NOW IN EFFECT

(Official Text)

(Following is the latest War Manpower Commission listing of areas in which employment stabilization plans are in operation.)

I. AREA PLANS

(Total: 66)

Region I

Massachusetts
- New Bedford
- Fall River
- Springfield

Connecticut
- Waterbury

New Hampshire
- Portsmouth

Region II

New York
- Albany
- Buffalo
- Rochester
- Syracuse
- Utica-Rome-Herkimer

Region III

Covered by region-wide stabilization policy. Non-piracy agreement in effect in northern New Jersey area (Newark Plan).

Region IV

Maryland
- Baltimore
- Cumberland
- Hagerstown

Virginia
- Hampton Roads

Region V

Ohio
- Akron
- Canton
- Cleveland
- Hamilton-Warren County
- Lima
- Lorain
- Mercer County
- Portage County
- Sandusky
- Sidney-Piqua-Troy
- Springfield
- Toledo
- Warren-Niles
- Youngstown

Michigan
- Battle Creek
- Bay City-Saginaw-Midland County
- Detroit
- Grand Rapids
- Muskegon
- Monroe County
- Pontiac
- Port Huron

Region VI

Illinois
- Rockford
- Springfield-Decatur

Wisconsin
- Milwaukee

Indiana
- Evansville
- Indianapolis
- South Bend-La Porte-Michigan City

Region VII

Alabama
- Mobile-Gulf Coast

Georgia
- Savannah-Brunswick

Florida
- Tampa

Region VIII

Iowa
- Des Moines

Minnesota
- Twin Cities

Nebraska
- Omaha

Region IX

Kansas
- Wichita

Missouri
- Kansas City
- St. Louis

Oklahoma
- Oklahoma City

Region X

Texas
- Beaumont

Region XI

Colorado
- State of Colorado

Wyoming
- Cheyenne Area

Utah
- Industrial Area I

Region XII

California
- Los Angeles
- San Diego

Oregon
- Portland

Nevada
- State of Nevada

Arizona
- State of Arizona

Washington
- State of Washington

INDUSTRY PLANS

(Total: 4)

Rainwear Clothing Allied Industries—Greater Boston
Thermometer Industry—New York
Non-Ferrous Metals and Lumbering—Regions X, XI, XII
Shipbuilding—Head of the Lakes Area
Bay Area, San Francisco

WHITE-WHEELER BILL HEARINGS

Hearings on the White-Wheeler Bill (S. 814) to amend the Communications Act have been scheduled to begin on Thursday, May 6. Decision was made at a meeting last Friday of the Subcommittee of the Interstate Commerce Committee, attended by Senators Wheeler, Chairman, White and Hill. [The subcommittee is composed of Burton K. Wheeler (D-Mont), Chairman, Lister Hill (D-Ala), D. Worth Clark (D-Idaho), Wallace H. White, Jr., (R-Maine) and Warren R. Austin (R-Vt).]

It is understood that the record of the hearings on the Sanders Bill will be incorporated by reference into the record of the subcommittee hearings, and that testimony on the sections of the bill corresponding to those in the Sanders Bill will be held down to the minimum necessary. The hearings will go on irrespective of the decision in the Network Cases, it is reported, there being a feeling in certain quarters that amendment of the section covering network regulation will be necessary in any event. Decision in the Network Cases is expected to be handed down when the Court reconvenes May 3.

EDGAR BILL NAMED CHAIRMAN OF PUBLIC RELATIONS COMMITTEE

(Released by NAB News Bureau, April 19th.)

Washington, D. C., April 20.—Edgar Bill, president of radio station WMBD, Peoria, Ill., co-author of the National Association of Broadcasters' code of ethics, has been named chairman of NAB's public relations committee, Neville Miller, NAB president, announced today.

Other members of the newly-appointed committee are:

Kern Tipps, manager, KPRC, Houston, Texas; Craig Lawrence, vice-president and general manager, Iowa Broadcasting Co., Des Moines; John F. Patt, general manager, WGAR, Cleveland, Ohio; Leslie Joy, general manager, KYW, Philadelphia, Pa.; Edgar H. Twamley, director, WBEN, Inc., Buffalo, N. Y.; Frank M. Russell, vice-president, NBC, and Dr. Frank Stanton, vice-president, CBS.

First meeting of the committee will be held at the NAB War Conference, Monday, April 26, at 2 p. m.

The NAB public relations plan will be discussed and implemented at this meeting as adopted by the NAB board of directors in October, 1942, under direction of Willard D. Egolf, NAB assistant to the president.

MILLER CRITICIZES FOOD CONFERENCE NEWS BAN

(Released by NAB News Bureau, April 20th.)

Criticizing the barring of radio newscasters and the press from the United Nations Food Conference at Hot Springs, May 18, Neville Miller termed the action "a serious mistake."

His statement follows:

"I believe a serious mistake has been made in barring radio newscasters and the press from the United Nations Food Conference at Hot Springs, Virginia, May 18th. This conference is of great importance to civilians and is not military in character.

"Working under voluntary censorship, radio and the press have demonstrated that they can be relied upon not to release information giving aid and comfort to the enemy. The right of the people to the remainder of the information coming out of such a conference must not be abridged."

FLY WANTS TELEVISION PATENTS AVAILABLE TO ALL

It is possible that at the end of the war some of the more valuable television patents may be in the hands of the government itself, FCC Chairman James Lawrence Fly said at a press conference early this week, discussing the television situation.

"On the whole I would hope", said the Chairman on this subject, "we will find some feasible way to make all of the patents available to everybody interested in the production of television equipment. I don't want to stick my neck out any further at this time, but that is something we hope to see in the future."

The television situation came up at the conference when one of the newsmen suggested that recently there has been considrable talk about television and that there will be a monopoly by two or three companies once television finally gets going after the war. To this question Mr. Fly said that he was not prepared to talk at any length on that subject but "when you say that patents would be controlled by two or three companies that are heaviest in the research would naturally come off with the predominant number of patents, though there will be important patents in the hands of other concerns."

WPB STOPS TUBE HOARDING

"Tube for tube" and "radio part for part" are the rules which hereafter will govern the repair of radio sets.

Limitation Order L-265, issued today by the War Production Board, requires that the owner of a radio set turn in an old part when he buys a new one or when a new one is installed by a repair man. It makes exception, however, for cases in which the return of a part is impractical.

In issuing the order, WPB officials emphasized that owners of radio sets need not secure priority ratings to replace old parts. In some localities repair men demand such unobtainable ratings in order to sell more expensive servicing.

WPB officials said that dealers should be able to supply tubes and other radio parts to their customers as old ones are turned in. Existing shortages will be remedied as manufacturers concentrate production on types most in demand and, by exchanging tubes among themselves, round out their own stocks and those of their dealers.

The order makes allowance for rural set owners who can buy only by mail and for those who have lost the part which is to be replaced. Such a buyer must "certify that the part(s) specified on this order are essential for presently needed repair of electronic equipment which I own or operate."

The radio repair man or dealer must collect a part or certificate when he sells a part to a consumer, but need not pass that part along to his supplier. Instead, he must certify that he has collected either components of the kind being ordered or certificates for them. Such certification must be made both by the repair man who sells a part to an owner of a set and by the supplier who sells to a repair man or to another jobber. Dealers must take used parts to scrap heaps or salvage stations within sixty days of receiving them.

WPB officials pointed out that the dealer is free to develop his own bookkeeping system in balancing the receipt of parts and certificates against purchases. They stated that the order will be enforced through checks made in the field. Records of sales and purchases must be kept. In most cases, this will not require changes in bookkeeping practice, officials said.

The order applies generally to electronic equipment, radios and phonographs, but exceptions are made to permit the sale of entire radio sets, phonographs and sound motion picture projectors completed before today. Hearing aid devices, electric batteries and power and light equipment are not covered by the order. L-265 supersedes L-44 and L-44a, incorporating the prohibitions of those orders against the manufacture of new radio sets, phonographs and the like.

The order also supersedes L-183, which required a minimum rating of A-3 for transfers by manufacturers of electronic equipment, and raises this rating to A-1-a. However, purchases against parts or certificates do not require ratings. L-265 prohibits the manufacture of electronic equipment, except to fill orders of the Services, orders rated AA-4 or higher, or to the extent that the manufacturer has received his materials under the Controlled Materials Plan.

NATIONAL AND INTER-AMERICAN MUSIC WEEK

Broadcasters are asked to play the national anthem at noon each day during National and Inter-American Music Week in a letter addressed to the National Association of Broadcasters by C. M. Tremaine, Secretary:

"It has been suggested that all the broadcasting stations broadcast the national anthem at noon each day of National and Inter-American Music Week, May 2-9. Our Committee feels that this would be particularly appropriate this year, when Music Week is cooperating so actively in the war effort by appealing to millions of music lovers and all the friends of music to purchase War Bonds during the seven-day celebration. The 1943 observance is also made the occasion to further the use of music in speeding up production in munitions plants, and relaxing and refreshing tired nerves, building morale among the general public, in training camps and in active service on the many battle fronts in distant lands.

"The Star-Spangled Banner is always inspiring, but when played during Music Week it emphasizes the close association between patriotism and music in uniting the spirit of the nation.

"It is my hope that all the broadcasting stations will wish to give their full cooperation in carrying out the above suggestion and that it will enlist your sympathetic interest.

"Enclosed you will find President Roosevelt's 1943 letter to our Committee. Last year 47 governors issued Music Week proclamations or gave out public statements to the press urging their citizens to participate, and we believe an equal number will do so this year."

RED CROSS THANKS RADIO

Norman H. Davis, Chairman of the American Red Cross, addressed the following letter to Neville Miller. It is released for use on the air or in industry and station publications, if desired, along with the letters from O.P.A. and the Treasury Department, released last week.

Dear Mr. Miller:

The American Red Cross has surpassed its 1943 War Fund goal of $125,000,000 and I take this opportunity to thank you and the broadcasters in your Association for the outstanding cooperation and active assistance which was a prime factor in making our campaign a success.

Despite the strain of many additional program activities made mandatory by the war, preliminary reports indicate that radio stations and networks during March gave the Red Cross War Fund Campaign the greatest support ever given a private fund-raising effort.

The splendid cooperation so spontaneously given by the broadcasters and other public service media and the way the nation as a whole rallied to our call shows beyond a doubt that the American Red Cross has the confidence and support of all the people. We hope that you will relay to your members, and through them to the public, assurance that the Red Cross will strive to merit that faith by carrying out with added zeal the humane work assigned to it by the Congress, the Armed Forces and the people.

Sincerely yours,

NORMAN H. DAVIS
Chairman

LABOR BOARD ELECTIONS

Employers who may think about talking with their employees before an NLRB election should read Judge Learned Hand's decision in NLRB v. American Tube Bending Co. (Second Circuit Court of Appeals, April 5). In this case, the employer was held to have been within his rights in both talking with and writing to his employees about the election issues because he neither threatened the employees with reprisals if the union won the election nor had any "anti-union" record into which the speech and letter would fit.

EDUCATIONAL ORGANIZATION

New York City network and station executives and educators, at a meeting Saturday, April 17, decided to form a metropolitan chapter of the Association for Education by Radio. Group met at the home of Mrs. Dorothy Lewis, NAB Coordinator of Listener Activities. Major Harold W. Kent, president of the Association, and of the Public Relations Department of the War Department, attended. Meeting appointed a planning committee which will confer Thursday, April 22, at Town Hall Club dinner, to shape policy and set up a program of activities. Association is having its annual meet, April 30-May 3 at Columbus, Ohio.

Members of the planning committee for the metropolitan area are as follows: Jane Monahan, Radio Director of the New York City Public Schools; Robert McDougal, radio director of New Jersey State Teachers College, Trenton, N. J.; Grace Johnson, Director of Women's Activities of the Blue Network; Mrs. Henriette Harrison, National Radio Director of the YMCA (sic); Leon Levine, assistant director of education at CBS; Mrs. Dorothy Lewis; Madge Dower, assistant to Miss Monahan; James McAndrew, Radio Co-ordinator for the New York School Board of Education, WNYC, New York; and Harold McCarty, OWI, New York.

NEW LIBEL LAW

The new libel law enacted by the Legislature of the State of Washington and approved March 20, 1943, appears as Chapter 229, Laws 1943. The Act:

AN ACT relating to the broadcast of defamatory matter over the facilities of radio or television broadcasting stations.

Be it enacted by the Legislature of the State of Washington:

Section 1. Where the owner, licensee, or operator of a radio or television broadcasting station, or the agents or employees thereof, has required a person speaking over said station to submit a written copy of his script prior to such broadcast and has cut such speaker off the air as soon as reasonably possible in the event such speaker deviates from such written script, said owner, licensee, or operator, or the agents or employees thereof, shall not be liable for any damages, for any defamatory statement published or uttered by such person in or as a part of such radio or television broadcast unless such defamatory statements are contained in said written script.

Section 2. Nothing herein contained shall be construed as limiting the liability of any speaker or his sponsor or sponsors for defamatory statements made by such speaker in or as a part of any such broadcast.

Section 3. This act shall not be applicable to or affect any cause of action existing at the time this act becomes effective.

STATE LEGISLATION

MASSACHUSETTS:

H. 1540 (Reported on H. 428) LIBEL—Bill prohibiting the libel of groups of persons because of race, color or religion.

ADVERTISING CAN AID GOVERNMENT PROGRAMS OF WAR INFORMATION AND INCREASE YOUR LOCAL TIME SALES

Probably you are familiar with the many, carefully planned government programs of war information. Undoubtedly you have explored the possibilities of selling time and talent in support of these programs to local manufacturers, distributors and retailers. Such efforts have the unqualified endorsement of the Office of War Information because of the evident need for more advertising and more publicity in support of these informational campaigns.

How great is the need for advertising was ably summed up by Gardner Cowles, Jr., well-known newspaper publisher and radio station operator now serving as Director of Domestic Operations for the Office of War Information, in a talk before the Annual Advertising Awards Presentation Banquet on February 5, 1943, in New York. Here are three significant paragraphs from that speech:

"Today Americans are ready to make sacrifices. If anything, they want to make more sacrifices in order to get on with winning the war. But specifically as to the details of each government program, too often they are confused and unconvinced. They are unconvinced in large part because they don't have full enough information on why a program is necessary and how it works.

"And that is where advertising should come in. In my opinion, even with the help of all the editorial and news channels open to us in OWI today, we need advertising. Advertising is the only force powerful enough to do the job. It is the only one which can put these government programs before the public in simple, exact terms *often* *enough* and with *enough power* and with *enough control* to get results.

"The war on the home front can be won, in my opinion, and should be won without giving up the traditional free character of our media and our advertising, provided the media owners, the agencies and the advertisers realize advertising can and should and must be geared to help with war problems on the home front."

In other words, the government depends on private enterprise for the advertising support needed to implement fully the programs of war information. What's more, you can co-operate in this activity to the profit of your station.

Look over the following partial list of programs of war information. Each of these is a pertinent subject in the very near future. Have you solicited advertising from every local account—whether it be a manufacturer, distributor or retailer—that can logically tie in with one or another of these programs? If you have overlooked any sources of support for the government campaigns or profit for yourself, now is a good time to call on such prospects.

Victory Gardens

No other program is more important and more vital to the success of the war on the home front than Victory Gardens and home canning as an aid to meeting food needs by producing for home use. Many stations have capitalized on this program to sell time and talent for effective advertising campaigns.

Who are the prospects for a program dealing with Victory Gardens? Here are a few:

China and glassware stores
Department stores
Feed and seed dealers
Gas and electric utilities
Hardware stores
Merchandise brokers

This promotion is now in full bloom with special emphasis planned for May. It will be continued until the first "killing" frost in your section of the country and Victory Gardners who planted early crops will be urged to replant for a second crop.

Recruitment of Farm Labor and Food Processing Labor

While it may sound unusual for a broadcasting station to run a "Help Wanted" program, such a feature, well-planned and intelligently presented, can serve both manufacturer and farmer as well as prospective employees. First tried on the West Coast, where aircraft manufacturers turned to radio in a desperate attempt to relieve the manpower shortage, such programs have proved amazingly successful.

This campaign will be launched in May to persuade the public to volunteer for peak-season work of farms and in food processing plants. Write to NAB for the campaign guide entitled, "U. S. Crop Corps."

Nutrition Program

This educational campaign will be directed to the public on the use of available food supplies for best nutrition, and to stimulate proper nutrition on the part of war workers. While this campaign is scheduled to start in June, now is the time to line up accounts to supplement the promotion you will put behind this effort as a part of the OWI Allocation Plan.

It gives you a brand-new approach to brokers, commission merchants, distributors, chain food stores and voluntary groups of stores. Take full advantage of this opportunity to convert these logical prospects to users of broadcast advertising.

Recapping in Time Saves Tires

With rubber available for recapping almost all motorists' tires, this campaign gives you a logical reason to approach the tire dealers in your community. Here are some of the prospects you should solicit:

Tires—Manufacturers
  Distributors
  Dealers
Accessory dealers
Service stations

Preliminary information indicates that some of the tire manufacturers may match advertising expenditures with distributors and dealers in this campaign. While it is not known whether this money will be ear-marked for a particular medium, the fact that it may be available should stimulate your sales approach.

Fuel Conservation and Home Heating

In May, OWI will inaugurate a concentrated campaign to the public to sell the the following objectives·

1. Order coal early.
2. Conserve fuel oil and where possible convert to coal.
3. Conserve household gas.
4. Heat-condition the home (by insulation, weather-stripping, storm sashes, etc.)

This campaign opens up a field in which radio stations can write a substantial volume of new business by careful planning. Check the following list of prospect types with the actual prospects in your community and get to work early:

Asbestos products
Boiler cleaning and repair
Chimney cleaning and repair
Cleaning compounds
Coal dealers
Concrete contractors
Floor contractors
Furnace cleaning and repair
General contractors
Hardware stores
Heating contractors
Heating engineers
Insulation manufacturers & contractors
Lumber dealers
Millwork manufacturers
Paperhangers
Plumbers
Pipe covering contractors
Roofing contractors

Fats and Grease Salvage

A new campaign to urge the collection of waste fats and greases for explosives will be conducted during July and August. While this will primarily concern the placement of national spot advertising, you should cover every possible local angle in connection with this activity.

In this connection, the Department of Broadcast Advertising will work with the advertising agency and trade association involved in an effort to obtain a larger share for broadcast advertising of the rumored $500,000 budget.

Homes for War Workers

The National Housing Agency and OWI will shortly announce a three-fold campaign to alleviate the housing shortage that exists in many war production centers. This campaign has three objectives:

1. To induce property owners to make available to war workers all the vacant space—houses, apartments and rooms—which can be utilized without any expenditure of critical materials.
2. To induce other owners, whose properties are not now suitable for use, to convert them into additional accommodations by remodeling with their own funds or with the assistance of private financial institutions.
3. To induce property owners, who are unwilling or unable to convert on their own responsibility, to lease their buildings to the government, and let the government do the job.

Here, too, is a field in which alert radio station sales executives can render a real service in the government campaign as well as build a substantial volume of new business.

Conservation

Soon a nation-wide campaign will be instituted to induce people to use less, waste less, save more. This program will be concentrated in two fields:

1. Household equipment (maintenance of electrical appliances, etc.)
2. Clothing (making clothing go further.)

Look at the list of prospect types in this field of conservation. What's more, many radio stations have already developed important customers from among these groups:

Air conditioning service
Cleaners and dyers
Clothing repair and reweaving establishments
Electrical appliance service
Laundries
Oil burner service
Refrigeration service

These government informational campaigns represent real sales opportunities if you will but translate the objectives of each activity into terms of local accounts that can and should contribute to the program.

THE SAWDUST TRAIL

Each time the Department of Broadcast Advertising receives a letter from an NAB member station, calling attention to a per-inquiry offer, a sales letter is immediately written to the advertiser or advertising agency, urging the use of broadcast advertising on an ethical basis. Now and then such letters result in conversions. Here are two recent examples:

From Arthur M. Holland of the Malcolm Howard Advertising Agency, 20 E. Jackson Blvd., Chicago, Ill.:

"May we state that at no time has this agency ever placed any advertising with ANY radio station anywhere in the United States on a 'per-inquiry' basis, and this one instance where such an attempt was made, was done without the authorization of anyone in authority.

"We hope this will clear up our position with regard to the subject in question."

From Michael F. Ellis of the Ellis Advertising Company, Buffalo, N. Y.:

"I promise never again to deviate from the straight and narrow path under pain of being deprived on my nationally known non de plume of Ethical Ellis . . .

"Seriously, thank you for bringing this to our attention. It's all over now and won't occur again."

HELLO, SUCKER!

For complete frankness on the purpose of per-inquiry offers, the following excerpt from a letter received within the last few days deserves first prize and a place in your memory:

"We did not originate the idea of making radio commitments on a per inquiry basis. As a matter of fact, we were approached by two out-of-town stations, through their representatives, who solicited contracts on that basis. Since we felt that some of the smaller stations, whose facilities we would not use on any other basis, might be willing to enter into a similar arrangement, we proceeded to suggest same in a letter to them. Frankly, we did not expect any large station to enter into the arrangement, and surely there could be nothing wrong in offering the deal to anyone who wished to take it on.

"For your information, we are also buying time for . . . in the regular way on larger stations in major cities, and shall continue to do so so long as radio pays out."

THE STATION VIEWPOINT

Having preached against per-inquiry business times without number, this column is herewith turned over to Robert T. Mason, President of WMRN, Marion, Ohio:

"We have steadfastly refused to accept any PI business. I maintain that when we go into direct mail merchandising I'll buy my own merchandise and sell it, but while I am selling radio advertising I am going to stick to that business. When radio advertising reaches the point where it can't stand on its own feet as a merchandising medium I'll give serious thought to opening up a mail order house myself.

"I don't believe that radio will ever get its share of department store advertising and retail store advertising until we have out-grown, as did the newspapers, the era of cut rates and shady deals. It can be done because we've done it and I would like to see some of the other stations likewise clean up their operation."

Thanks, Bob, that tells the story perfectly.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, April 26th. They are subject to change.

Monday, April 26

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—C. P., **630 kc.**, 1 KW, unlimited, DA-day and night.

Thursday, April 29

WJRM—Allegheny Broadcasting Corporation, Elkins, W. Va.—Mod. of C. P., **1240 kc.**, 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WPTZ—Philco Radio and Television Corp., Philadelphia, Pa.—Granted license (B2-LCT-5) to cover construction permit in part for commercial television broadcast station, on condition that licensee will take steps to comply fully with the rules, regulations and standards of the Commission when materials and personnel become available or when required by the Commission to do so. Also granted modification of Construction permit (B2-MPCT-20) to extend completion date to June 1, 1943.

Balaban & Katz Corp., Chicago, Ill.—Granted construction permit (B4-PVB-94) for new experimental television broadcast station using facilities of commercial television station WBKC, to operate on Channel No. 2 **(60000-66000 kc.)**, power 4 KW. (peak) visual and 2 KW. aural, A5 and special for FM (aural) emission.

LICENSE RENEWALS AND EXTENSIONS

The following stations were granted renewal of license for the period ending May 1, 1944:

W45V, Evansville on the Air, Inc.; W47NV, The National Life and Accident Ins. Co.; W47P, WWSW, Inc.; W49FW, Westinghouse Radio Stations, Inc.; W51C, Zenith Radio Corp.; W51R, Stromberg-Carlson Tel. Mfg. Co.; W53H, The Travelers Broadcasting Service Corp.; W53PH, WFIL Broadcasting Co.; W55M, The Journal Co. (The Milwaukee Journal).

W5XAU—WKY Radiophone Co., Oklahoma City, Okla.—Present license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending June 1, 1943.

W9XLA—KLZ Broadcasting Co., Denver, Colo.—Present license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending June 1, 1943.

W45BR—Baton Rouge Broadcasting Co. Inc., Baton Rouge, La.—Present license extended upon a temporary basis only, pending receipt of and action on application for renewal, for the period ending June 1, 1943.

The following stations were granted renewal of license for the period ending May 1, 1944:

WBOE, Cleveland, Ohio; WIUC, Urbana, Ill; WNYE, Brooklyn, N. Y.

KALW—Board of Education of the San Francisco Unified School Dist., San Francisco, Cal.—Present license extended upon a temporary basis only, pending action upon application for renewal of license, for the period ending June 1, 1943.

WBKY—University of Kentucky, Beattyville, Ky.—Present license extended upon a temporary basis only, pending action upon application for renewal of license, for the period ending June 1, 1943.

W10XF—National Broadcasting Co. Inc. (Portable)—Granted renewal of license for the period ending May 1, 1944.

W10XR—National Broadcasting Co. Inc. (Portable or Portable Mobile)—Granted renewal of license for the period ending May 1, 1944.

W3XDD, W3XPY—Bell Telephone Labs. Inc., Whippany, N. J.—Present licenses extended upon a temporary basis only, pending receipt of and action upon applications for renewal, for the period ending June 1, 1943.

W9XER—Midland Broadcasting Co., Kansas City, Mo.—Present license extended upon a temporary basis only, pending action upon application for renewal of license, for the period ending June 1, 1943.

W9XUI—State University of Iowa, Iowa City, Iowa.—Granted renewal of experimental television broadcast station license for the period ending February 1, 1944.

W3XO—Jansky & Bailey, Washington, D. C.—Granted license (B1-LEB-5) for Temporary Class 2 Experimental Broadcast station, for the period ending April 1, 1944, said license to conform to that of W3XO dated March 12, 1940.

W9XYH—Head of the Lakes Broadcasting Co., Duluth, Minn.—Granted license (B4-LEB-4), for temporary Class 2 Experimental station, for the period ending April 1, 1944, said license to conform to that of W9XYH dated May 6, 1940.

W8XFM—The Crosley Corp., Cincinnati, Ohio.—Granted license (B2-LEB-3) for temporary Class 2 Experimental broadcast station, for the period ending April 1, 1944, said license to conform to that of W8XFM dated November 28, 1940.

W2XWG—National Broadcasting Co. Inc., New York City.—Granted license (B1-LEB-1) for temporary Class 2 Experimental broadcast station, for the period ending April 1, 1944, said license to conform to that of W2XWG, dated January 24, 1940, except frequency **45100 kc.,** (in accordance with present operation).

W9XBT—Balaban and Katz Corp., Chicago, Ill.—Present experimental television broadcast station license further extended upon a temporary basis, for the period ending June 1, 1943, pending determination upon application for renewal of license.

W2XBD—General Electric Co., Schenectady, N. Y.—Granted renewal of license for the period ending April 1, 1944.

W8XUM—WBNS, Inc., Columbus, Ohio.—Granted renewal of license for the period ending March 1, 1944.

W9XWT—Courier-Journal and Louisville Times Co., Louisville, Ky.—Granted renewal of license for the period ending March 1, 1944.

W2XWE—WOKO, Inc., Albany, N. Y.—Present license further extended upon a temporary basis only, pending receipt of and action on application for renewal, for the period ending June 1, 1943.

MISCELLANEOUS

WORK—York Broadcasting Co., York, Pa.—Granted modification of construction permit, as modified, which authorized installation of directional antenna for night use, for extension of completion date from March 18 to June 18, 1943 (B2-MP-1709).

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Granted license to cover construction permit as modified, for increase in power and installation of directional antenna for night use (B2-L-1730), granted authority to determine operating power by direct measurement of antenna power (B2-Z-1472).

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Granted license to cover construction permit as modified, for increase in power and installation of directional antenna for night use (B3-L-1757), granted authority to determine operating power by direct measurement of antenna power (B3-Z-1506).

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted license to cover construction permit as modified, for increase in power, change hours of operation, and install new transmitter and directional antenna for night use (B3-L-1760); granted authority to determine operating power by direct measurement of antenna power (B3-Z-1511).

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-1502).

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-1509).

Upon consideration of the petition of Massachusetts Broadcasting Corp. (WCOP), Boston, Mass., for an order to take depositions in the matter of petitioner's application for renewal of license (Docket No. 6476), and the motion by petitioner for continuance of the hearing scheduled for May 17, 1943 in this matter, *granted* the motion for continuance, and *directed* that the hearing in this matter be continued to June 16, 1943. Action upon the petition to take depositions was passed over to the Motions Docket to be held on May 12, 1943.

West Allis Broadcasting Co. Inc., West Allis, Wisc.—Adopted order denying petition for reconsideration directed against the Order of the Commission of January 4, 1943, adopting as final the Proposed Findings of Fact and Conclusions (B-157), denying application for construction permit for a new station.

KOBH—Black Hills Broadcast Co., Rapid City, S. Dak.—Adopted order (1) denying applicant's motion for grant of construction permit to install new transmitting equipment, change transmitter location, install directional antenna system for night use, and change operating assignment from **1400** to **610 kc.,** and power from 250 watts to 5 KW; (2) designated application for further hearing upon additional issues, and further ordered that the petition of WDAF, Kansas City Star Company, be granted insofar as it requests leave to intervene in the hearing.

WHAM—M and M Broadcasting Company, Marinette, Wisc.—Adopted order denying petition for reconsideration of the Commission's action of December 15, 1942, designating for hearing application for modification of license to increase power to include nighttime operation with 100 watts, and to grant same without hearing.

KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—Granted motion for continuance of hearing on application for modification of license to operate on **860 kc.,** 500 watts night, 5 KW day, unlimited time, now scheduled for May 3, 1943, hearing continued for 30 days, to June 3, 1943 (Docket 6493).

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted petition for postponement of hearing on application for construction permit to operate on **630 kc.,** 1 KW, unlimited time, directional antenna day and night, now scheduled for April 26; continued for 60 days, to June 28, 1943 (Docket 6304).

WHKC—United Broadcasting Co., Columbus, Ohio.; KXOK—Star-Times Publishing Co., St. Louis, Mo.; WMAL—Evening Star Broadcasting Co., Washington, D. C.—Granted petitions to intervene in the hearing on WLAP (above).

WKRC—The Cincinnati Times-Star Co., Cincinnati, Ohio.—Denied petition to intervene in the hearing on WLAP (above); Attorney for applicant noted an exception to the denial.

APPLICATIONS FILED AT FCC

560 Kilocycles

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Modification of construction permit (B4-P-2827 as modified, for change in hours, directional antenna for night use and move of transmitter) for extension of completion date from 5-18-43 to 11-18-43.

600 Kilocycles

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—License to cover construction permit (B3-P-2814) as modified for new equipment and directional antenna for day and night use, change frequency, increase power and move of transmitter.

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Authority to determine operating power by direct measurement.

680 Kilocycles

WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Involuntary transfer of control of licensee corporation from Alexander H. Rogers, deceased, to Irving E. Rogers, Harold B. Morrill & National Shawmut Bank of Boston, co-executors under the will of Alexander H. Rogers, deceased (501 shares common stock).

1010 Kilocycles

NEW—Baylor University and Carr P. Collins, Corpus Christi, Texas.—Construction permit for new station to be operated on **1010 kc.,** 50 KW power, unlimited time, employing directional antenna day and night. Amended to change name from Baylor University *to* Baylor University and Carr P. Collins, change hours from unlimited *to* Day to Sunset at Little Rock, Ark.

1290 Kilocycles

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—License to cover construction permit (B2-P-3514) for installation of new sampling loops.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio— Authority to determine operating power by direct measurement.

1340 Kilocycles

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Florida.—Voluntary assignment of license to Capital City Broadcasting Corporation.

1450 Kilocycles

WCHV—Charles Barham, Jr. and Emmalou W. Barham d/b as Barham & Barham, Charlottesville, Va.—Authority to determine operating power by direct measurement.

1490 Kilocycles

KRNR—News-Review Co., Roseburg, Ore.—Modification of license to increase power from 100 watts night, 250 watts day to 250 watts day and night.

FM Application

W75C—The Moody Bible Institute of Chicago, Chicago, Ill.—License to cover construction permit (B4-PH-5 as modified for new High Frequency Broadcast Station) *in part.*

Miscellaneous Application

NEW—Roy C. Kelley, Grand Rapids, Mich.—Authority to transmit programs to Station CKLW, Windsor, Ontario, Canada, from Grand Rapids, Mich.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Basic Foods, Inc., and Curtis Howe Springer, its president, also trading as Dr. Springer and Dr. Curtis Howe Springer Foundation, Inc., 2226 North New Hampshire Ave., Hollywood, Calif., manufacturing and distributing a line of products described as health foods, are charged in a complaint with misrepresentation. (4941)

Colonial Alloys Company has been issued a complaint charging three Philadelphia individuals, engaged in the sale of "Colalloy," with various misrepresentations which have enabled them to sell substantial quantities of their products to manufacturers and contractors performing war work.

The complaint is directed against Samuel L. Cohn, also known as Pat Casey; Charles C. Cohn, also known as Charles Cahn, and Edward Engel. The Cohns are copartners trading under the fictitious names Colonial Alloys Co., Colonial Stove Co. and Base Products Co. Engel is associated with them as chief engineer and metallurgist of Colonial Alloys Co.

The respondents, whose place of business is at 2154 East Somerset St., Philadelphia, purchase aluminum and aluminum alloys from recognized fabricators or jobbers and subject it to a so-called "electron-izing" treatment which merely consists of placing it in a chemical bath through which an electric current is passed, the process requiring from three to nine minutes. The "electron-ized" product is sold under the name "Colalloy" and advertised extensively as being superior in many respects to aluminum alloys of comparable composition. (4943)

Domestic Diathermy Co., 251 West 57th St., New York, selling and distributing a device designated "Domestic Short-Wave Diathermy," is charged in a complaint with false advertising and misrepresentation. (4942)

McFadden 3 Sisters Springs, selling and distributing mineral waters under the name "McFadden 3 Sisters Springs," is charged in a complaint with misrepresentation. (4940)

Superbilt Manufacturing Company—Misrepresentation of the retail price of Superest mattresses and matching box springs is alleged in a complaint issued against Superbilt Manufacturing Co., Inc., 2511 N. E. Holladay St., Portland, Oreg. (4944)

Winterrine Manufacturing Co., 105 Wazee Market, Denver, Colo., is charged in a complaint with misrepresentation in connection with the sale of a so-called antifreeze solution designated "Antarctic," recommended for use in the cooling system of automobiles and other combustion type engines. (4945)

CEASE AND DESIST ORDERS

No cease and desist orders were issued by the Commission last week.

STIPULATIONS

The Commission issued no stipulations last week.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON, D. C. Vol. 11, No. 18, April 30, 1943

The President

This has been an eventful year for broadcasters—a year full of uncertainties, but also, it has been a year of achievement.

In making this Report, I shall not attempt to survey the whole field of radio, but rather to report briefly upon the major activities of your Association, since our Convention in Cleveland last year. For detailed information concerning the activities of the various departments, I commend to you the reports of the members of the NAB Staff. A reading of them will not only give you an overall picture of the activities of your Association, but I am sure by so doing you will absorb much information which will be of value. Also, as you become better acquainted with the work of our Staff, you undoubtedly will make greater use of the services offered.

War Activity Our First Endeavor

Our first endeavor at all times during the past year has been to assist in the prosecution of the war. We have kept the public the best informed people in the world; we have recruited for the Army, Navy, Marine Corps, WAACS and WAVES; we have sold bonds for the Treasury; we have helped collect the scrap and save the fat; we have established schools to train radio technicians; have served on government and industry committees; in short, have served the government and the community in many and various ways—it truly has been a year of public service.

Listening has been up and, realizing the great importance of maintaining the largest possible listening audience, program policies and techniques have received constant study and attention. We have worked in close cooperation with the Office of War Information in perfecting plans for the carrying of government announcements, and with the Advertising Council to the end that broadcasting has cooperated with other media in rendering to the government the greatest possible service through advertising.

Manpower and Material Problems

Although business on the great majority of stations has continued good, radio has faced many serious problems, the manpower problem being the most serious. Due to the fact that this is a technical war, and that radio is playing an ever increasing part, trained technicians and personnel with practical broadcasting experience have been in great demand.

The industry is proud of the large number of executives it has furnished to the staffs of the radio branches of the public relations offices of the Army and Navy, and of the many government agencies and departments; proud of the technical experts furnished to carry on experimental work and the technicians supplied to perform much useful service in so many various war activities. Early realizing the need for trained personnel, the industry took the lead in setting up training courses which have furnished a large number of technicians, not only for radio, but for many other services.

Broadcasting was early declared an essential industry, and has been included on every list of essential industries published by Selective Service and the War Manpower Commission. However, broadcasting is relatively a young industry with the personnel still composed of young men and, therefore, the demands of the armed forces cut deeply into our ranks. The NAB has worked in close cooperation with Selective Service and the War Manpower Commission and is appreciative of the sympathetic and understanding treatment which our problems have received at all times. Due to the extensive training program which has been carried on and to the ever increasing use of women, many crises have been avoided, but the manpower problem continues to be our most serious problem.

Next in importance to the manpower problem has been the material problem. The NAB has worked closely with the WPB at all times and due to the especially splendid work of the WPB, tubes and other material necessary for station operation have been available. The NAB also has made extensive surveys to locate all available material, has established a "Swap Bulletin" and has tried in every way to make the best possible use of such material. It has required eternal vigilance to guard against the many threats to the maintenance of the listening audience. Recently, a serious shortage in batteries for home sets developed along with a shortage of tubes for receiving sets. In both these instances, we have received the most helpful cooperation from the WPB and solutions are being worked out.

Freedom of Radio Important

Sincerely believing that the freedom of democracy is linked to the freedom of radio, we have at all times been on our guard against attacks threatening radio's freedom. Too well do we all know that man does not lose his freedom by one act of government—that the greatest danger is from indirect and disguised attacks.

Radio to be free must be able to pay its way. Advertising has proved to be an efficient tool of business. Attacks on advertising are attacks on the freedom of radio and as such we have opposed them.

We all realize that war times require restrictions which must be endured for the successful conduct of the war. However, it has well been said: "Eternal vigilance is the price of liberty," and such has been our policy lest restrictions placed on radio under war conditions should in the end shackle radio in its great task when the present conflict ends.

Legislation

On the legislative front there has been great activity. Last summer the House of Representatives held extensive hearings on the Sanders Bill. Your President testified at this hearing, and recommended, on behalf of the industry, certain amendments to the Communications Act. A bill similar to the Sanders Bill has been introduced again in the House by Representative Holmes, and Senators Wheeler and White have introduced in the Senate a bill containing many similar provisions. Hearings on this bill have been set for May 6th.

It is my belief that a revision of the Communications Act is greatly needed, and that such a revision should be a goal towards which we should work with all diligence.

A. F. of M. Ban

As usual there has been much activity on the music front, although this time from a different direction. Without previous demands or negotiations, James Caesar Petrillo, President of the A. F. of M., placed a ban on all recordings made by members of the A. F. of M. This ban has been extremely detrimental to the war effort. Not only has it prevented a supply of newly recorded music for home use, but it has stopped the supply of music for recreational centers, for members of the armed forces and, in addition, it has prevented all recordings by symphonic orchestras and dried up the composition and supply of music from many sources.

In short, at the most critical period in our nation's history, Mr. Petrillo, merely to maintain his control in his own union, has deprived this nation of a large supply of music.

The NAB is proud that, with the united backing of the industry, it has fought this dictatorial display of power. We believe that by so doing we are rendering a real service not only to radio, but to the entire field of music, and that we shall be successful.

The Code and Programming

With the outbreak of the war, the Code Committee became actively engaged with problems created by the war. It has continued that activity. A development of interest has been the adoption of a Code by the Canadian Association of Broadcasters, many provisions of which are similar to the provisions of the NAB Code.

Believing that good programming is the basis of all broadcasting, we have appointed recently a Program Managers Committee for the purpose of developing a program of activity for the program managers. This activity has received the enthusiastic approval of the industry and we believe it will prove very beneficial.

Retail Promotion Plan

The Board of Directors, at Cleveland last year, approved in principle the Retail Promotion Plan and, under the leadership of Paul W. Morency, Director of District #1, and Lewis H. Avery, Director of the Bureau of Broadcast Advertising, this Plan has been presented to the industry and has received enthusiastic support. It is confidently expected that at this Conference, the remaining support necessary to insure the success of the Plan will be forthcoming.

The success of this Plan is of great importance to the industry. If it succeeds, other plans similar in character will follow.

Public Relations

Willard Egolf, of KVOO, Tulsa, recently was appointed Assistant to the President and will devote a large portion of his time to the public relations activities of the NAB. Associated with him is Walt Dennis, also formerly of KVOO, who has been appointed Chief of the NAB News Bureau. With these additions to our Staff, we shall have an increased tempo in our public relations activities.

Mrs. Dorothy Lewis, our Coordinator of Listener Activity, has continued her trips and her work with the Radio Councils, which have proved very beneficial.

We have also worked in close cooperation with many religious and educational groups. Your President is serving on the Federal Radio Education Committee. Other members of the Staff are taking an active part in various conferences.

District Meeting and Membership

Representatives of the Office of Censorship, OWI, OCD, WPB, WMC, Selective Service, Army, Navy, Marine Corps, Treasury, attended the series of District Meetings held last Fall and discussed with representatives of 446 stations the various problems which had arisen in connection with the war. The meetings were very successful and again proved the value of District Meetings.

The membership during the year remains about constant, there being 524 members on April 1, 1943, as compared with 525 as of May 1, 1942. As a result of the change of the By-Laws providing for network membership, CBS and NBC joined as network members. We hope that the Blue Network and Mutual will follow their example.

Committees

As is normal in trade association work, much of NAB's work was performed by industry committees. The work performed by these committees was extremely helpful and, on behalf of the entire industry, we wish to express to these committeemen our sincere appreciation for the time and energy which they so generously gave to the work of the Association. Their services were a real contribution to the industry.

NAB's New Home

For some time we have hoped that eventually the NAB could have a permanent home. Therefore, last December when the Normandy Building, where the NAB offices had been located for four years, was taken over by the government, our dream came true by the purchase of the building at 1760 N Street, N. W., which has provided very suitable offices for our Staff. Upon its walls we are hanging pictures of past Presidents, past Boards of Directors, group pictures of past Conventions and Meetings and other pictures connected with radio history. We extend to all our members a cordial invitation to make the NAB Offices your headquarters while in Washington.

The NAB Staff

There have been several changes in the Staff during the year. Frank E. Pellegrin, formerly our Director of the Department of Broadcast Advertising, last Summer was commissioned a Captain in the Army and assigned to the War Department Radio Branch, Public Relations Division, under Lieut. Col. Edward M. Kirby, who was formerly our Director of Public Relations. Lynne Smeby, formerly our Director of Engineering, accepted a position with the War Department as a civilian Consultant Engineer.

These vacancies were filled by the appointment of Lewis H. Avery as Director of the Department of Broadcast Advertising and Howard Frazier as Director of Engineering. Willard Egolf was appointed Assistant to the President, assuming the duties formerly performed by Lieut. Colonel Kirby, and Walt Dennis was appointed Chief of the NAB News Bureau. We believe the NAB has been extremely fortunate in securing the services of these men as members of our Staff.

Post War Activity

It is to be hoped that by the time we meet again next year this world conflict may be over. But with the armed conflict over, radio will face its greatest test and its most promising opportunity. For the first time in the history of the world the microphone will be at the peace table and with it there public opinion will play an even more important part than ever before. The war, which will have been fought and won by armed might on the land, on the sea and in the air, must again be fought and won in the minds of men and there the conflict will be most severe; there we must fight for a mutual understanding between ourselves and our defeated enemies—if we hope for any lasting peace. Radio more than any other force is most capable of rendering service to mankind in this conflict—a service which will be in every sense a true public service.

We in radio have a great mission, not only for ourselves, but for mankind. Another opportunity like this one will not come for many generations. May we realize it and put our faith and effort in doing the job which lies ahead of us.

Respectfully submitted,

Neville Miller,
President.

Secretary-Treasurer's Office

The eleven and one half months since the Cleveland Convention have been busy and in some respects trying ones for the executive, administrative and clerical staffs at NAB. Operating in Wartime Washington, overcrowded in both office space and living accommodations, has not made our lot an entirely pleasant one.

RESIGNATIONS

Three resignations from our Administrative Staff have occurred. Ed Kirby, Public Relations Director from 1938, who had been on loan throughout 1941 to the War Department, resigned to accept a Lieutenant Colonelcy. He continues his work as Chief of the Radio Branch of the War Department's Bureau of Public Relations. Shortly thereafter Lynne Smeby took leave to assume a highly important and confidential role in a civilian capacity with the Signal Corps. In the latter part of June Frank Pellegrin who joined the staff in April 1941 as Director of the Department of Broadcast Advertising, became Captain Pellegrin, AUS. He is now Administrative Assistant to Colonel Kirby at the War Department.

REPLACEMENT

Replacing these experienced and capable staff executives presented a problem of major proportions. We have, however, been extremely fortunate in recruiting from the ranks of the industry worthy successors for each of them. Willard Egolf, with the title of Assistant to the President, takes over the work formerly performed by Colonel Kirby with some additional duties in the fields of legislative contacts and press relations. With eleven years of practical experience as a broadcaster, a legal education and a broad background of dealing with civic and political matters, Egolf comes to his new duties well equipped. He has been provided with an experienced press relations man in the person of Walt Dennis, now Chief of NAB's Press Bureau.

To take up the task where Captain Pellegrin left off Lewis H. Avery was chosen. Seventeen years of active association with every phase of the commercial aspects of radio ably qualify him to carry on as head of the Department of Broadcast Advertising. Howard S. Frazier, named as Smeby's successor, is a veteran radio engineer whose experience spans the whole life of broadcasting. The industry is fortunate to secure the services of these men and NAB will continue to render a high quality of service through these as well as other departments.

CLERICAL STAFF LOYAL

In the face of tempting offers in government employment our clerical staff has remained 100 per cent loyal. Not a stenographer or clerk has been lured by the higher salaries offered in many of the government offices. For this we are sincerely grateful to them. One of our messengers, George Many, joined the Army in the Fall and is now serving in the Aviation Corps. Charles Dodge, who had been on the clerical staff as a messenger and a clerk in the Research Department, is now an Army Flying Cadet.

ORDERED TO MOVE

Near tragedy struck when in early November we were notified that the Reconstruction Finance Corporation had taken over the Normandy Building in which our headquarters were located. We were ordered to move within thirty days. Space in Washington office buildings, especially in the dimensions required, was non-existent. The Finance Committee, cooperating with the Secretary-Treasurer, received Board approval by a mail referendum to purchase the property at 1760 N Street, Northwest. This is a fine appearing, substantial building which lends itself admirably to our use. Some remodeling and repair work has been done; we are settled in our new home and what looked like a tragedy has really proven a blessing in disguise. Our new quarters are more efficient than our old ones and a material reduction in overhead operating expense has been accomplished.

WAR WORK

In common with the radio industry which it serves NAB has dedicated itself to an all-out war effort. The government agencies charged primarily with the many activities incident to wartime operation and civilian morale have leaned heavily upon us for consultation and advice. The managements of radio stations likewise turn to us for assistance in many of their problems. The NAB staff has kept abreast of these ever-growing demands. In the reports of the several departments will be found information as to the detail of this work. We feel that we can say with becoming modesty that the NAB staff has established and is maintaining with all of the essential war agencies contacts based upon respect and confidence. We are prepared to serve the membership in the effective discharge of their wartime responsibilities and in meeting the many operating problems which beset them.

NEW YORK OFFICE

To more effectively care for the interests of the industry in meeting the challenge presented by the A. F. of M. recording ban NAB established a branch office at 535 5th Avenue, New York. Serving primarily as headquarters for our Legal and Public Relations Counsel in the Petrillo matter it is also used as headquarters for the Retail Promotion Committee and Mrs. Dorothy Lewis, NAB Coordinator of Listener Activity.

PERSONNEL

The complete roster of NAB employees follows:

Executive Staff:

Neville Miller, President. C. E. Arney, Jr., Secretary-Treasurer.

Administrative Staff:

Lewis H. Avery, Director, Broadcast Advertising.
Walt Dennis, Chief, News Bureau.
Willard Egolf, Assistant to the President.
Howard S. Frazier, Director of Engineering.
Joseph L. Miller, Director, Labor Relations.
Paul F. Peter, Director of Research.
Russell P. Place, Counsel.
Everett E. Revercomb, Auditor.
Helen H. Schaefer, Research Assistant.
Arthur Stringer, Director, Promotion and Circulation.

Secretarial, Clerical and Part Time:

Ella P. Nelson, Secretary.
Mildred M. Ramsay, Secretary.
Geraldine Finnegan, Stenographer.
Jane A. Fry, Stenographer.
Loretta J. Kealy, Stenographer.
Hester M. Love, Stenographer.
Helen J. Morris, Stenographer.
Grace H. Walsh, Stenographer.
Cordelia O. Paquet, Typist.
Maisie Swartwout, Switchboard Operator.
Mary G. Lucas, File Clerk.
Kathryn Donahue, Bookkeeper.
George C. Stuart, Clerk and Messenger.
Elliott Irving, Clerk and Messenger.
Lynne Lamm, Reporter.
Wesley Hayes, Janitor.

New York Office:

Carl Haverlin (part time), Supervisor.
Dorothy Lewis, Coordinator, Listener Activities.
Constance Mendel, Stenographer.
Marjorie Kryske, Stenographer.

MEMBERSHIP

On April 15, 1943, the membership of the National Association of Broadcasters stands at 524, composed of 505 active members and 19 associate members. The following tables show detailed analyses of the membership:

NAB Membership by Dues Classification

	NAB Members	
Class	*May 1, 1942*	*April 15, 1943*
A	94	76
B	67	70
C	84	93
D	47	51
E	58	56
F	28	33
G	28	30
H	30	24
I	22	19
J	9	16
K	11	7
L	5	8
M	6	4
N	3	3
O	7	7
P	6	7
Q	1	1
R	0	0

(Continued on page 186)

(Continued from page 185)

Class	NAB Members *May 1, 1942*	 *April 15, 1943*
S	0	0
T	0	0
U	0	0
V	0	2
W	0	0
X	0	0
Associate	19	19
Total	525	526

NAB Membership by NAB Districts

District	*NAB Members* *May 1, 1942*	 *April 15, 1943*
1	41	34
2	34	34
3	27	27
4	54	54
5	47	49
6	30	37
7	22	25
8	21	20
9	25	23
10	34	35
11	25	21
12	19	19
13	23	20
14	23	21
15	21	25
16	23	24
17	31	33
FM	6	4
Networks	0	2
Associate	19	19
Total	525	526

NAB Membership by Network Affiliation as of April 15, 1943

			NAB Member	*Percent Membership*
Total Network Affiliates		560	372	66.4%
Blue	124		82	66.1%
CBS	121		95	78.5%
MBS	207		109	52.7%
NBC	140		105	75.0%
Less Duplicates*	—32		—19	
Independents		353	129	36.5%
Total Standard Broadcast		913	501	54.9%
High Frequency Educational			1	
Frequency Modulation			3	
Networks			2	
Associate Members			19	
Total NAB Membership			526	

* Duplicates:

Blue and MBS	13	9	NAB members
Blue and NBC	5	2	" "
CBS and MBS	4	3	" "
NBC and MBS	10	5	" "

FINANCIAL

As in past years, the books and records of NAB have been audited by independent certified public accountants and a copy of their report has been sent each NAB Director. There follows a statement of income and expense for the year ending March 31, 1943.

NATIONAL ASSOCIATION OF BROADCASTERS

Statement of Income and Expenses

For the Period, April 1, 1942, to March 31, 1943

Cash on Hand, April 1, 1942 (As reported at 1942 Convention)	$ 59,929.87	
Less: Accounts Payable, March 31, 1942	5,118.90	$ 54,810.97
Income		
Receipts from All Sources		$315,628.55
Expenses		
Advertising Council	$ 2,500.00	
Annual Convention	4,014.76	
Board of Directors Meetings	11,542.91	
Building Expense	1,041.29	
Committee Expenses	20,691.74	
Dues and Publications	1,462.05	
Furniture and Fixtures	1,974.71	
Legal and Accounting Fees	6,225.00	
Land and Building	33,554.15	
Listener Activities	6,037.43	
Miscellaneous	16,121.89	
Musicians Controversy	54,224.01	
NAB Reports	12,300.92	
Office Supplies	2,595.92	
Postage	3,231.73	
President's Expenses	1,763.36	
Printing	9,168.23	
Rent	6,846.66	
Salaries	122,548.84	
Taxes	3,432.50	
Tax Fees	7,221.33	
Telephone and Telegraph	3,629.93	
Travel	10,946.36	
		343,075.72
		27,363.80
Add: Accounts Payable, March 31, 1943		9,634.69
Cash on Hand, March 31, 1943		$ 36,998.49

Respectfully submitted,

C. E. Arney, Jr.,
Secretary Treasurer.

Assistant to the President

The office of Assistant to the President of NAB has been given a new definition. Government contacts and general administrative duties have been added to the primary responsibility of public relations. The new post was filled on March 1, 1943, by Willard D. Egolf, pursuant to the preparation of a Public Relations Plan by a special committee and its adoption by the Board.

In accordance with a resolution adopted at the July meeting of the Board, President Miller appointed a Committee consisting of himself as Chairman; Walter J. Brown, WSPA-WORD, Spartanburg, South Carolina;

Frank King, WMBR, Jacksonville, Florida; Leslie W. Joy, KYW, Philadelphia, Pennsylvania; Gilmore Nunn, WLAP, Lexington, Kentucky; Richard H. Mason, WPTF, Raleigh, North Carolina; and Edgar H. Twamley, WBEN, Buffalo, New York.

The Committee met at NAB Headquarters on September 11, 1942, with the following present: Neville Miller, Frank King, Gilmore Nunn, Richard H. Mason and Edgar H. Twamley, with C. E. Arney, Jr., acting as Secretary.

The past public relations activities of NAB were reviewed and discussed and the objects and purposes were outlined.

RECOMMENDATIONS

Detailed recommendations covering the establishment of more intimate relations with various trade groups, such as ANA, AAAA, RAM, AFA, NRDGA, ANPA, the Better Business Bureau and other organizations having many interests similar to those of NAB, were suggested.

In the field of women's groups, the work of Mrs. Dorothy Lewis, Coordinator of Listener Activity, was considered, and the Committee felt that this work should be continued and expanded. Active contacts should be established through Mrs. Lewis with the heads of all national women's organizations. Volunteer workers in various areas should be enlisted to assist in organizing councils and listener groups.

Selected broadcasters capable of interpreting radio's story and problems should be encouraged to appear before groups of various kinds at conventions and other meetings. Basic data should be furnished by NAB. This cooperation should extend to local broadcasters appearing before Rotary and other civic clubs.

The value of contacts with educational and religious groups was emphasized as highly important and worth steady development.

Labor problems should remain under the exclusive province of the Director of Labor Relations, consistent with NAB public relations policies. Preparation of material on political and legislative problems of the industry was defined as an important service to broadcasters.

METHODS

Adroit use of radio's facilities in telling its own story was recommended with both network shows and local programs, including transcriptions. Other media were given equal importance, including speeches, printed material and articles in both trade and consumer magazines.

PROJECTS

Under this heading, continuing effort was requested in compiling a statistical record of radio's service in the war and publicizing this record most effectively. This should be paralleled by a study of regular public service features such as agricultural, religious, educational and cultural.

VIGILANCE

General vigilance was urged, on behalf of radio as an instrument of public service without equal in America, frequently misunderstood, sometimes maligned and seldom given full credit for its contribution to the cause of a free people.

The Committee concluded by recommending that someone should be engaged to handle these activities and work begun at the earliest possible date.

ACTION ON REPORT

Acting upon the special Committee's report, the NAB Board of Directors, at the October 12-13 meeting in Chicago, authorized President Neville Miller to appoint a sub-committee to assist him in the selection of a proper person not only to direct public relations but to participate in the maintenance of government contacts and handle some of the general administrative problems.

A sub-committee was appointed, consisting of Edgar Bill, WMBD, Peoria, Illinois; James W. Woodruff, Jr., WRBL, Columbus, Georgia; and Engene O'Fallon, KFEL, Denver, Colorado.

This sub-committee met with President Miller for two days in Washington and later, interviewing candidates, for a day in Chicago, Illinois. Eligible men inside and outside of radio were considered. Thorough investigation and personal interviews resulted in the unanimous choice of Willard D. Egolf, then in his eleventh year as Commercial Manager of KVOO, Tulsa, Oklahoma. In addition, he was a graduate of the University of Oklahoma School of Law and member of the Oklahoma Bar Association.

Egolf joined NAB in Washington on March 1, 1943, and immediately organized the NAB News Bureau, placing at its head Walt Dennis, magazine writer and newspaper man of ten years' experience, with two and a half years' radio background as Promotion Manager at KVOO. Dennis makes the following report of News Bureau activities since March 1:

"POLICY AND OBJECTIVE: To insure radio fair and impartial treatment in the news. Vigilance is maintained over the sources of all news pertaining to the radio industry. This bureau is established to provide wire services, correspondents and radio news editors with news and statements reflecting the attitudes and policies of the broadcasting industry.

SUBSIDIARY DUTIES: Act as an information center; edit publications issued by NAB; write original articles on phases of the radio industry and NAB activities.

Since assuming the duties of this office March 1, 1943, I have made the following organization contacts through key personnel, mostly by personal calls:

1. New York and Washington staff personnel of the leading trade papers.
2. Staff executives of New York and Washington press associations, including the radio wire editors.
3. New York newspaper radio editors, including *Time* magazine.
4. Government and military press, radio and technical information personnel.
5. Radio network news editors, New York, Washington and Chicago.
6. Pertinent miscellaneous source contacts in related and other industries, news services and organizations.

This list will continue to grow as rapidly as contacts can be made.

In addition to the above, numerous services have been rendered to station and associate members. Constant relations with key personnel of news organizations and radio news personnel will be maintained, as a functional activity of this Bureau."

PROGRESS

In the thirty-day period since March 1, other Public Relations activities have embraced the following:

Survey of radio personnel now in the Armed Forces.

A thorough study of the Radio Council Plan. Cooperation with the Association of Women Directors in the furtherance of their organization, including the preparation and printing of their first bulletin, "The Beam." Collaboration with Mrs. Dorothy Lewis on "A Handbook for Radio Chairmen" and cooperation in the handling of her tour of South and Southwestern cities. Issuance of the Luther Weaver speech, "How to Listen to the Radio."

Conferences with Dr. Frank C. Goodman, Executive Secretary of the Federal Council of Churches of Christ in America, and representatives of other religious and educational organizations in Washington and New York.

Preparation of material for NAB Reports. Analysis of NAB publications.

Meetings with Officers and Directors of the Advertising Federation of America, in New York.

Meeting with the Peabody Awards Committee in New York and handling of all news releases, followed by conference on plans for coming year.

Participation in the formation of the Program Managers' Executive Committee and assumption of duties as temporary Secretary for this Committee.

Plans for attendance at ANPA Conference in New York City April 20-22.

Participation in plans for the Ohio Conference of the Institute for Education by Radio, at Ohio State University, April 20, May 1-3.

Handling all NAB news releases, as well as publicity, statements and biographies regarding the NAB War Conference, April 27-29, in Chicago.

Listener Activity

The work of Mrs. Dorothy Lewis, Coordinator of Listener Activity for NAB, falls into several categories, as follows:

1. Contact is consistently maintained with national organizations, particularly women's groups, to provide service and suggestions in the use of radio time and to educate in proper listening habits and program evaluation.
2. Supervision of the Association of Women Directors of NAB, organized at the Cleveland NAB convention in 1942. This group is proceeding toward complete national organization with only four districts yet unorganized. A quarterly bulletin is published, first issue of which was released in April, 1943.
3. The development of radio councils throughout the country continues. Mrs. Lewis has traveled extensively within the past year, strengthening existing units and organizing new councils.
4. Children's programs and audience reactions to same are now thoroughly documented by the NAB, which has built up complete files and information on the subject through the Listener Activity division. This work continues unabated through contacts with educators, agencies handling the program, listener groups, surveys in schools, networks and other radio organizations and qualified individuals.
5. An important phase of the Listener Activity program is the personal contact with civic club and organization leaders as well as radio station personnel throughout the United States and Canada.
6. Several publications are under preparation by the Listener Activity department, including a radio handbook for radio chairmen of lay groups and civic organizations. Also proposed are pamphlets offering source material for radio talks and procedures for radio councils.
7. This department has compiled a list of approximately 150 speakers on radio subjects in the 17 NAB districts. These speakers are available for any talks before civic groups, schools, etc.

Principal objective of this department for 1943 is to continue the program of education of the listening audience with principal emphasis on program evaluation, to report on audience reactions and service to all those groups or individuals wishing aid in using radio, when such use is in the public interest.

Department of Broadcast Advertising

A review of the activities of the Department of Broadcast Advertising during the past year begins properly with a deserved tribute to Frank E. Pellegrin who, prior to his appointment as a Captain in the U. S. Army, served as Director from April 1, 1941, to July 3, 1942.

Perhaps the outstanding achievement of his regime was the publication of "A Manual of Radio Advertising," which shall stand long as a token to Captain Pellegrin's abilities and contributions to the broadcast advertising field.

This publication has been widely heralded as the first authoritative work of a practical nature on the application, principles and use of broadcast advertising. It is being widely used as a text in schools and universities.

Dozens of station managers and sales managers have reported how the NAB "Manual of Radio Advertising" had been used effectively to sell radio as a basic advertising medium. They repeatedly declared that with the fundamentals thus established in the advertiser's mind, it is relatively easier to interpret the station's local story.

Many specific sales have been reported in which the Manual has been given credit. Typical of comments was this statement of one station sales manager: "I know your 'Manual of Radio Advertising' made it possible for us to get this account on the air, so again we say—many thanks for the splendid job you have done!"

Not only did Captain Pellegrin conceive and publish this valuable work, but he also produced considerable other useful material as well as maintained constant contact with individual advertisers, advertising agencies and their associations.

During the period from July 3 to October 1, 1942, the Department was without a full-time director. Its activities at that time were planned and supervised by C. E. Arney, Jr., Secretary-Treasurer, while Miss Geraldine Finnegan, who had served as secretary for Captain Pellegrin, maintained the routine correspondence with radio stations, advertisers and advertising agencies. All requests for NAB Sales Helps were promptly filled so that NAB member stations were supplied with the day-to-day assistance which the Department is established to provide.

At the NAB Annual Convention in Cleveland, two resolutions were passed unanimously: one condemned the efforts of some organizations and movements outside the government to obtain the free use of broadcasting facilities; the other urged member stations to deny the use of their facilities to advertisers and advertising agencies seeking to place business on a contingent, guaranteed or per-inquiry basis. Copies of these resolutions have been mailed to all who attempted to infringe the standards of good business practice the industry thus sought to establish.

STANDARD CONTRACT FORMS: The Annual Report for 1942 stated that a new standard contract form had been negotiated with the AAAA and awaited approval of the NAB Board of Directors. Following this approval, two forms of the recommended contract were prepared: one for advertising agencies; the other for advertisers who do not employ advertising agencies. Mats of both forms were mailed to stations for convenience and economy in local printing. During the year an ever-increasing number of radio stations adopted the standard contract form to the benefit of advertisers, advertising agencies and stations.

WHAT RADIO BUYERS WANT TO KNOW: Through the generosity of Dr. Herman S. Hettinger, Associate Professor of Marketing, Wharton School of Finance and Commerce, University of Pennsylvania, a factual study of agency and advertiser desires in station research, together with some arresting and inescapable conclusions, was released to NAB member stations on July 1, 1942. Unfortunately, circumstances made it impossible to provide the desired follow-up of this material.

In order that broadcasting executives generally might be apprised of the facts customers want to know about radio stations before spending their money, a discussion of this publication was included on the agenda for the NAB District Meetings. That the industry is now aware of the significance of this study is clearly evident from the fact that more than 1500 copies have been distributed and the demand continues little abated.

SALES MANAGERS EXECUTIVE COMMITTEE: To bring the new Director up to date on the activities of the Sales Managers, immediately prior to his association with NAB, the Chairman of the Committee called a special two-day meeting in Chicago on September 23 and 24, 1942. Special thanks are due each of the following members of that Committee for his advice and assistance during the service of the present Director in the period covered by this report:

John M. Outler, Jr., Chairman, WSB, Atlanta, Georgia
Frank R. Bowes, WBZ, Boston, Massachusetts
Donald D. Davis, WHB, Kansas City, Missouri
Dietrich Dirks, KTRI, Sioux City, Iowa
George H. Frey, NBC, New York, N. Y.
Arthur Hull Hayes, CBS, New York, N. Y.
William Malo, WDRC, Hartford, Connecticut

DISTRICT MEETINGS: In company with President Neville Miller, the Director attended 18 meetings in the 17 NAB Districts, starting in Philadelphia on October 19, 1942, and concluding in Boston on December 10, 1942. For this series of District meetings, two booklets were prepared: one contained four charts on the growth of radio ownership and broadcast advertising, and four tabulations of the distinctive advantages of radio as an advertising medium; the other contained summaries of eight topics of discussion at the sales meetings held in conjunction with these District meetings.

In some Districts these sales meetings were held as a part of the general district sessions; in others, they were conducted simultaneously with the general sessions. In each instance, the Director is sincerely indebted to the following District Chairmen of the Sales Managers Committee for their counsel and help in the organization and conduct of these meetings:

Kingsley F. Horton, WEEI, Boston, Massachusetts
Charles F. Phillips, WFBL, Syracuse, New York
John E. Surrick, WFIL, Philadelphia, Pennsylvania
J. Dudley Saumenig, WIS, Columbia, South Carolina
John M. Outler, Jr., WSB, Atlanta, Georgia
J. C. Eggleston, WMC, Memphis, Tennessee
William I. Orr, WBNS, Columbus, Ohio
J. B. Conley, WOWO, Fort Wayne, Indiana
James F. Kyler, WCLO, Janesville, Wisconsin
Sam H. Bennett, KMBC, Kansas City, Missouri
Barney J. Lavin, WDAY, Fargo, North Dakota
Clark A. Luther, KFH, Wichita, Kansas
Jack Keasler, WOAI, San Antonio, Texas
W. E. Wagstaff, KDYL, Salt Lake City, Utah
Wilt Gunzendorfer, KSRO, Santa Rosa, California
Charles A. Storke, KTMS, Santa Barbara, California
W. B. Stuht, KOMO-KJR, Seattle, Washington

CO-OPERATION WITH OTHER TRADE GROUPS: Since the conclusion of the District meeting tour, the Director has continued the efforts begun earlier to co-operate with and enlist the active support of various trade associations and groups in the interests of broadcast advertising. These contacts have included the American Association of Advertising Agencies, the Association of National Advertisers, the Advertising Federation of America, the National Retail Dry Goods Association, the Radio Executives Club of New York, the Chicago Radio Management Club, the New York State Bankers Association, etc.

Included in this co-operation has been the preparation of a digest on broadcast advertising for incorporation in a Public Relations Manual now being prepared by the New York State Bankers Association for distribution to its 850 members; talks before a regional convention of the AFA and the Indianapolis Advertising Club, etc.

Through the provision of sales promotion material and success stories, the Department has assisted various trade papers in other fields to present up-to-date stories on the use of broadcast advertising by many types of accounts.

CO-OPERATION WITH GOVERNMENT AGENCIES: Where such co-operation would further the war effort, and in the interests of broadcast advertising, the Department has maintained close relations with the Office of War Information, Office of Censorship, Department of Commerce, Federal Trade Commission, etc.

COVERAGE MAPS: Just prior to the start of the NAB District meeting tour, Paul F. Peter, NAB Director of Research, released the "Recommended Standards for the Determination of Coverage Maps" tentatively approved by the Research Committee. At each of the meetings, these standards were presented for an extended discussion, culminating in a show of hands on the acceptability of the recommendations.

Since this project originated with the Time Buyers Committee of the AAAA and the President of the Radio Executives Club of New York, the Director, following the District meetings, informed this group of the approval of these standards by an overwhelming majority of the station executives to whom they had been submitted. As a result of this meeting, the AAAA agreed to provide a seal or stamp of approval of this method of determining coverage maps.

Meanwhile, the project was referred to Howard S. Frazier, NAB Director of Engineering, and the NAB Engineering Committee. This group recommended certain changes which were incorporated in the final draft submitted to the Sales Managers Executive Committee at its meeting in New York on March 9, 1943, and to the Research Committee at its meeting in Washington on March 31, 1943. From the latter meeting came a further slight modification and final approval of the standards. The Research Committee also authorized the preparation of sample coverage maps (day and night) based on these standards and the issuance of a booklet outlining the method of compiling and computing such maps. It is hoped that this material will be available for distribution at the NAB War Conference.

Industry-wide recognition should be given the following members of the group through which this project was initiated, in appreciation of their co-operation and counsel in the establishment of these standards:

John Hymes, Foote, Cone & Belding, Chairman
Miss Linnea Nelson, J. Walter Thompson Company
Charles Ayers, Ruthrauff & Ryan, Inc.
William Maillefert, Compton Advertising, Inc.
Carlos Franco, Young & Rubicam, Inc.

Thomas H. Lynch, William Esty Company, President, Radio Executives Club of New York and representative of the non-AAAA agencies

SALES CONTACTS: Utilizing contacts already established, the Director continued the campaign to gain greater recognition of broadcast advertising in fields in which the medium is used to a limited extent. Some of these efforts were of a confidential nature and can not now be disclosed, although it is hoped and believed that they will prove increasingly productive in the near future. Full details will be released in the "NAB Reports" when the time is expedient.

TALKS: The present Director spoke on various phases of broadcast advertising before the Regional Convention of the AFA in Boston, the Indianapolis Advertising Club and the Retail Advertising class at Ohio State University. In addition, he presented a luncheon talk on "Good Taste in Radio Advertising" at several of the District meetings.

PER-INQUIRY AND FREE TIME: When an analysis disclosed that the number of per-inquiry offers and free time requests received by radio stations during a six-month period in 1942 was substantially above the number of such unethical approaches in the same period of 1941, a somewhat different attack was decided upon. In the "NAB Reports" all such offers and requests were treated facetiously and sarcastically.

The immediate result was a doubling and quadrupling of the number of such attempts reported to the department and, favorably, the conversion of several such efforts to standard trade practice.

SALES MANUAL FOR LOCAL ACCOUNTS: Recognizing the special and serious problems faced by radio stations dependent for the most part on local business, the Sales Managers Executive Committee, at its meeting in New York on March 9 and 10, 1943, instructed the Director to prepare as rapidly as possible a Sales Manual for Local Accounts. This is now in production and a final draft is planned for submission to the Committee at its meeting preceding the NAB War Conference. The finished publication should be available within a short time.

RETAIL PROMOTION COMMITTEE PLAN: Acting on a resolution of the Sales Managers Committee, passed at the NAB Annual Convention in 1942, the NAB Board of Directors authorized the appointment of a Retail Promotion Committee (originally termed Department Store Clinic Committee) to investigate the present use of broadcast advertising by department stores and leading retail establishments, and to recommend ways and means of increasing the acceptance of radio in this field.

The Committee (which was later augmented to bring in non-member representatives) includes:

Paul W. Morency, WTIC, Hartford, Connecticut, Chairman
Robert E. Bausman, WISH, Indianapolis, Indiana
Gene L. Cagle, KFJZ, Fort Worth, Texas
William Crawford, WOR, New York, N. Y.
Dietrich Dirks, KTRI, Sioux City, Iowa
John Esau, KTUL, Tulsa, Oklahoma
Sherman D. Gregory, WEAF, New York, N. Y.
Kenneth K. Hackathorn, WHK-WCLE, Cleveland, Ohio
Arthur Hull Hayes, CBS, New York, N. Y.
Walter C. Johnson, WTIC, Hartford, Connecticut
C. L. McCarthy, KQW, San Francisco, California
John M. Outler, Jr., WSB, Atlanta, Georgia
Oliver Runchey, KOL, Seattle, Washington

After a preliminary investigation, the Committee selected Sheldon R. Coons, distinguished business counsel, to make the study and prepare the presentation. An outline of the project and a schedule of the proposed cost of participation for radio stations was submitted to the NAB Board of Directors at a meeting in Chicago on September 24, 1942, and approved unanimously. The campaign to raise funds was launched on October 30, 1942.

In essence, the Retail Promotion Committee Plan is designed to finance and present a study into the problems of retail selling, retail distribution and the part radio advertising may play in their solution.

It will be presented as a dramatic, four-hour Master Showing employing:

motion slide films
animation
sound motion pictures
transcriptions
charts
supplementary exhibits
printed material for distribution

It will be shown at joint meetings of the owners and managers of retail establishments and the executives and salesmen of participating radio stations.

Where it is not feasible to present the Master Showing, complete presentations in Jumbo Easel form will be available for similar meetings. Every participating station will receive a desk presentation which will be an exact photographic reduction of the Jumbo Easel form.

In both the study and the presentation, Mr. Coons will draw upon sources of unquestioned stature—men known to all in advertising, business, government, labor, management, retailing and broadcasting. All to the end that there shall be presented to the retail industry and broadcasters alike a sweeping compilation of such authoritative opinion and verifiable facts as to show conclusively how the broadcasting industry may serve the retailer.

Many leaders in the industry have termed this project the most constructive activity ever undertaken by broadcasters. Certainly it is the first industry-wide effort to sell the medium on a thoroughly sound and constructive basis.

For the tremendous energy and unlimited time that Chairman Morency has devoted to the development of this project, broadcasters will long be indebted. With the goal in sight, the entire committee hopes to raise, at the NAB War Conference, the additional funds required to complete the study and presentation.

To assist Chairman Morency in the campaign for funds, the Director has devoted more than a majority of his time since the conclusion of the District meetings. To those who are closely associated with the project, no other activity in the commercial phase of broadcasting has ever possessed either the appeal or the possibilities of the Retail Promotion Committee Plan.

THE NECESSITY FOR SALES: Elsewhere in this Annual Report you will find ample evidence of the all-out effort of broadcasting stations to help in every way possible in the successful prosecution of the war. But such efforts are necessarily contingent upon sufficient income to insure continued operation of each and every radio station.

Today, more than ever before, radio stations need continued and, if possible, increased income. The Department of Broadcast Advertising is dedicated to this task as its contribution to the war effort. To that end, individual radio stations have co-operated unstintingly. For such co-operation, the Director hereby extends his sincere thanks.

The report of this Department would be incomplete without an expression of appreciation for the complete co-operation of the entire NAB staff. Particularly helpful to the new Director was the special assistance given him by President Neville Miller, Secretary-Treasurer C. E. Arney, Jr., and Director of Research Paul F. Peter.

Respectfully submitted,

Lewis H. Avery,
Director of Broadcast Advertising.

Engineering Department

The NAB Engineering Department is now devoted almost exclusively to industry problems of a technical nature created by the war. These activities include the conservation of tubes, spare parts and other materials essential for operation; the recruiting of competent technical personnel from sources outside the industry, the maintenance of home receivers and direct assistance to stations with materiel and personnel problems. The normal work of the Department has been continued along with the wartime problems.

BOARD OF WAR COMMUNICATIONS

Neville Miller is chairman of the Domestic Broadcasting, Committee IV and a member of the International Broadcasting, Committee VI and Communications Liaison Committee for Civilian Defense, Committee XII. The Director of Engineering serves as alternate and technical advisor for the NAB president on these three committees. The work of all Board of War Communications' committees is confidential; therefore, this phase of the Engineering Department's activities cannot be reported. However, it can be said that much work has been done for the benefit of the nation and the broadcast industry.

TECHNICAL MANPOWER

It is anticipated that losses of the industry's technical manpower will be one of the most serious problems to be faced by the industry in the near future.

For many months this Department has been preaching the wisdom of training women and men, who because of age or physical fitness are not subject to military service, as replacement technicians and operators. The Executive Engineering Committee has not considered it advisable to undertake an industry operator training program as the operating practices of individual stations vary widely. Assistance and advice concerning the training problems of individual stations are always available from NAB.

The British Broadcasting Corporation has been extremely cooperative by informing NAB of their experience with technical personnel problems under wartime conditions. Recently the NAB Engineering Department, with the cooperation of the American Radio Relay League, inaugurated a campaign to recruit men and women possessing radio operator licenses or other qualifying experience for technical positions in broadcast stations. Applicants have already been registered from 37 states and the District of Columbia. Upon request, the names of registered persons are forwarded to stations. NAB makes no investigation of the registrants nor does it act as an employment agency. This function is merely that of an intermediary to bring the employer and the volunteer replacement technician together.

PRIORITIES AND MATERIALS

Conservation measures instituted by cooperative action of WPB, FCC and BWC together with the exchange of surplus materials, as implemented by the FCC catalog of surplus equipment and the NAB Swap Bulletin, have made possible the continued operation of the industry with a minimum drain upon the nation's stock pile of vital materials. So far as is known by NAB, no station has been off the air for longer than a brief period due to a lack of replacement tubes or parts.

The NAB Swap Bulletin is mailed to all standard broadcast stations regardless of NAB membership. Likewise, the columns of the Swap Bulletin are available to all broadcasters. Thirty-three issues of the Swap Bulletin have been published and some of the statistics are interesting. A total of 449 items wanted by 279 stations were listed. The "For Sale" columns offered 1,560 items from 272 sellers. Through the joint NAB-ARRL appeal to amateurs for the sale of their transmitting tubes to broadcasters, 1,111 transmitting tubes were made available to the industry.

The delivery of necessary replacement materials to broadcasters has been expedited by the granting of the preference rating AA-2X which is comparable with the priorities accorded military requirements.

MAINTENANCE OF HOME RECEIVERS

There is a growing realization that the effectiveness of broadcast station operation is dependent upon the continued maintenance of home receiving sets. Although not serious at the present time, this problem has been aggravated by the loss of substantial numbers of radio service mechanics to the armed services and other industries, as well as the temporary shortage of some replacement parts and tubes. The Engineering Department has devoted much of its efforts during recent months to this phase of the industry's wartime technical problems. This work is being carried on in close cooperation with governmental agencies involved and other NAB departments.

RECORDING STANDARDS

The work of the Recording and Reproducing Standards Committee has been suspended for the duration of the war. However, sixteen of the most important items of standardization have been approved by the NAB Board of Directors in accordance with the Committee's recommendations. The Engineering Department is constantly encouraging the wide-spread use of the standards which have already been adopted by many recording organizations, governmental agencies and broadcasters.

GENERAL

Among the varied activities of the Engineering Department, the following are worthy of special mention. Publication of a directory of tube repairing facilities, priority instructions to broadcasters, the purchase by broadcasters of transmitting tubes from amateurs, relaxation of FCC operator requirements, a continuous review of technical publications with reading recommendations for broadcast engineers and executives, selective service problems and the investigation of new broadcast equipment developments.

EXECUTIVE ENGINEERING COMMITTEE

John V. L. Hogan, Chairman, WQXR
Franklin M. Doolittle, WDRC
G. Porter Houston, WCBM
E. K. Cohan, CBS
O. B. Hanson, NBC
Howard S. Frazier, NAB, ex-officio

Respectfully submitted,

HOWARD S. FRAZIER,
Director of Engineering.

Labor Relations

Since we last met, we have seen the most drastic changes in labor relations since the right to strike was established a hundred years ago.

The whole field of relations between men and management is now under the control of the federal government.

Collective bargaining is only a sham. Either side in labor negotiations can end them at will, knowing that compulsory arbitration must follow. And even if a bona fide collective agreement is arrived at, it must be submitted to the federal government for approval.

Wages and salaries have been "stabilized". That means "frozen", with some little leeway.

Labor is forbidden to strike.

Not only does the government now fix maximum hours of employment (without penalty) but also tells management just how long its men shall work.

Some headway has been made toward "freezing" men in their jobs if essential to the war effort, and labor conscription within the coming year is the probable development which will complete the governmental grip on this field.

All this is for the best. To fight a regimented economy effectively, we must regiment ours. If we want to be free men in the world of the future, however, we must be ready to rid ourselves of this regimentation once the war is won.

In so doing, if management is wise, it will seek the support and cooperation of organized labor. Most labor unions, like management, are chafing under virtual bureaucratic dictatorship. They will be ready and willing to help management restore economic freedom—if management does not try to define economic freedom as unbridled freedom for management and serfdom for labor.

II

The past year, likewise, has been of unprecedented importance in radio's own labor relations. A start was made toward determining whether radio was responsible for the permanent maintenance of those members of the American Federation of Musicians who could not make a living with their instruments.

James C. Petrillo, president of the musicians union, started the ball rolling when, in June, 1942, he announced to his convention that A. F. of M. members would make no recordings after August 1. In calling this strike, Mr. Petrillo defied the President of the United States and broke labor's pledge of no strikes for the war's duration. That apparently troubled Mr. Petrillo not at all. Nor did it bother him to turn down the pleas of Army, Navy and Marines for records for our soldiers abroad. Until forced to do so by a Senate committee in February, Mr. Petrillo would not even say what he wanted the recording companies to do, to permit the resumption of recording. Under the committee's pressure, he finally stated that he wanted the recording companies to contribute cash to a union-managed "unemployment fund". This they refused to do.

Sooner or later, the issue will be decided, and recording will be resumed.

Whatever the decision, it likely will determine in the long run whether the private WPA for musicians which is now maintained in many radio stations must be continued. The sooner this question is decided, the better for all concerned.

III

I have done my usual chores during the past year to the apparent satisfaction of most of the members. These have included:

(1) Keeping the entire membership advised of pertinent developments in the field of labor relations.

(2) Assisting the industry and individual stations in applying the multiplicity of labor laws, rules and regulations to their operations.

(3) Helping individual stations in their dealings with labor unions.

(4) Keeping both labor union officials and governmental officials dealing with labor advised of radio's labor problems and obtaining their help in solving them.

(5) Dealing with the still troublesome problems which arise from labor's desire to reach the American people by radio.

Along with this routine work (if labor relations work can ever be called routine), I have spent much of my time on the A. F. of M. problem. The balance has been devoted to the war effort. Last August Robert Patterson, Assistant Secretary of War, asked me to handle the labor relations in a Boston munitions plant for several weeks. This assignment was successfully completed. I have also been working with the employers' group at the National War Labor Board with the thought that, in so doing, I could be of assistance to radio both directly and indirectly in helping to effectuate the national wage stabilization program. I wish to thank the Association for permitting me to undertake these governmental assignments.

IV

The Labor and Wage and Hour Committees of the Association have been extremely helpful during the past year. I could not close this report without a special note of appreciation for the advice and guidance I have received from their good Chairmen, Ralph Brunton and C. T. Lucy.

Respectfully submitted,

JOSEPH L. MILLER,
Director of Labor Relations.

April 10, 1943.

Legal Department

I

Following the Cleveland Convention, hearings on the Sanders Bill to amend the Communications Act were resumed May 19, 1942. The reported testimony, comprising 1058 pages, should be of great value to the Interstate and Foreign Commerce Committee in future deliberations. In January, 1943, Representative Holmes (R-Mass.) introduced in the 78th Congress a bill virtually identical with the Sanders Bill, and in March Senators White and Wheeler jointly introduced a bill which also included the recommendations of the Federal Communications Bar Association, but went even further and included, among other provisions, the three proposals advanced by NAB at the hearings on the Sanders Bill last year. NAB had endorsed in principle the Bar Association's recommendations. There is a distinct possibility, it is generally believed, that the present Congress will amend the Act.

Also on the Congressional front are three bills which would prohibit the advertising of alcoholic beverages. The Johnson and Capper Bills in the Senate, and the Culkin Bill in the House, were referred respectively to the Senate Interstate Commerce Committee and the House Interstate and Foreign Commerce Committee, where they now remain. Hearings have not been scheduled, and appear unlikely to be. NAB, as in the past, is opposed to these measures.

Executive Resolution "E", the adoption of which by the Senate would make the United States party to the International Copyright Convention without prior revision of our domestic copyright law, remains dormant in the

Senate Foreign Affairs Committee. A continuing threat to broadcasting, its chances of being reported out at this session are believed to be slim.

Forty-three state legislatures have been in session during 1943 to date, and Alabama will meet in May. Twenty-one have adjourned sine die. In nine states bills to bar liquor advertising on the radio were introduced, of which seven were killed or died, and two are still in committee. North Carolina and Washington enacted libel laws favorable to broadcasting. Several bills objectionable to radio are buried in committee or have died with the close of the session. Broadcasters appointed by NAB to serve as legislative contacts in the various states have been most helpful.

II

Preparation of the NAB Selective Service Handbook and Supplements, correspondence with stations relative to occupational deferment of key men, and contact with National Headquarters of the Selective Service System, have consumed considerable time and effort. Activity and Occupation Bulletins issued by headquarters for the guidance of local boards have not prevented induction of many key employees in broadcasting, although the industry as a whole, it is believed, has been accorded reasonably fair treatment. The training of women, men over 45 and men in 4-F remains, as NAB has repeatedly stated, the safest course to pursue in order to insure sufficient manpower for continued operation. With the drafting of fathers imminent, the picture daily looms more grim. Under the law the local boards, subject to the right of appeal to the Boards of Appeal, have the power to determine all claims and questions relative to occupational deferment. Under the Selective Service System's basic policy of decentralization, the power of State Directors seems to be increasing with corresponding reluctance on the part of the Director of Selective Service to intervene in occupational cases. Employers have no right under the law to appeal to the President in occupational cases. General Hershey and the State Directors have the authority in their discretion to take such appeals, an authority they exercise only infrequently. The local boards, at the grassroots, are virtually all-powerful, and are seldom reversed if they have observed procedural regulations. Counsel has been of some help in a number of cases where stations requested investigation by headquarters; but the prospects for the future appear less bright.

III

The principal task performed by the Code Committee was the clearing up of a misunderstanding between the Cooperative League of the U. S. A. and certain stations with respect to the purchase of time by the League. The committee has met twice since the last report.

In November, the Federal statutory three-judge court in New York dismissed the network suits against the Government to enjoin operation of the FCC's network regulations. The cases were dismissed on the merits without taking evidence. The Supreme Court's decision on the networks' appeals is expected shortly.

Contacts with OPA, WPB, WMC, Selective Service, and other Government agencies have been maintained. Relaxation of the gasoline regulations to make engineers and technicians eligible for Class C coupon books for driving necessary to the installation and servicing of temporary remote-control pickups was secured. Efforts to secure similar relaxation for other workers in the industry were unsuccessful. Correspondence with stations and their attorneys on various and sundry matters, and consultation with members of the staff have consumed considerable time.

Russell P. Place,
Counsel.

April 10, 1943.

Promotion and Circulation

This department continues to be almost wholly concerned with government departments. It operates in the belief that broadcasting is the medium of mass communication which can do most to inform, instruct, persuade, inspire and bring a moment of relief through entertainment to all those millions who are holding the home front. If the home front is breached, the war front collapses.

By their actions broadcasters signify that they realize this nation is fighting for its very existence and that it needs every help within their power to give.

The industry provides a tremendous amount of support to the nation's war effort. As calculated by the NAB research department it amounted to 5,556,000 announcements and 601,000 programs of local origination in 1942.

Elmer Davis, director of the Office of War Information, officially reported radio's contribution another way. On March 26, 1943, he stated that $86,900,000, divided, $71,570,000 for time and $15,330,000 for talent, was the dollars and cents value of the over-all radio effort of bringing war information to the public.

To continue to do so much in the future will necessitate both courage, aggressiveness and ingenuity on the part of the industry. Ability will depend on three factors—men, materials and money.

MANPOWER

Stations which have not yet safeguarded their operation by placing women, over-age men and 4-Fs in key spots are faced with sizable difficulties now, larger ones in a few months. Paul McNutt said it all last January 4: "Employers must accustom themselves to the fact that, as the war goes on, the armed services will almost certainly claim every replaceable male employee of military age and fitness in every industry, regardless of essentiality."

By acting promptly stations have one last chance to secure dependable replacements for the duration. It is our feeling that some measure of relief may be afforded by checking lists of nearby students who have been enrolled in the ESMWT-NAB "Fundamentals of Radio" courses. Not all have entered the armed forces because men and women of all ages and physical fitness were and are among the students. Chief engineers and managers report that graduates make excellent technicians. For institutions to contact, consult NAB REPORTS of April 2, 1943 and the Annual Report issue of NAB REPORTS, May, 1942.

For the next fiscal year the ESMWT program has received the blessing of the Bureau of the Budget. Officials believe it will receive Congressional approval. To get a course repeated or started consult the ESMWT Institutional Director at nearest school. Conditions demand that students should be women and men not required by the military. Ignore any prejudice about employing women. They are doing an excellent job for BBC and an ever increasing number of American stations. Signal Corps schools are full of them; they will work on sets more intricate than standard band transmitters.

MATERIEL

Frank McIntosh, assistant director, Radio & Radar Division, WPB, is coming to the Chicago War Conference to tell the industry about transmitter and receiver tubes and parts, what he expects to happen during the forthcoming twelve months and what he invisions for post war radio.

The March-April tube survey undertaken by NAB for Radio & Radar was reported "excellent and most helpful" by WPB.

After the War Conference another check will be made as to the supply of radio repairmen. They have been declared essential to the war effort in Selective Service Occupational Bulletin No. 42, December 22, 1942, and again in Activity and Occupation Bulletin No. 31, effective March 1, 1943.

Over ten thousand copies of a folio dealing with this matter were distributed by NAB with the help of broadcast stations, jobber and service associations and set manufacturers. At this writing it would seem that the radio service operation must be streamlined in areas where a sufficient flow of work would permit a breakdown of the service job. Radio repair will also receive study at the War Conference.

Already "coverage" conscious, broadcasters apparently must go all the way and become "circulation" conscious. Unless individual sets (circulation) are maintained in repair, the war effort will suffer. Specifically we mean that Mr. Morgenthau's continuous bond sales will flop, that Chester Davis' food program will suffer, that home front morale will deteriorate.

WITHOUT RADIO, MORALE SUFFERS

What actually happens to the morale of families, deprived of accustomed news and other broadcast services, was demonstrated this spring when many farm families were unable to buy radio batteries. Large numbers became resentful, uncooperative and disgusted. The state legislatures of North Dakota, South Dakota, Nebraska, Minnesota, Iowa and Indiana were "up in arms" and memorialized the Congress of the United States to lift restrictions on the manufacture of radio batteries. The Illinois House unanimously adopted the battery resolution on March 31 and it has been referred to the Senate Executive Committee. There were speeches in Congress.

One investigator summed up the farmer's feeling as follows:

"Inasmuch as farmers depend upon the radio, in many instances solely, for news and for current market information and other information pertinent to their work, it would seem extremely important that their radios be kept operating. The increased interest in government regulation affecting farming and the marketing of farm products, at this time particularly, enhances such desirability. As one listener puts it, 'radios are an absolute necessity for farm welfare.'"

Another said: "We had a similarity of reports regarding farmers' feelings over the situation of shortage of batteries for radio sets. First, farmers consider radios a necessity not a luxury. Some appeared to be tolerant because of the war situation. Others were discouraged and some seemed to be disgusted."

Another reported: "Virtually all replies indicate radio as one of the major factors in keeping up morale."

Direct statements by farmers were more pungent. Said one: "I could get along without sugar or coffee, I could even go barefooted, but when we can't get batteries for our radio, it is just terrible."

Another stated: "Have a boy in service. Are up early to hear the news. We would feel like working harder if we had the use of our radio."

And another: "What will us farmers do without a radio? No hog market, no chicken, egg, grain markets of any kind. And no news."

It is unfortunate that farmers were the unwilling guinea pigs whose reactions, when deprived of broadcast service, aroused such public indignation. But this experience has clearly demonstrated to all the importance of maintaining a radio in every American home throughout the emergency.

Respectfully submitted,

Arthur Stringer.

Research

There is considerable progress to report on the research activity of the NAB since the Cleveland Convention in May 1942. The NAB Research Department, under the direction of the NAB Research Committee, has completed its study of Station Coverage and is preparing a publication of its recommendation on the subject. This will be mailed to the membership as soon as it is printed. The title of the publication will be "How to Determine Station Coverage".

The Research Department has also completed its tabulations and calculations of Census data to be included in the "NAB Market Data Handbook for Broadcasters". Copy for the book is in the hands of the printer and will be sent to NAB members as soon as the printing is completed.

The Research Department has held to a minimum the number of questionnaires addressed to stations from the Association consistent with the handling of the problems facing the industry. Also, NAB has exerted its efforts to dissuade outside organizations from conducting surveys addressed to broadcast stations. Recent conferences have been held with FCC and Bureau of the Budget personnel on the subject of questionnaires addressed to stations and forms required by FCC from stations. The FCC has recently announced that it is now in the process of revising its forms. It is hoped that the FCC efforts along this line will result in material savings of employee time and station expense in keeping records, preparing applications, and answering questionnaires.

There were two surveys addressed to broadcast stations during the past year by the NAB Research Department which were of particular importance. These were the questionnaires on use of musicians by broadcast stations and a survey of the manpower situation in the industry.

In the following paragraphs, the principal or time consuming tasks handled by the NAB Research Committee and the Research Department are discussed by subject matter.

STATION COVERAGE

Station Coverage has been a topic for discussion in the ranks of broadcasters, advertising agencies, and advertisers for almost as many years as there has been advertising use of radio. There has been a growing dissatisfaction on the part of agencies and advertisers with the coverage claims stations have been making because there has been no consistent definition as to just what station coverage means and there has been no uniformity in arriving at coverage claims. Also, there has been a failure in most cases to clearly set forth how coverage claims were arrived at to give some clear indication as to the value of the claims.

The Radio Executives Club of New York in conference with the NAB Sales Managers Executive Committee suggested that NAB prepare a standard coverage specification. The Time Buyer members of the REC stated their complete satisfaction with a coverage method defined as a physical determination of area served by stations, measured through the use of audience mail analyses and signal strength surveys, and accompanied by market data to evaluate the service area.

The NAB Sales Managers Executive Committee asked the NAB Research Committee to undertake a study of the Time Buyers proposal and prepare a recommendation which could be sent to all stations setting forth the need for standardized coverage claims, the definition of Station Coverage most desired in the field of radio advertising, and, the methods recommended with suggestions to aid stations in applying methods.

The NAB Research Committee participated in a survey conducted by Herman S. Hettinger of the Wharton School of Finance of the University of Pennsylvania, addressed to advertising agency and advertiser executives. The summary of the findings of the results of this survey was published in July 1942 by the NAB under the title, "What Radio Buyers Want To Know". The interest of the Research Committee in the survey was to determine the attitude of agencies and advertisers on the specific question of Station Coverage. Dr. Hettinger's survey demonstrated that the views of the Time Buyer members of the Radio Executives Club of New York were in perfect agreement with the views held by agency and advertiser executives across the country. Findings indicated that coverage ranked high in the list of information desired, figured strongly in the factors listed as important in the purchase of station time and, in answer to the question as to the type of coverage preferred, audience mail ranked first and field intensity studies ranked second. It should not be overlooked that in answer to the question on type of coverage preferred, a substantial number answered such, as "conservative and uniform coverage data", "standardized data", and, "accurate factual data".

The characteristic view within the advertising fraternity seems to be one of reasonable tolerance in the matter of definition of station coverage and method employed to determine coverage so long as the objective of standardization is attained. NAB is anxious to contribute to this end because the broadcast advertising industry will gain materially if the purchase of station time can be simplified and the reasonable requests of the advertisers and agencies met.

The NAB recommendation on Station Coverage is now in the hands of the printer and will be distributed to member stations and advertiser and agency organization executives in the very near future. The booklet will contain a recommendation on method of determining the station coverage area, and the manner of handling the calculation of the market data used to interpret the coverage area. Also included will be a sample station coverage presentation including a demonstration of maps, titling, and copy. The Time Buyers Committee of the American Association of Advertising Agencies has agreed to work with the NAB on the Station Coverage presentation and authorized the use of the 4A Stamp of Approval on the presentation format. The recommendation will also include a discussion of procedure on method, handling of figures, printers specifications, etc., designed to aid the station in using the recommendation.

The essence of the recommendation as to method is as follows: Station Coverage is defined as the physical limits of the area served as demonstrated by actual listening. The half millivolt signal strength contour is used to give evidence of the deliverance of signal to show where the station can be heard to the extent of one-half millivolt signal. Audience mail is used to establish the actual coverage area since audience mail reflects the location of actual listeners. The coverage interpreted from audience mail analysis by county is in terms of market data consisting of population, number of families, number of radio families and selected retail sales data. Under this definition, the physical area of a station's coverage is determined without reference to audience competition. The measurement represents a potential in service in that it assumes that under ideal conditions the station is capable of serving all radio families within its primary area. In other words, the method produces only the physical limitations of station service without reflecting audience competition. (NAB is currently studying the problem of audience measurement and will prepare a recommendation on that subject later on.)

METHOD

SIGNAL STRENGTH: The NAB Engineering Committee prepared a recommendation on the subject in 1940 under the title, "National Association of Broadcasters Recommendation for Field Intensity for the Purpose of Estimating Field Contours of a Broadcast Station in the Regular Broadcast Band."

In the introduction of the report an objective of the recommendation is stated, "that the interpretation and presentation of such measurements might be such that the work of one engineer might readily be compared with that of another, and the claims of one station compared with those of another, it is desirable to have a uniform practice of procedure for doing this work". It is recommended here that the engineering procedure for measuring field strength, as set forth in the report mentioned above, be followed. It is highly desirable that the station complete a signal strength survey report as prescribed because of its engineering value and also its value to management in effectively gauging the efficiency of physical equipment used in radiating a signal. Such a report will also serve as substantiating material for the signal strength data drawn from it in this coverage method.

For the purpose of the recommendation, signal strength measurements are used to show where the station may be heard within a standard of signal intensity. The signal strength data used will not be directly related to audience mail analysis, but will serve as an orienting factor.

The signal strength measurement findings employed in this coverage recommendation are confined to the .5 millivolts per meter contour ground wave. Such measurements are made in the daytime and therefore the half millivolt contour will be presented on the daytime coverage map and will not appear on the night-time map. It is fully realized that the arbitrary standard of .5 millivolts per meter is not a true criterion of effective coverage. However, the uniform information for all stations will be valuable for the advertising fraternity on the physical radiation of signals. And, more important in this recommendation, the half millivolt contour will enable better understanding of the commercial coverage claim as produced by audience mail.

The descriptive material to be used in conjunction with signal strength should include: date of the survey, name of the engineer and his qualifications, description of the method used, setting forth what portions of the data were obtained through actual measurement and which were arrived at by calculation, and the total number of field strength readings taken.

AUDIENCE MAIL: Audience mail analysis is used to introduce the factor of actual listening. Interpretation of audience mail is confined to a geographic examination of its distribution by county. Audience mail analysis is capable of showing the where of listening audience but is not offered to indicate, to any degree, the amount of listening or the relative popularity among stations. The number of pieces of mail analyzed will have no significance beyond the specification that a sufficient amount of mail be used to insure an adequate statistical sample. Mail will be analyzed as to the county from which it is sent. Mail which cannot be identified positively as to the location of the writer will not be used in coverage calculation. Similarly, mail for coverage calculation will be confined to that which can be identified to specific programs.

Audience mail analysis will be confined to that which is drawn in response to programs originated by stations. This specification is made because the recommendation aspires to produce coverage claims of individual stations. It has been clearly demonstrated in network research that there exists differences in the coverage of individual stations when carrying network programs as compared to their coverage for locally produced programs. It is obvious, therefore, that there must be separate calculations for the two. This recommendation is confined to individual station coverage and will, therefore, have its commercial value confined to matters of national spot business and local business claims.

Separate analyses of audience mail addressed to day programs and night programs are to be made to produce separate day and night coverage maps. It is obvious therefore that the identification of the program producing the mail response must be positive. The segregation of day and night will be based on the hour of average sunset as set forth in the FCC Standards of Good Engineering Practice.

Audience mail used for coverage calculation may fall into one of two broad classifications. An identification of the type used is to be presented on the face of the coverage map. The two types of mail are: 1. Cumulative Mail—that received over a period of time to all locally produced programs during the day (or night) which can be definitely identified to programs; and, 2. Mail Produced by Special Offers—a concerted drive for mail by offering an object of no intrinsic value through announcements spotted at various times during the day (or the night).

Coverage maps produced by the two methods, under ideal conditions, will not differ materially so long as there is a sufficient volume of mail to constitute an adequate sample and the appeals to the audience contain no bias which would cause a higher degree of response from any segment of population.

The use of Cumulative Mail should minimize the effect of any bias because of the averaging influence of response to all programs over a period of time.

Special Offer Mail has the advantage of ease in handling since each response is quickly identified, contains a return mail address, can be tailored in the spotting of announcements to insure a representative sample of the time period measured (before or after sunset). The sample can be developed in a relatively short time by a concerted station campaign. Disadvantages of the Special Offer analysis lie in the possibility of producing bias if great care is not exercised in the matter of selecting the object offered and the volume of mail may not be as large as could be expected in response to all programs over a period of time.

If Special Offer Mail is to be used, particular care must be taken in setting up the entire campaign for audience mail. The two items to be offered must be selected for clear differentiation since one will be offered during the daytime (before sunset) and the other during night-time operation (after sunset). In this way, separate samples will be accumulated for calculating day and night maps. In the spotting of the announcements of the offers, care must be taken to distribute the announcements as evenly as possible over the full period measured. Care must also be taken to avoid use of network program adjacencies since this will tend to restrict the area measured.

ANALYSIS OF COVERAGE: Coverage is analyzed by relating the count of mail received from each county to the 1940 Census figures of radio families within each county. The number of letters received is divided by the number of radio families and pointed off decimally to reflect mail per thousand radio families. As an illustration, if 625 letters are received from a given county having 5,000 radio families, the calculation takes the form of dividing 625 by 5,000, producing a .125 result. By moving the decimal point three places, the index of response becomes 125 letters per thousand radio families.

The home county, or specifically the county in which the station's principal studios are located, will be used as the base for evaluating the response of all other counties from which mail is received. The evaluation takes the form of calculating the percentage relationship of each county to the home county; that is, by dividing the response index of each county by the response index of the home county.

The degree of coverage of each county is gauged on the percentage relationship each county bears to the home county. Primary coverage of a station may be defined as that area or those counties in which the station has a strong signal and a substantial audience at all times. The radio time buyers have indicated their desire for a three group classification of the degree of coverage; the first group to consist of those counties having an index relationship 50% or greater than the home county; the second classification—those counties having 25 to 50%; and, the third, 10 to 25%. These will be termed "Intense", "Excellent", and "Good", respectively.

Experience in the industry indicates that primary coverage extends to those counties having 25% or greater relationship to the home county. Primary coverage, therefore, is divided into two parts—"Intense" and "Excellent". Secondary coverage is that mentioned above as "Good"—counties having 10 to 25% relationship to the home county.

The classifications of coverage, then, are as follows:

Primary—Intense	50% or greater
Primary—Excellent	25% to 50%
Secondary—Good	10% to 25%

A substantial volume of letters should be used for the audience mail coverage analysis. No minimum count of mail can be prescribed, since there are too many factors involed which would control the amount of mail received by stations. Among these factors are the classifications of stations; the population of the area served; and the responsiveness of the audience, which is coupled with the appeal for mail the station has made in the past to develop responsiveness, etc.

The safest test of sample adequacy which can be offered at this time is that point in audience mail analysis when additional quantity of mail does not alter the coverage classification of individual counties. This procedure can be followed without undue hardship by progressive analysis—analyzing the mail at intervals during the period selected for accumulating the sample.

MARKET DATA

In conjunction with the Station Coverage Recommendation, NAB is preparing a Market Data Book for Broadcast Stations which will contain basic information for station use. Prior to the Cleveland Convention, the Research Department presented in the NAB Reports, the Census figures of 1940 count of families, percent radio ownership, and radio families for several states which had been completed by the Bureau of the Census by that time. Following the Convention, this work was completed for all states and presentation in the REPORTS included such information for each state, by county and by cities of 25,000 or more population. It was necessary for the Research Department at the direction of the Research Committee to calculate projections of the radio family figures since the Census was not complete in coverage of all families.

The Market Data Book will contain the radio family figures for each state and county with separate figures for urban, rural non-farm and rural farm families. Also, for each state will be presented a complete list of all urban places having population of 2,500 or more. Census figures of population by county and city will be included. In the same detail, figures from the Retail Census of 1939 will be given showing the number of stores and sales in dollars for total retail trade, with separate figures for the food group, the general merchandise group, the apparel group and drug stores. These four classifications on retail business are included in the Market Data Book because of their commercial significance in broadcast advertising.

Information in summary form will be presented in the book to show the growth of radio families since 1923 and a discussion of the relationship of radio families to total receiving sets in use. There will also be a summary section presented on the change in civilian population from the Census date, April 1940 to May 1942. This will be given in detail by state and metropolitan districts. There will also be a section devoted to metropolitan districts giving the complete information of radio family population and retail trade figures.

Copy for the Market Data Book is now in the hands of the printer and every effort is being made to distribute it to the membership and to advertiser and agency executives as soon as possible.

MANPOWER

The importance of the problem of manpower to operate the industry compelled NAB to address a questionnaire to all stations in September of 1942. A similar questionnaire had been sent to all stations on the subject of selective service in May 1941 but was confined to technical personnel. The drains of manpower from all departments of radio operation necessitated our having available information on all classes of employees.

The manpower questionnaire was sent to 919 broadcast stations. Replies were received from 667 stations, representing a 73% response.

The survey shows that on October 19, 1940, the average station employed 22.5 persons. On September 15, 1942, the station average had dropped to 21.1. The employment of men by stations dropped from the average of 18 to 16. Employment of women rose from 4.4 to 5.0. In the two-year period, all station employment decreased 6.2%, with a 10.9% decrease for men and a 12.9% increase for women.

In the two-year period, 26.2% of the number of men employed by stations were lost to the armed services. Roughly, two-thirds of those going into the armed services enlisted or were ordered to active duty in reserve capacities. About 35% were drafted.

Considerable concern has been expressed over the migration of employees within the industry to other stations, other civilian employment, as well as to the armed services. The survey shows that the number of persons leaving stations between October 19, 1940, and September 15, 1942, represented 69.5% of the personnel employed at October 19, 1940.

On September 15, 1942, 64.4% of all persons employed by stations were in draft ages 20 to 45 years. In addition, boys of ages 18 and 19 constituted 4.3% of all employees, bringing the present percentage within draft age to 68.7%. A selective service classification of those within ages 20 to 45 years on September 15th as expressed in percentages shows men classified in 1A or 1B to be 9.0%; those in 2A or 2B, 2.3%; those holding reserve commissions or awaiting call, 1.3%; classification 3A, 67.6%; classification 3B, 1.5%; classification 4, 9.5%; and not yet classified, 8.8%.

Stations classified as essential men to their operation only 19% of their employees. In terms of average employment per station, only 4 of 21 were listed as essential. In terms of actual figures as reported in the survey, 608 stations showed total employment of 12,821 and listed as "necessary men", 2,464. Of this number, 150 were in Selective Service classification 1A, 116 were in 2A or 2B and 1,958 in 3A or 3B. Approximately 67% of the men in 3A and 3B have dependent children. Thus it can be readily seen that a request of the industry to National Selective Service for deferment of essential employees involves an exceedingly small number of registrants.

A subsequent analysis of the questionnaire made to reflect the number of persons between the ages 37 to 45 showed that 20.5% of "key people" in radio stations were affected by the Selective Service order restricting the drafting of men in that group.

The Research Department is currently preparing a simplified questionnaire to revise the information since manpower is probably the most acute problem facing the industry today. A minimum of information will be required of stations to reduce the burden placed on them. However, it is imperative that full cooperation be given NAB in this matter.

MUSICIANS

The Research Department has devoted much time to the collection of information needed in treating the problem of the musicians' ban on music recording. A questionnaire on employment of musicians in the industry was sent to all stations July 13, 1942. The survey produced valuable information, some of the results of which have been presented in the NAB REPORTS. No complete report has been made, since the developments in the musicians' problem have been such as not to warrant such use of the information.

The Research Director attended the Congressional Hearings of the A. F. of M. and has made studies of the factual claims set forth in testimony by Mr. Petrillo and Mr. Padway. Advisability of some consumer research was indicated in the testimony and the Research Department has undertaken surveys to develop the actual facts on the subjects.

WAR EFFORT

The NAB Research Department has cooperated in developing information on the extent of radio's contribution to the War Effort. An average of better than 500 radio stations have consistently submitted reports on the programs and announcements carried on behalf of the War Effort each month since the Fall of 1941. The Research Department has made the analyses of the reports. The results of these analyses have been published in the NAB REPORTS. A projection of industry totals from the tabulations of nine months of 1942 shows that stations broadcast approximately 5,556,000 announcements and 600,000 programs for the entire year as their contribution to the War Effort. This represents station contributions only and does not reflect the contributions by networks and individual advertisers.

The Research Department has worked closely with the Office of War Information in matters of research on War Effort broadcasting.

EXCESS PROFITS TAX

The Research Department undertook to assemble as much information as could be made available for the use of stations in calculating excess profits taxes. Information developed has been of value although it was found that there was serious limitation of possibilities in the absence of any information for the year 1936 from any official source. The tabulation of Broadcast Service Income (net profit before Federal Tax) was presented in the NAB REPORTS, page 59 of the February 12, 1943 issue and in the separately printed NAB Tax Bulletin of the same date.

Also in conjunction with tax problems, the NAB Research Department has cooperated with the firm Alvord and Alvord, Tax Lawyers, retained by NAB, in the matter of collecting information required for Congressional Hearings and the like.

48 HOUR WEEK

The Research Department assisted in the preparation of a Data Sheet and Instructions for its use to assist stations in critical labor areas in observing the 48-hour week to conform with the Executive Order of the President. This matter has been handled by the Labor Relations Department.

MISCELLANEOUS

The Research Department assisted the National Retail Dry Goods Association in preparing a questionnaire to its membership on the subject of retail advertising. In tabulating the results of this survey, the Research Department supervised an outside organization and cooperated with NRDGA and the Retail Promotion Committee in interpreting the results.

The Research Department cooperated with the Director of Engineering and the Director of Industry Promotion in collecting information on the problems of keeping radio stations in operation during the war period. Considerable time was spent in collecting data on battery sets in use in the United States and requirements of radio tubes and repair parts.

The Research Department assisted in the preparation of graphic charts of basic radio information for the use of the Director of Broadcast Advertising.

In addition to the work outlined briefly above, the Research Department has devoted increasing time to the furnishing of information to member stations and outside organizations on the subject of radio.

From the basic records maintained by the Research Department, there appears at the conclusion of this report, analyses of standard broadcast stations in operation April 1, 1943, showing the number of stations by operating classifications and by city size with membership in NAB for each.

The Association has advanced in matters of research during the past year and is planning now the research requirements of the Association for the coming year. It appears that there are areas of broadcast operation which demand special attention from the standpoint of information which has been brought about because of the war.

Respectfully submitted,

NAB RESEARCH COMMITTEE
ROGER W. CLIPP, *Chairman*, WFIL, Philadelphia
EDWARD F. EVANS, WJZ, New York
G. BEN LARSEN, WWDC, Washington
JOHN C. MCCORMACK, KTBS-KWKH, Shreveport
BARRY T. RUMPLE, NBC, New York
FRANK N. STANTON, CBS, New York

DIRECTOR OF RESEARCH
PAUL F. PETER

April 10, 1943.

STATION ANALYSES

	Stations as of April 1, 1943	*NAB Membership April 15, 1943*
Clear Channel:		
Unlimited (50kw)	45	38
Part-time (50kw)	4	4
Unlimited (5 to 25kw)	25	18
Part-time (5 to 25kw)	5	2
Regional Channel:		
Unlimited	266	186
Limited and Day	44	20
Part-time	19	9
Local Channel:		
Unlimited	425	205
Day and Part-time	30	8
Total Commercial, Operating in Continental U. S.	863	490
Non-commercial	34	4
Territorial	14	7
Construction Permits	2	0
Total Standard Broadcast Stations	913	501
High Frequency Education		1
Frequency Modulation		3
Total NAB Stations		505
Networks		2
Associate Members		19
Total Membership in NAB		526

Metropolitan Districts (1940 Census)	Operating Commercial Stations Continental U. S.		Non-Commercial Stations		Territorial Stations		Construction Permit Stations		Total Stations	
	Total	NAB	Total	NAB	Total	NAB	Total	NAB	Total	NAB
2,500,000 and over	66	31	5	1	0	0	0	0	71	32
1,000,000 to 2,500,000	52	28	1	0	0	0	0	0	53	28
500,000 to 1,000,000	51	36	2	0	0	0	0	0	53	36
250,000 to 500,000	100	67	4	2	1	0	0	0	105	69
100,000 to 250,000	127	93	2	0	7	4	1	0	137	97
50,000 to 100,000	52	35	1	0	1	0	0	0	54	35
City and Town										
25,000 to 50,000	120	71	1	0	0	0	0	0	121	71
10,000 to 25,000	204	98	9	0	0	0	0	0	213	98
Less than 10,000	91	31	9	1	5	3	1	0	106	35
Total Standard Broadcast	863	490	34	4	14	7	2	0	913	501
High Frequency Education										1
Frequency Modulation										3
Total NAB Stations										505
Networks										2
Associate Members										19
Total Membership in NAB										526

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON, D. C. Vol. 11, No. 19, May 7, 1943

War Conference

NEVILLE MILLER

"The NAB War Conference made a direct contribution to the war effort. A large number of broadcasters registered and attended all the sessions and by their very earnestness indicated that they are serious in their determination to do their utmost in assisting government representatives in every way possible. Their one thought was and will be "Let's get on with the war!" The position of the radio industry in the war has been strengthened by the Conference."

C. E. ARNEY, JR.

"There is an almost universal feeling on the part of those who attended the NAB War Conference that it was a thoroughly worthwhile meeting. The total absence of entertainment features, which have high-lighted past NAB meetings, added to, rather than subtracted from the interest.

An atmosphere of seriousness surrounded the entire proceedings. Most remarkable was the fact that more than 400 broadcasters attended the several breakfast sessions held on Wednesday and Thursday mornings. The total registration of broadcasters, well over a thousand, eclipses all previous attendance figures.

The many government officials representative of the war agencies who were present, expressed gratification at the opportunities afforded to discuss mutual problems with broadcasters. Those from the industry are unanimous in their statements that the Conference was highly beneficial in bringing them a clearer understanding of their relations to the war."

BY-LAW AND CODE AMENDMENTS

Three amendments to the NAB By-Laws were adopted at the annual meeting held in connection with the recent War Conference.

There was also an amendment made to the NAB Code. (See Resolution No. 11 on subsequent page of this report.) These By-Law and Code amendments are now being incorporated in a reprint of these two documents which will be sent to the members within the next few days.

Resolutions

Following are the resolutions passed at the recent NAB War Conference in Chicago:

1. The National Association of Broadcasters expresses its appreciation to the various government agencies which have cooperated with the Association and the radio broadcasting industry in the solution of the numerous problems which have confronted the industry during the past year. The Association is particularly indebted to their representatives who have attended and taken part in the Association's 1943 War Conference.

WAR CONFERENCE TRANSCRIPTS

A complete transcript of all pertinent and valuable material taken at breakfast meetings and general sessions of the War Conference will be available soon for NAB members and will be sent in printed form. Please withhold any requests for this material or portions of it until you have seen the transcripts.

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2. The National Association of Broadcasters expresses its deep appreciation to the representatives of our armed forces, government agencies and others appearing on the program of the 1943 War Conference, for the recognition they have accorded our industry for the role it is playing in the common interest of victory, and the Association pledges its continued efforts in this our primary task.

The Association also expresses its appreciation to the federal agencies here represented which have so materially contributed by their counsel and aid, to make possible these accomplishments of service.

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3. The assistance rendered by Edgar Bill, retiring Director of the 9th NAB District, and by Leslie Johnson, incoming Director, in assisting in the arrangement of the many details incident to the Conference, is deeply appreciated.

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4. To the management and personnel of the Chicago NAB member stations is due an expression of special commendation. They have fulfilled their role as hosts in a most creditable manner and at no little sacrifice of time and energy. We thank and congratulate them.

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5. To Edward T. Lawless, Vice President and Managing Director, Richard L. Collison, Director of Sales, and the entire Palmer House staff, we extend an expression of our sincere appreciation. The uniform courtesy which has marked their contacts and the efficient manner in which their part in all of our meetings and luncheons has been handled has made this one of our outstanding meetings.

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6. To the Chicago Association of Commerce and particularly to William J. Hennessy, Manager of the Bureau

(Continued on page 202)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Arthur C. Stringer, *Director of Promotion.*

RESOLUTIONS

(Continued from page 201)

of Conventions, a word of thanks for all the assistance given in arranging the many details incident to setting up the conference.

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7. The National Association of Broadcasters extends sincere thanks to Gene Carr, author Lang-Worth Feature Programs, Inc., Wendell Corey, narrator and the Columbia Recording Corporation for the script, production, and recording of the MEMORIAL TO RADIO'S WAR DEAD.

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8. The 21st Annual Meeting of the National Association of Broadcasters hereby approves the official acts performed since the last annual meeting by its duly qualified officers.

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9. WHEREAS, Brand names and trademarks, possess established values of benefit to consumers and producers alike in the marketing of commodities, and

WHEREAS, There appears to be no valid reason why such established values in brand names need to be destroyed or in any degree impaired in order to control the sale of commodities during wartime;

BE IT RESOLVED: That the National Association of Broadcasters is unalterably opposed to any and all measures, governmental or otherwise, looking to the abolition of brand names and trademarks in the marketing of commodities.

BE IT FURTHER RESOLVED: That the National Association of Broadcasters heartily endorses the proposed study of this question authorized under the Halleck resolution, H. Res. 98, confident that a thorough study will completely sustain our position.

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10. RESOLVED: That the President appoint a committee of the Association to study and report to the Board of Directors with respect to the establishment of an NAB Bureau of Audience Measurement.

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11. RESOLVED: That the Code of the National Association of Broadcasters be amended by adding at the end thereof the following new section:

"Solicitation of Memberships"

"Solicitations of memberships in organizations, except where such memberships are incidental to the rendering of commercial services such as an insurance plan either in respect to casualty to life or property, or for membership in the American Red Cross or like organizations engaged in charitable work, are deemed to be unacceptable under the basic theory of the Code and therefore time should be neither given nor sold for this purpose."

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12. WHEREAS, James C. Petrillo, on behalf of the American Federation of Musicians, has demanded of electrical transcription companies that they pay to the American Federation of Musicians a percentage of the gross receipts received by such companies from the broadcasting industry for library transcriptions, and

WHEREAS, the electrical transcription industry has denounced such demands as inherently unsound, destructive of technical progress, in conflict with wartime manpower policy, an attempted evasion of the president's wage freeze regulations and otherwise violative of law, and

WHEREAS, the electrical transcription industry is now engaged in negotiation with Mr. Petrillo and his union;

NOW THEREFORE,

BE IT RESOLVED by the National Association of Broadcasters, that the broadcasting industry endorses the position of the electrical transcription industry as defined in its letter of February 23, 1943, addressed to Mr. Petrillo, and

BE IT FURTHER RESOLVED, that the broadcasting industry, in convention assembled, calls upon the electrical transcription companies, in their present negotiations with Mr. Petrillo, to stand firm by the position so taken by them so that they will not give tacit or implicit recognition to Mr. Petrillo's false and insincere claim of widespread unemployment in his union, or to his equally false claim that the industry owes an obligation to members of his union not employed by it, and

BE IT FURTHER RESOLVED: that the broadcasting industry calls upon the electrical transcription industry promptly to take such measures under the law as shall be necessary to end Mr. Petrillo's ban against musical recordings, which, in violation of labor's pledge to the nation, has injured wartime morale, deprived the civilian population and the armed forces of recorded entertainment, and inflicted grievous and unjustified injuries upon the broadcasting and transcription industries.

Adopted by the Board of Directors, April 26, 1943.

MEMBERSHIP CAMPAIGN

About a month prior to the War Conference, NAB launched a campaign to add to the membership. With the cooperation of the 17 District Directors and state and area chairmen appointed by them, 28 new stations have been enrolled. While these results are most gratifying and we plan at least one more mailing in the formal campaign, we appeal to every member station to aid in bringing outsiders into the fold.

We have plenty of ammunition at NAB headquarters to be used in presenting the value of membership to stations of any size or location. If you feel that we can assist in showing a non-member how NAB membership would be of value, please call upon us.

FTC and FCC

FORTUNE MAGAZINE DISCUSSES THE FCC IN THE MAY ISSUE

Broadcasters will be interested in reading "Government by Commission"—an article concerning the present FCC-Network controversy in the May, 1943, issue of *Fortune Magazine*, page 86.

GAREY ASKS—DURR DEMURS

Herewith is printed for your information the exchange of correspondence between Eugene L. Garey, general counsel, House committee investigating the FCC, and Commissioner C. J. Durr:

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

Select Committee to Investigate
Federal Communications Commission

Washington, D. C., April 20, 1943.

My dear Mr. Commissioner:

Will you be good enough to advise me for the information of the Committee:

1. The name(s) and address(es) of all banks, trust companies or other depositaries employed by you since January 1, 1937, for the deposit of funds and the name(s) in which such account(s) was carried.
2. The source of all funds received by you during such period and whether such funds constituted income or return of capital.
3. In the event any portion of such funds constituted a return of capital please submit in respect thereof a brief statement of all facts connected therewith.
4. Whether at any time during the period stated you carried funds belonging to you or in which you had or claimed an interest (direct, beneficial or otherwise), with any person, firm, association or corporation, banking or otherwise, other than those institutions named by you in answer to paragraph 1, supra, and whether carried in your own name or otherwise.
5. Whether, during the period stated, you have had any safety deposit box(es) and, if so, state the name(s) and address(es) of the institution from which the same was rented.
6. Whether, during the period stated, you have acquired by purchase or otherwise, any real property, and, if so, state the details thereof.
7. Whether, during the period stated, you have any investment(s) of any kind, and, if so, state the details of such investment(s).
8. Whether, during the period stated, you had acquired or sold any stocks, bonds, or other securities, and, if so, state the details of each such acquisition or sale.

Very truly yours,

(Signed) E. L. Garey,
Eugene L. Garey,
General Counsel.

Honorable C. J. Durr,
Commissioner,
Federal Communications Commission,
Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C.

April 23, 1943.

Mr. Eugene L. Garey,
General Counsel,
Select Committee to Investigate
Federal Communications Commission,
House of Representatives,
Washington, D. C.

My dear Mr. Garey:

Receipt is acknowledged of your letter of April 20, 1943, in which you ask for the names of all banks in which I may have carried deposits or had safety deposit boxes since January 1, 1937, and the sources of all funds and the nature and circumstances of all investments I may have made during such period.

While I have absolutely nothing to conceal from the Committee, it seems to me that the information you are requesting is of an entirely personal nature unless it is for the purpose of ascertaining whether or not I have been guilty of accepting bribes or of similar misconduct in the performance of my official duties. If you have any information which would lead you to feel that further inquiry along this line is warranted, it is suggested that you refer the matter to the Department of Justice.

Very truly yours,

(Signed) C. J. Durr,
C. J. Durr,
Commissioner.

FTC RADIO ADVERTISING SURVEYS

The FTC has advised NAB that it would be neither practicable nor consistent with certain war-related duties which the FTC is performing to reduce the annual rate of rendering copies of continuity returns below the present average rate of four times yearly per station, covering specified 15-day broadcast periods. Suggestions for simplification of clerical work in assembling commercial continuity returns for submission to the FTC were also made in the following letter to NAB:

April 22, 1943.

Attention: *Mr. Russell P. Place, Counsel.*

In re: Radio Advertising Surveys—War-Related Matters, etc.

Gentlemen:

In compliance with your telephoned request to this office, of this morning, I am pleased to summarize herein, the phases concerning both this Commission's normal advertising work, and war-related matters, whereby your organization and its broadcaster members may be enabled to cooperate more understandingly with our current duties.

* * *

Owing to contributing elements, which I will amplify hereinafter for your information, I do not consider that it would be either practicable or consistent with certain war-related duties which this Commission is performing to reduce the annual rate of rendering copies of continuity returns for broadcasters below the present average rate of four times yearly per station, covering specified 15-day broadcast periods, as requested from time to time in general letters addressed to groups of stations by this Commission.

* * *

While individually, the omission or temporary deferment of commercial continuity returns of broadcasters might not, temporarily, materially affect the objective of our normal Commission work, it is necessary for me to keep in mind and provide adequate cooperation and compliance with certain existing projects which this Commission is carrying on in conjunction with the specific emergency war agencies indicated below.

* * *

More specifically, our continuous survey of both published and radio advertising includes a search for data respecting such matters as: Troop concentrations and movements, unit identities; war plant locations, their research, developments, etc.

* * *

This Commission is also assembling and reporting from available published and radio script certain matters of interest to the Office of Price Administration pertaining to rationing and price control subjects. Also for several months past, this Commission has been reporting analyses of advertising script examined, to the War Production Board pertaining to selected commodities and products in connection with the policy and planning objectives of that organization.

From the above, I feel sure that you will appreciate that our work, as currently scheduled and performed in connection with advertising, has its concurrent, useful place in the national war effort, and that any curtailment of the present representative coverage might materially affect the value of this Commission's war-related efforts.

Further, I suggest consideration of the following typical items which may serve to simplify some of the clerical steps in assembling commercial continuity returns submitted to the Federal Trade Commission pursuant to our regular station coverage: (A) script is needed only on commercial announcements, or commercial portions of programs, designed directly or indirectly to promote the interest of products and commodities in commerce; (b) in the specified broadcast periods, where commercial announcements are repeated substantially, in similar words of like meaning, a single representative copy of the announcement is sufficient for our purpose, provided that the dates upon which the announcements were repeated are noted clearly on the face of the copy; and (c) where recourse is made to a form of ad lib announcements, using published advertisements or circulars as a basis for such announcements, (and the stations are handicapped for typing service) marked portions of such advertisements or circulars, with announcement dates noted thereon, may be submitted for our advertising scrutiny.

I trust that the information given above may serve to answer more satisfactorily the questions raised in your telephonic inquiry, in addition to providing answers to questions on war-related policy and effort as raised in inquiries from your broadcaster members, insofar as this Commission is concerned. We have appreciated, indeed, the cooperative responses thus far received from the radio broadcasters generally, and from your organization specifically.

Very truly yours,

(Signed) P. B. MOREHOUSE,
Director.

FCC APPOINTS NEW ASSISTANT CHIEF ENGINEER

The FCC has announced the appointment of Manfred K. Toeppen of Detroit, Michigan, as assistant chief engineer and chief of the common carrier division, succeeding Lieut.-Comm. Gerald C. Gross, NSNR, now on active duty. Toeppen has been with the Commission since May 1, 1935, when he was appointed principal engineer on the special investigation of the American Telephone and Telegraph company. On January 1, 1937, he was appointed chief of the communications property section. In October, 1941, he was designated assistant chief, and in January, 1943, he was named acting chief of the common carrier division.

7 STATES MEMORALIZE CONGRESS

Illinois is the seventh state to pass a resolution memorializing Congress to lift restrictions on the manufacture of batteries for farm radios.

Broadcasters are appreciative of the work of Leslie C. Johnson, general manager, WHBF, Rock Island, and NAB 9th District Director, for his effective leadership.

Other states which have adopted similar resolutions are: Indiana, Iowa, Minnesota, Nebraska, North Dakota and South Dakota.

NAB WELL REPRESENTED AT OHIO RADIO INSTITUTE

Participating in a special session presided over by Neville Miller, NAB was well represented at the Ohio Institute for Education by Radio, Deshler-Wallick Hotel, Columbus, Ohio, April 30-May 3.

NAB conducted its portion of the program, beginning at 8 P. M. Saturday, May 1, at which Dr. John Drewry, Dean of the School of Journalism, University of Georgia, made the official presentation of 1943 Peabody Awards to their recipients. Certificates and medals went into the hands of those who heard once more the praise of the Peabody Committee.

Earl Glade, vice-pres., KSL and chairman of the NAB Code Committee followed with an address on "What is Public Interest, Convenience and Necessity?" Glade divided the obligation of station operators into "constants" and "variables," the former being strict requirements laid down by the Federal Communications Commission, the latter being a broad field of public service and allegiance to the principles of Americanism which serves as a perpetual challenge to every broadcaster. The audience response to Glade's speech elicited the promise from Willard Egolf, NAB Assistant to the President, that it would be printed for distribution.

Religious Broadcasts Discussed

The meeting was concluded with a round-table discussion which saw religious broadcasts claiming most attention, general conclusions being that the radio industry and religious organizations must collaborate in finding a satisfactory policy to which all may adhere.

Members of the NAB headquarters staff, in addition to Miller and Egolf, who were seen attending the numerous sessions of the four day conference, were Lewis Avery, director of the department of broadcast advertising, who spoke before the Association of Women Directors of NAB, at their session; Howard Frazier, director of engineering, who appeared on the Manpower and Materials panel; and Dorothy Lewis, co-ordinator listener activity, who prepared the agenda and supervised the Conference activities of the Association of Women Directors of NAB.

HELPFUL INFORMATION

For the benefit of any station management contemplating the employment of either Ray Edward, sometimes known as Edward Ray Pifer, or John Van Cronkhite, NAB has information from a member station which it will be glad to make available upon inquiry.

Public Relations

OUTSTANDING STATION PROMOTIONS TO BE GIVEN INDUSTRY PUBLICITY

The NAB public relations committee, meeting at Chicago during the War Conference, expressed a desire to circulate among the industry reports of outstanding station promotions. Here are some excellent examples from WMRN and KWIL. We have received complete details of these promotions from these stations. When these reports reach us in sufficient quantity we will publish special promotion releases:

WMRN

In promoting the beginning of the second War Loan Drive, April 12, WMRN lengthened its broadcasting day 2½ hours and presented special events, including several business area remotes, from the city.

State, city and county officials, school children, churches, and even participants in a Rollarena skating show all added their portions to the drive, including many shows featuring the station's talent and staff members. Bond and stamp sales in the county at midnight that day totaled $1,231,537.

KWIL

Every spot on April 12 was a war bond spot as KWIL went all out to begin the second War Loan Drive with a bang. Every program contained nothing but bond appeals.

City, county, state and regional entertainers all helped. A pig was auctioned off for $2000 worth of war bonds, clubs, organizations, "Miss Oregon" (Carol Worth), corporations, farm groups, the American Legion, schools, banks and many other individuals and groups contributed during the day to make the accounting at the final minute total $1,303,750, or almost half of the entire total for the county for the campaign.

RETURN GOVERNMENT TRANSCRIPTIONS

Richard F. Connor, chief, station relations division, OWI, recently sent to all stations a communication outlining procedure for return of government transcriptions. Stations are urged in the interest of the conservation of essential materials to heed this request promptly.

In the bulletin sent out by OWI, stations are advised to reduce the weight of mailing to the minimum. It is suggested that all discs be removed from envelopes and that they be placed, without extra pads, in the original shipping container to keep the maximum weight to four pounds to comply with postal regulations. Do not send by air express or special delivery and see that all markings of this nature are removed from the outside of the package.

It is suggested that all packages be sealed or tied with string. Be sure that the self-addressed government frank is affixed and mail only one package at a time. Stations are specifically warned to use the government frank a not to send by express. The cooperation of all broadcasters is urged.

WHITE-WHEELER BILL

Hearings on the White-Wheeler bill (S. 814) to amend the Communications Act have been postponed to Tuesday, May 25. Prior thereto there will be a meeting of the NAB Legislative Committee to consider policy and procedure relative to the bill and hearings. The committee: Don Elias, WMNC; Clair McCollough, WGAL; Joseph H. Ream, CBS; Frank M. Russell, NBC; and James D. Shouse, WLW. Neville Miller is chairman ex officio.

RADIO SALARY INCREASES GRANTED BY WAR LABOR BOARD

Salary increases of 4½% to 10% for actors, singers, announcers and sound effect technicians of 7 broadcasting companies have been unanimously approved by the National War Labor Board. The increases were granted under the Board's 15% cost of living formula.

The American Federation of Radio Artists, A. F. of L., represents the employees. Companies involved are the Columbia Broadcasting System, National Broadcasting Company, Blue Network Company, Inc., Don Lee Broadcasting System, WGN, Inc., Agricultural Broadcasting System and WOR Program Service, Inc.

The 10% increase which the parties agreed upon for eleven classifications was approved by the Board except in the case of WGN sound effects technicians in Chicago and NBC staff announcers in Cleveland. These two groups were found to have received increases since January, 1941, in excess of the 15% allowable under the "Little Steel" formula. They now receive weekly minima of $40.00 and $47.00 respectively. The other groups had received no increase since January, 1941.

Affects Only New Employees

Instead of the 6% increase requested for CBS employees in Los Angeles, the Board approved an increase of 4½%, the amount allowable under the "Little Steel" formula.

A 10% increase in the minimum rates paid to sound effects technicians, staff producers and announcers by the Don Lee Broadcasting System in Hollywood and San Francisco was approved. This increase will affect only new employees because all present employees are already paid at least 10% above the current minima.

Increases for NBC and CBS sound effects technicians in Chicago were made retroactive to January 1 and January 17, 1943, respectively; all other increases are retroactive to December 15, 1943.

The WLB reconsidered and changed its decision disapproving certain parts of the new CBS-IBEW contract (NAB REPORTS, p. 145). The entire contract is now approved.

MORSE SALISBURY PROMOTED

War Food Administrator Chester C. Davis has named Morse Salisbury as deputy administrator in charge of information, department of agriculture. W. K. Charles, as press service chief, and Wallace Kadderly, as radio service chief, will continue their respective functions.

Broadcast Advertising

THE IMPACT OF THE WAR ON AMERICAN BUSINESS

Mushroom expansion occurred in some areas; depressing contraction took place in others during the transition to a war economy. Some regions were cushioned by the diversification of their industries. Others were swept headlong into a boom that threatens even more complex problems when the war is over.

Agriculture is plagued by the war economy. Wholesalers are trying to keep trade channels open on the home front. Retailers are approaching a difficult situation with restricted supplies of merchandise, increased consumer demands and sharply reduced services and personnel.

Many of these problems have been reviewed on a national basis in business trade papers. The first comprehensive analysis of these problems on a regional basis has just appeared in a series of quarterly reports by the United States Department of Commerce. Prepared by the Regional Business Consultants, these reports cover the first three months of 1943. Here are the titles and numbers of each report:

War Problems Reports

2-10446 The Impact of the War Effort upon New England Business.
2-10829 The Impact of the War on the New York Region.
2-10411 War Molds the Business Front in Penn-Del-Jersey.
2-10376 The Effect of the War on the Richmond Region.
2-10816 The Southeastern States in a War Economy.
2-10642 The Impact of the War Effort upon Business In Cleveland Region.
2-10718 The Chicago-Detroit Region Goes to War with a Vengeance.
2-10663 The Impact of the War Effort upon Business in the St. Louis Region.

2-10852 The Effect of the War on Business in the Minneapolis Region.

2-10710 The Kansas City Region Takes Its Place in World War II.

2-11161 Current Conditions and Potential Trends of Southwestern Business and Industry under War Economy.

2-10779 War Booms and Twists the Far West.

Information Is Helpful

Copies of these quarterly reports may be obtained by title or number from the Regional Business Consultants in the District Offices or from Dr. Wilford L. White, Chief, Regional Research Unit, Department of Commerce, Washington, C. C.

You will find the information contained in these publications genuinely helpful in analyzing business prospects and possibilities in the area served by your station. If you would like to receive these reports quarterly as issued, the Department of Commerce will place your name on a permanent mailing list for such information.

PER INQUIRY PARADE

Topping the list this week is the Airplane Model Kit offer of that perennial per-inquiry promoter, N. J. McMahon of United Advertising Companies, Chicago, Ill. You sell the kit for $1.49, keep 50¢ less 15% agency commission. Better leave the blue sky to the airplanes and sell where you are paid fairly and in full.

Hahn-Rodenburg Co.

"Good News from Home" may be all that the title implies, but it isn't good news to any radio station on a per-inquiry basis from the Hahn-Rodenburg Co., of Springfield, Ill. Sell the book for a dollar and keep 50¢—but don't count on buying very many war bonds with the half dollars.

Herald Publishing Co.

The women in your audience are just waiting to hear about a new book on charm entitled, "Better than Beauty." At least, that's what the Herald Publishing Co., of New York, N. Y., thinks. In the letter to stations this publisher graciously states: "we have just launched a $50,000 magazine advertising campaign . . ." We have reminded him that broadcast advertising would do an outstanding job for this book with $50,000 on a rate-card basis.

Service Life Insurance Co.

The Service Life Insurance Company of Omaha through France and Duff Advertising Agency, also of Omaha, is offering their "6-Bell Combination Policy" on a contingent basis. Such business is not only unethical but may be dangerous for the station that carries it on such a basis. Before you contract for such advertising, ask yourself these questions: Is the company authorized to write insurance in the state in which I am doing business? Would I be acting as agent in the solicitation of inquiries for such insurance on a per-inquiry basis?

The Scott 'P-I' Formula

Not long ago an advertising agency offered to keep the details of its per-inquiry arrangement with radio stations strictly confidential. The best reply to that offer came from Clyde Scott of KFI-KECA, who wrote:

> "You may be sure that we will keep the offer outlined in your letter very confidential. In fact the only one who will know about it will be the janitor when he digs it out of the waste basket."

That should be the answer of every radio station.

MIEHLE WARTIME LIBRARY

Although this library is an example of printed co-operation of advertisers with the government's war activities, broadcasters will derive much information and inspiration from it, in the opinion of Neville Miller and Willard Egolf, who attended a meeting of the War Activities Council in New York recently, at which the library was exhibited and explained.

The Miehle Wartime Library consists of twelve volumes of hand-mounted samples of printed material put out by advertisers to promote the war. Some of it has been used in connection with radio programs. There are several editions of the library now being routed throughout the country. Broadcasters may have the opportunity to view the material through local advertising clubs, industrial concerns or trade associations. Watch for its appearance in your city.

WROK RENEWS WAR SHOW

Cpl. Barney Ross, Marine hero of Guadalcanal, is to address war workers of Rockford, Ill., via the "Soldiers of Industry" program over station WROK. Ross recently transcribed the talk especially for the factory morale show. Sponsors are twelve war plants in Rockford and the program has just been renewed for 39 weeks. Station joins Blue network, May 17.

GAS RATIONING

Provisions for lifting the ceiling on mileage which may be allowed for in-course-of-work driving outside the eastern shortage area from 470 miles a month to 720 miles a month were announced Monday by the Office of Price Administration with the Office of Rubber Director making sufficient increased quotas available to cover the additional tire requirements.

This action, supplementing a previous order permitting additional home-to-work mileage in hardship cases, is intended to help car owners who need more mileage in the course of their work than they have been able to get. It does not change the mileage that now may be allowed for driving between home and work. But it brings all motorists who need to drive in the course of their work, and who were eligible in the past for "B" ration books only, up to the mileage level of essential salesmen who were granted additional rations last January.

To qualify for the additional rations an applicant must:

1. Show that he needs it entirely for course-of-work travel.
2. Meet regular car-sharing requirements. This means that he arranges to carry three or more persons in his car if this is possible.
3. Show that he is not already allowed as much as 720 miles a month for home-to-work travel as provided in an earlier order of February 24. (Amendment No. 23.)

Order Applies to Fleets Also

This order provided additional mileage to any car owner who showed that he could not get to his job any other way and that even the maximum "B" ration book would not give him enough mileage.

However, a driver who has thus broken the "B" ceiling for driving to and from work, for an amount less than 720 miles, may obtain an additional amount up to 720 miles for driving strictly in the course of work.

The new order also applies to fleet cars, and since these automobiles, presumably, are all used for in-the-course-of-work driving, all of them may now get up to 720 miles a month.

Any preferred mileage to which any driver is entitled may be obtained in addition to the mileage allowed in the new amendment, it was pointed out.

War Price and Rationing Boards will be instructed to issue "C" books and stickers to applicants who are allowed rations exceeding 470 miles a month.

Persons who can qualify for increased rations under the new provisions should not go to boards immediately for their new rations, but should use the rations which they now hold, as long as possible. This will avoid confusion which would arise from having a large number of applications flow into the boards at once.

This action was taken in Amendment No. 45 to Ration Order 50, effective May 1. Boards may act on applications for the additional mileage beginning that date.

HERE'S NEW LIST OF CITIES COMPLETING REPAIR SURVEYS

The cities listed below have supplied information last requested in bulletin-letter of April 14.

All this is in addition to the information received from cities listed in NAB REPORTS of April 16. It is greatly appreciated and has been placed in channels where it will do the most good.

Cities which have not yet reported are earnestly urged to do so.

Cities Reporting Since April 16

ALASKA—Juneau.
HAWAII—Honolulu.
ARIZONA—Phoenix.
CALIFORNIA—Modesto, Riverside, San Francisco, San Luis Obispo, Santa Rosa.
CONNECTICUT—Darien, Greenwich, Hartford, New Canaan, New Haven, Norwalk, Stamford.
COLORADO—Colorado Springs, Grand Junction.
FLORIDA—Jacksonville, Orlando, Panama City, Pensacola, St. Petersburg.
GEORGIA—Columbus, Hot Springs, Tocoa.
IDAHO—Lewiston.
ILLINOIS—Bloomington & McLean County, Harrisburg, Rock Island.
INDIANA—Fort Wayne.
IOWA—Ames, Cedar Rapids, Davenport, Dubuque, Fort Dodge, Ottumwa, Waterloo.
KANSAS—Coffeyville, Kansas City, Lawrence, Topeka.
KENTUCKY—Hopkinsville, Lexington, Louisville.
MARYLAND—Laurel.
MASSACHUSETTS—Greenfield, New Bedford, Worcester.
MICHIGAN—Battle Creek, Bay City, Calumet, Detroit, Flint, Grand Rapids, Lansing, Pontiac, Royal Oak.
MINNESOTA—Mankato, Minneapolis, St. Paul.
MISSISSIPPI—Jackson.
MISSOURI—Kansas City.
MONTANA—Billings.
NEW MEXICO—Clovis, Hobbs.
NEVADA—Las Vegas, Reno.
NEW HAMPSHIRE—Laconia, Manchester, Portsmouth.
NEW YORK—New York City, Rochester, Schenectady.
NORTH CAROLINA—Burlington, Winston-Salem.
NORTH DAKOTA—Grand Forks.
OHIO—Cleveland, Columbus, Portsmouth, Steubenville, Toledo, (N. W. Ohio and South. Mich.).
OKLAHOMA—Oklahoma City, Shawnee.
PENNSYLVANIA—Butler, Dubois, Philadelphia, Reading, Scranton, Uniontown, Washington, Williamsport.
SOUTH CAROLINA—Greenville, Spartanburg.
TENNESSEE—Chattanooga, Memphis (and surrounding tri-state area).
TEXAS—Amarillo, Corpus Christi, Dallas, Fort Worth, Galveston, Midland, Weslaco.
UTAH—Cedar City, Salt Lake City.
VIRGINIA—Martinsville, Richmond (and 16 cities in area).
WISCONSIN—Madison, Racine.
WASHINGTON—Seattle, Walla Walla.
WYOMING—Rock Springs.

Other Reports Coming

We have been notified that reports from the following locations are almost completed and will be forwarded at an early date:

1—Charleston, W. Va.
2—Milwaukee.
3—Southern California (by Southern California Broadcasters Association).

State Legislation

CALIFORNIA:

A. 2006 LIBEL AND SLANDER—Relating to defamation without the necessity of explanatory fact. Referred to Committee on Judiciary.

FLORIDA:

S. 183 (BEACHAM) MUSICAL COPYRIGHTS—An Act relating to public performing rights in copyrighted musical compositions and dramatico-musical compositions. Passed Senate April 19. Reported favorably in House April 20.

MASSACHUSETTS:

S. 454 (Reported on P. D. 144, JJ Item 16) LIBEL AND SLANDER ACTIONS—Relative to the proof of malice in actions of libel and slander. Referred to Calendar.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, May 10th. They are subject to change.

Monday, May 10

WKBZ—Ashbacker Radio Corporation, Muskegon, Mich.—Modification of license, **1450 kc.**, 250 watts, unlimited.

Wednesday, May 12

Oral Argument Before the Commission

Report No. B-171:

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah. —C. P., **880 kc.**, 10 KW, unlimited, DA-day and night.

Friday, May 14

WLAN—Thomas J. Watson, Endicott, N. Y.—Modification of C. P., **1450 kc.**, 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WQXR—Interstate Broadcasting Co., Inc., New York City.—Granted modification of license to operate non-directionally on **1560 kc.** with 10 KW power; and dismissed application (B1-MP-1689) for modification of construction permit to extend completion date. The grant of modification of license is made subject to condition that it may be cancelled or modified by the Commission without hearing, in event Cuba signifies its intention of establishing a Class I-B station on **1560 kc.** and the licensee fails to take necessary steps in time to prevent the causing of electrical interference thereto, in accordance with requirements of NARBA.

WOWO—Westinghouse Radio Stations, Inc., Ft. Wayne, Ind.—Granted application for modification of license (B4-ML-1148) to operate on **1190 kc.** with 10 KW power, unlimited time, subject to the condition that it may be cancelled or modified by the Commission, without a hearing, in the event it becomes necessary for the licensee to protect the services of other stations operating on the **1190 kc.** frequency, in accordance with the Commission's Rules and Regulations and with provisions of NARBA.

WPID—Petersburg Newspaper Corp., Petersburg, Va.—Granted authority to delete call signal close the record of this station and dismiss pending application for renewal of license. On March 22, 1943, the licensee advised the Commission that in view of the denial of its petition to suspend operation for the duration, it would be necessary to cease operation of the station April 1, 1943, the expiration date of its outstanding license.

W59C—WGN, Inc., Chicago, Ill.—Granted license (B4-LH-23) to cover construction permit (B4-PH-7) in part for new station, subject to requirements concerning Order No. 79.

W71SB—South Bend Tribune, South Bend, Ind.—Granted license (B4-LH-24) to cover construction permit (B4-PH-54, as modified) in part, for new station, subject to requirements concerning Order No. 79.

DESIGNATED FOR HEARING

KFXM—J. C. & E. W. Lee (Lee Bros. Broadcasting Co.), San Bernardino, Calif.—Designated for hearing application (B5-ML-1147) for modification of license to operate unlimited time, simultaneously with KPPC.

DOCKET CASE ACTION

The FCC has announced its Proposed Findings of Fact and Conclusions (B-178), proposing to issue temporary licenses for a period of six months for the operation of Stations WDSU, New Orleans, La., WMIS, Natchez, Miss., and WGRM, Greenwood, Miss.

The proceedings arose upon the applications of WDSU, Inc. (WDSU), Natchez Broadcasting Co. (WMIS), and P. K. Ewing (WGRM), for renewal of licenses, and upon the application of WDSU for reinstatement of construction permit, as modified, which authorized an increase of day and night power of Station WDSU from 1 KW to 5 KW, the installation of a new transmitter, changes in transmitter location, and the employment of a directional antenna for both day and night operation. (Dockets 6331 through 6334.)

The Commission took cognizance of various and numerous—and on occasions repeated—violations of the Rules and Regulations of the Commission, but concluded:

"It appears that public interest would best be served by the issuance of temporary license for a period of six months for the operation of these stations and, if during that period no violations of the law or the Rules and Regulations of the Commission are disclosed, that license on a regular basis should then be issued to them. However, if further violations should be disclosed, the matter should be opened for introduction of evidence on such violations and the cases then finally determined upon the enlarged record.

"The application of WDSU, Docket No. 6331, to reinstate its construction permit, should be held in abeyance until the expiration of the temporary license period, herein proposed, and then granted if the application for renewal of license (Docket No. 6332) is finally issued for the operation of Station WDSU."

* * *

Based upon the policy announced in the Commission's Memorandum Opinion of April 27, 1942 (which policy specifically refers to the use and not the acquisition of materials), the Commission announces its Proposed Findings of Fact and Conclusions, proposing to deny without prejudice the following:

Application of Massachusetts Broadcasting Corp. (WCOP), Boston, Mass., for construction permit to make changes in the directional antenna for nighttime use, to make changes in transmitting equipment, and to increase power from 500 watts to 1 KW. (Docket No. 6336; B-169.)

Application of J. C. Kaynor for construction permit for a new local broadcast station at Ellensburg, Wash., to operate on **1340 kc.,** 250 watts power, unlimited time. (Docket No. 5965; B-173.)

Application of Beauford H. Jester, Individually, and as Trustee for W. W. Callan, DeWitt T. Hicks, Hilton W. Howell, Wilford W. Naman, Robert E. Levy, Ross M. Sams, and Davis Stribling, for construction permit for a new standard broadcast station at Waco, Tex., to operate on the frequency **1230 kc.,** 250 watts power, unlimited hours of operation. (Docket No. 6218; B-176.)

MISCELLANEOUS

KGBK—Helen Townsley, area of Great Bend, Kans.—Granted further extension of relay broadcast station license upon a temporary basis only, pending determination upon application for renewal of license, in no event later than June 1, 1943. (B4-SRY-240)

WAEA—W. A. Patterson, area of Chattanooga, Tenn.—Granted further extension of relay broadcast station license upon a temporary basis only, pending determination upon application for renewal of license, in no event later than June 1, 1943. (B3-SRY-132)

KXYZ—Harris County Broadcast Co., Houston, Tex.—Granted license to cover construction permit as modified, for change in frequency, increase in power, move of transmitter, and install new transmitter and directional antenna for night use; and granted authority to determine operating power by direct measurement of antenna power. (B3-L-1740; B3-Z-1482)

KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted license to cover construction permit as modified, for installation of new transmitter and directional antenna for day and night use, increase power, change frequency, and move of transmitter; granted authority to determine operating power by direct measurement of antenna power. (B3-L-1739; B3-Z-1481)

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Scheduled for oral argument on May 12, 1943, in re application for construction permit to change frequency from **1320** to **880 kc.,** increase power from 5 KW to 10 KW, make changes in directional antenna system for both daytime and nighttime use and change transmitter. (Proposed Findings of Fact and Conclusions No. B-171; Docket 6351)

KMA—May Broadcasting Co., Shenandoah, Iowa.—Granted modification of construction permit as modified, which authorized installation of directional antenna for night use, and increase in power, for extension of completion date from April 23, 1943, to June 23, 1943. (B4-MP-1707)

WSAN—Lehigh Valley Broadcasting Co., Allentown, Pa.—Granted authority to determine operating power by direct measurement of antenna power. (B2-Z-1512)

WCBA—Lehigh Valley Broadcasting Co., Allentown, Pa.—Granted authority to determine operating power by direct measurement of antenna power. (B2-Z-1513)

WWL—Loyola University, New Orleans, La.—Dismissed without prejudice petition to intervene in re application of Plains Radio Broadcasting Co. (KGNC), Amarillo, Texas, for modification of license to operate on **860 kc.,** 500 watts night, 5 KW day, unlimited. (Docket 6493)

W3XPA—Philco Radio & Television Corp., Portable-Mobile (area of Philadelphia, Pa.).—Granted license to cover construction permit which authorized new experimental television relay broadcast station. (B2-LVB-40)

W3XPC—Philco Radio & Television Corp., Portable-Mobile (area of Philadelphia, Pa.).—Granted license to cover construction permit which authorized new experimental television relay broadcast station. (B2-LVB-41)

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted license to cover construction permit for installation of new sampling loops (B2-L-1160); granted authority to determine operating power by direct measurement of antenna power. (B2-Z-1516)

WCHV—Barham & Barham, Charlottesville, Va.—Granted authority to determine operating power by direct measurement of antenna power. (B2-Z-1508)

W8XO—The Crosley Corp., Cincinnati, Ohio.—Denied petition for rehearing directed against an Order of the Commission adopted December 29, 1942, dismissing application for renewal of license of station W8XO; and denied petition to dismiss without prejudice application for renewal of license for station W8XO.

W59NY—Interstate Broadcasting Co., Inc., New York City.—Granted license (B1-LH-16) to cover construction permit (B1-PH-109, as modified) in part.

W6XLA—Television Productions, Inc., Los Angeles, Calif.—Granted modification (B5-MPVB-95) of construction permit (B5-PVB-87) to make changes in equipment, reduce maximum power output from 800 watts to 25 watts (100 watts peak), and extension of commencement and completion dates.

WJHO—Yetta G. Samford, C. S. Shealey, Thomas D. Samford, Jr., and J. H. Orr, d/b as Opelika-Auburn Broadcasting Co. (Assignor), Yetta G. Samford, C. S. Shealy, and Thos. D. Samford, Jr., d/b as Opelika-Auburn Broadcasting Co. (Assignee), Opelika, Ala.—Granted consent to voluntary assignment of license (B3-AL-366) of station WJHO from Yetta G. Samford, C. S. Shealy, Thos. D. Samford, Jr., and J. H. Orr, d/b as Opelika-Auburn Broadcasting Co., to Yetta G. Samford, C. S. Shealy, and Thomas D. Samford, Jr., d/b as Opelika-Auburn Broadcasting Co. This is a newly formed partnership doing business under the same name as the assignor and present licensee. The assignee proposes to pay J. H. Orr the retiring partner, $3,150.00, for his 25% interest in the licensee partnership.

APPLICATIONS FILED AT FCC

820 Kilocycles

WAIT—WAIT, Inc., Chicago, Ill.—Voluntary assignment of license to Gene T. Dyer, Evelyn M. Ringwald, Elizabeth Hinzman, Adele Moulds, Vivian Christoph, Wm. F. Moss, d/b as Radio Station WAIT.

1230 Kilocycles

WDLP—Panama City Broadcasting Co., Panama City, Fla.—Modification of license to increase power from 100 watt night, 250 watts day to 250 watts day and night.

1450 Kilocycles

WCHV—Charles Barham, Jr., and Emmalou W. Barham, d/b as Barham and Barham, Charlottesville, Va.—Modification of license to change frequency from **1450 kc.** to **1240 kc.**

1480 Kilocycles

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—License to cover construction permit (B3-P-3520) to move main transmitter.

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Authority to determine operating power by direct measurement of antenna power.

FM APPLICATIONS

NEW—King-Trendle Broadcasting Corp., Detroit, Mich.—Construction permit for new High Frequency Broadcast Station to operate on **47300 kc.**, coverage 6750 square miles. (Formerly W73D)

NEW—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Construction permit for new High Frequency Broadcast Station to operate on **46900 kc.**, coverage 5300 square miles. (Formerly W69GR)

NEW—Edwin H. Armstrong, Alpine, N. J.—License for new High Frequency Broadcast Station. Frequency **43100 kc.**, coverage not to exceed 15,610 square miles. (Formerly licensed as Experimental High Frequency Broadcast Station W2XMN)

MISCELLANEOUS

W9XMB—The Moody Bible Institute of Chicago, Chicago, Ill.—Modification of construction permit (B4-PST-4 as modified for new ST station), for extension of completion date from 5-16-43 to 8-16-43.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Associated Laboratories—Milton Irwin, Dr. Walter G. Berg and Dr. David W. Miles, trading as Associated Laboratories, 4609 Nicollet Ave., Minneapolis, have been ordered to cease and desist from disseminating false advertisements in connection with the sale of their "Gordon Detoxifier," a medicinal device recommended by them for use in cleansing the intestines. (4722)

Lawrence Blanket Company, et al.—Misbranding of blankets in violation of the Wool Products Labeling Act and the Federal Trade Commission Act is alleged in a complaint against Lawrence Blanket Co., Worcester, Mass.; Thomas B. Keen and Marian C. Keen, trading as Thomas B. Keen Co., 40 Worth St., New York, and Robert Mars, 401 First St., S. E., Washington, D. C. (4946)

Northwest Studios, Inc., 6013A Phinney Ave., Seattle, trading as Interstate Sales Co., and formerly trading as Pacific Studios; Charles H. Van Scoy, Mrs. Charles H. Van Scoy and Mrs. E. S. Holm, individually and as executives of the corporation and engaged in the sale and distribution of tinted or colored enlargements of photographs and of frames therefor, are charged in the complaint with misrepresentation. (4951)

F. Ad. Richter & Co., Inc., located at Berry and South Fifth Sts., Brooklyn, manufacturer and distributor of Anchor Pain Expeller, and its advertising representative, H. W. Kastor & Sons Advertising Co., 360 North Michigan Ave., Chicago, are charged in a complaint with disseminating false advertisements concerning the preparation. (4955)

United Diathermy, Inc., 1537 Chestnut St., Philadelphia, is charged in a complaint with the dissemination of false advertisements concerning the device designated "United Short Wave Diathermy" which it sells in interstate commerce. (4952)

Welch Grape Juice Company—A complaint has been issued charging Welch Grape Juice Co., Westfield, N. Y., with misrepresentation in connection with the advertising and sale of Welch's Grape Juice, recommended by the respondent corporation as being a cure for obesity. The complaint also is directed against H. W. Kastor & Sons Advertising Co., Chicago, advertising representative of Welch Grape Juice Co. (4953)

White Laboratories, Inc.—A complaint charging misrepresentation in the sale of a medicinal preparation designated "Feen-a-mint" has been issued against White Laboratories, Inc., 113 North 13th St., Newark, N. J., and its advertising agency, William Esty & Co., 100 East 42nd St., New York. (4950)

Zo-Ak Company, Inc.—Misrepresentation on the sale of a medicinal preparation designated "Orotune Ear Drops" and failure to reveal the harmful potentialities that may result from its use are alleged in a complaint against Zo-Ak Co., Inc., and its advertising agency, Jasper, Lynch & Fishel, Inc., both of 22 West 48th St., New York. The complaint also is directed against Alfred P. Zabin and Juliette Zabin, officers of Zo-Ak Co., Inc., who also trade as Harvin Co. (4954)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

American Chemical Company—Misrepresentation of the quality and effectiveness of Flexo, a so-called antifreeze solution recommended for use in the cooling system of automobiles and other combustion type engines, is alleged in a complaint issued against the manufacturer of the product, American Chemical Co., 229 Bradberry St., S. E., Atlanta, Ga. (4956)

Bureau of Research and Reclassification Department, 215 West 5th St., Los Angeles, and William Edgar Spicer, 302 Bond Bldg., Washington, D. C., have been ordered to cease and desist from the use of unfair and deceptive acts and practices in connection with the sale of mailing cards which are used by collection agencies and creditors to procure information of the whereabouts and employment of debtors. The Commission finds that the respondent Greenberg represents by implication that his business is connected with the United States Government and that the information is sought on behalf of the Government. (4810)

Milton Goldenberg, Natalie Goldenberg and Leonard Goldenberg, 2857 Sedgwick Ave., New York, have been ordered to cease and desist from misrepresentation in connection with the sale of post cards containing questionnaires designed for the use of collection agencies and creditors in obtaining information concerning delinquent debtors. The respondents Goldenberg, also known as Golden, engaged in the business from April, 1941, to August, 1942, trading under the names The Golden Skip Tracing Agency, Golden Sales Agency and Golden Distributors. (4907)

Pow-A-Tan Medicine Co., Huntington, W. Va., has been ordered to cease and desist from certain misrepresentations in connection with the sale of a medicinal preparation it designates as "Powatan Herb Tonic." (4817)

Jacob Siegel Co., 317 North Broad St., Philadelphia, has been ordered to cease and desist from misrepresenting the fiber content of men's overcoats and topcoats it sells under the trade name "Alpacuna." (3403)

A. Stransky Manufacturing Co., Pukwana, S. Dak., has been ordered to cease and desist from certain misrepresentations in connection with the sale of a mechanical device described as a vaporizer and decarbonizer for use on automobiles. (1612)

Terminal Messenger Service and Pioneer Inheritance Service, Stuart Bldg., Lincoln, Nebr., have been ordered to cease and desist from misrepresentation in connection with the sale of questionnaire letters and envelopes intended for use in obtaining information concerning debtors. (4897)

John F. Trommer, Inc., operating breweries in Brooklyn and Orange, N. J., has been ordered to cease and desist from certain misrepresentations made concerning a brand of beer designated "White Label." (4689)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Emile Bernat & Sons Co., Jamaica Plain, Mass., entered into a stipulation to discontinue misrepresenting the fiber content of knitting yarns it sells. (3634)

Dr. W. B. Caldwell, Inc., Monticello, Ill., and an advertising agency, Sherman & Marquette, Inc., Chicago, have stipulated that in connection with the advertising and sale of the preparation designated "Dr. Caldwell's Laxative Senna combined with Syrup Pepsin" they will cease and desist from representing that any therapeutic properties possessed by the product are enhanced by its pepsin content. (03102)

Hairtone Laboratories, 381 Fulton St., Brooklyn, agrees that in the sale of preparations for use on the scalp and hair, variously designated as "Quinine Hairtone," "Quinine Hair Marvel," "Hairtone Scalp Formula" and "Hairtone Hair Straightener," it will cease and desist from representing that any of the products will promote the growth of hair or constitute an effective treatment for falling hair; is an effective treatment or competent remedy for dandruff; is indicated for itching or sore scalp or will result in a healthy condition of the scalp; or that they are new discoveries, vegetable compounds or herbal formulas. (3633)

Heinrichson's Natural Food Company—A stipulation to discontinue misrepresenting the therapeutic value of medicinal preparations designated "Needee Acidophilus Culture" and "Needee Lactone" has been entered into by John T. Heinrichson, trading as Heinrichson's Natural Food Co., 3455 Lawrence Ave., Chicago. (03104)

Knomark Manufacturing Co., Inc., 214 Taaffe Place, Brooklyn, has entered into a stipulation to discontinue representing in advertising that its product designated "Spick White Shoe Cleaner" and "Knomark White Shoe Dressing" will not rub off. (03103)

George H. Lee Co., 1115 Harney Street, Omaha, engaged in the sale of poultry remedies, has entered into a stipulation to discontinue representing that the preparation known as "Germozone" will prevent or cure diarrhea or crop or intestinal troubles in poultry, or that either of the preparations designated "Acidox" or "Germozone," whether administered alone or in conjunction with each other, is of value in preventing coccidiosis, or that either of them will check death losses or avoid bad after-effects of such disease. (03105)

Republic Manufacturing & Supply Co., 154 Nassau St., New York, engaged in the business of exporting steel products, entered into a stipulation to cease and desist from certain practices. (3638)

Suey Chee Herb Co., 644 Kearny St., San Francisco, engaged in the sale and distribution of Chinese medicinal preparations, entered into a stipulation to cease and desist from representing that his pills strengthen the heart or that their use is indicated for strengthening the heart. (3637)

FTC COMPLAINT DISMISSED

The Federal Trade Commission has dismissed its complaint against General Electric Co., New York, which had been charged with misrepresentation in connection with the sale of electric light bulbs.

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NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON, D. C. Vol. 11, No. 20, May 14, 1943

NAB In Action

OPA RECOGNIZES RADIO'S PART IN PRICE NEWS COVERAGE

When a news story was recently released which quoted Prentiss Brown, OPA administrator, as asking newspapers to cooperate in releasing new price ceiling information and indicating newspapers only would receive that information, NAB through Neville Miller swung into action.

The same story, released to International News Service by Cranston Williams, ANPA general manager, quoted Williams to the effect that radio would be able to get the price information from the newspapers.

After conferring with OPA officials, Miller authorized release by the NAB of the two following stories, first to the general and trade press, the second to INS only. Also listed below is Brown's telegram sent NAB after the price ceiling information was issued last week-end:

(Released by NAB News Bureau)

Washington, D. C., May 7—Radio will again play a vital part in acquainting the public with government regulations when the Office of Price Administration announces the community area maximum food price ceilings this week-end in 150 cities throughout the country, Neville Miller, National Association of Broadcasters president, announced today.

Miller released the following telegram received from Prentiss Brown, OPA administrator:

"Our field offices in the various cities in which the new OPA community top price program will be effective on Monday are reporting the splendid cooperation which the radio stations and networks are giving us. I am sure this aid in our fight against inflation will continue through the entire life of the program."

Radio news wires and editors will receive the same price releases as issued to newspapers at 8 p.m., Saturday, May 8, Miller said.

Network broadcasts are being arranged for OPA for Sunday night. Station managers in cities where there are OPA district directors may get full information and plan local broadcasts accordingly. Other stations may play up the news angles of the new regulations if OPA offices are not available, Miller said.

(Released by NAB News Bureau to INS)

Washington, D. C., May 7—The Office of Price Administration joined Neville Miller, president, National Association of Broadcasters, in denying discrimination would be shown against radio stations in release of the new price regulations as reported by Cranston Williams, general manager, American Newspapers Association, in a statement to International News Service May 6.

"Radio will play fully as vital a part in the release and handling of the price ceiling regulations this week-end as will the newspapers," Miller said.

OPA officials backed Miller up by stating that radio stations will receive the same releases in the 150 cities affected, at 8 p.m., Saturday, May 8, as will newspapers.

Williams' statement to INS was to the effect that "There will be no release locally to radio stations . . . but of course it is to be expected that local radio stations will make broadcasts as soon as the radio stations see the newspapers . . ."

In answer to this Prentiss Brown, OPA administrator, released the following telegram to Miller:

"Our field offices in the various cities in which the new OPA community top price program will be effective on Monday are reporting the splendid cooperation which the radio stations and networks are giving us. I am sure this aid in our fight against inflation will continue through the entire life of the program."

NEVILLE MILLER
NATIONAL ASSOCIATION OF BROADCASTERS

ALL OF RADIO STATIONS NETWORK AND SPONSORS CONTRIBUTED GREATLY TO THE SPLENDID COVERAGE GIVEN THE NEW OFFICE OF PRICE ADMINISTRATION FOOD TOP PRICE PROGRAM. ALTHOUGH THE PLAN BECAME EFFECTIVE ONLY THIS MORNING WE KNOW IT WILL BE SUCCESSFUL AND RADIO SHOULD TAKE WELL-EARNED PRIDE IN ITS SHARE OF THIS SUCCESS.

PRENTISS M. BROWN, ADMINISTRATOR

Supreme Court

FCC AUTHORITY UPHELD

The Supreme Court May 10 upheld the FCC's authority under the Communications Act to promulgate the Network regulations. In an opinion of sweeping import written by Justice Frankfurter, the court held that the Act gave the Commission power to regulate the contractual relations of stations with networks under the phrase "public interest, convenience or necessity" as read in conjunction with other sections of the Act. Chief Justice Stone and Justices Reed, Jackson and Douglas concurred. Justice Murphy wrote a vigorous dissent in which Justice Roberts joined. Justices Black and Rutledge did not participate.

The network regulations will become effective 10 days after receipt by the District Court in New York of the mandate from the Supreme Court. Although the date of

(Continued on page 214)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Arthur C. Stringer, *Director of Promotion.*

SUPREME COURT

(Continued from page 213)

receipt of the mandate by the lower court cannot be predicted with certainty, in normal course, it would be between June 14 and 17.

Complete text of the majority and dissenting opinions will be found on pages 221 to 233 of this issue of the REPORTS.

Neville Miller's stand on the decision, which followed the expressed action of the NAB in convention in 1941, is embodied in a statement released by the NAB following the court's decision to all the trade and general press. It follows:

"Hearings on the White-Wheeler Bill to review the present Communications Act are set to commence May 25th. Today's decision of the Supreme Court once more emphasizes the necessity for prompt Congressional review of the radio law in the light of present development of the broadcasting art."

The White-Wheeler bill seeks to re-define the operation and regulation of the broadcasting industry.

In today's decision, the Supreme Court upheld the right of the Federal Communications Commission to regulate certain business practices of the networks.

It will be recalled that at the 1941 NAB convention the following resolution was passed:

"Be it resolved that the National Association of Broadcasters urge the United States Senate to give prompt and favorable consideration to a resolution introduced by Senator Wallace White of Maine, which would result in a thorough investigation of the whole radio structure with a view to the enactment of a new radio law; and would request the Federal Communications Commission to suspend operation of the new network rules pending completion of the Senate investigation."

CHAIRMAN FLY COMMENTS

In response to a question from the press concerning reports to the effect that the broadcasting industry is under the impression that the FCC has decided to postpone its chain broadcasting regulations until September, or possibly later, Chairman James Lawrence Fly stated:

> "I want to correct any such misapprehension. The enforcement of the chain broadcasting regulations has already, as a result of litigation, been postponed over a year and a half since they were promulgated in their present form. The effective date of the regulations is now stayed by Supreme Court order for ten days after its mandate goes to the lower court, or in normal course, until June 14. The Commission has no intention of delaying their effective date further. A full month thus remains for stations and networks to make necessary adjustments of contracts."

COMMISSIONER DURR FILES A PETITION AND WRITES A LETTER

TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

Petition That the Honorable E. E. Cox be Disqualified as a Member of the Select Committee to Investigate The Federal Communications Commission

I, Clifford J. Durr, a citizen of the United States and a duly qualified member of the Federal Communications Commission (hereinafter sometimes referred to as the "Commission"), respectfully petition the House of Representatives of the Congress of the United States that the Honorable E. E. Cox be disqualified by said House as a member of its Select Committee appointed pursuant to House Resolution 21, 78th Congress, 1st Session, to investigate the organization, personnel and activities of the Federal Communications Commission, for the following reasons:

1. That said E. E. Cox has a personal interest in the investigation authorized by such resolution in that:

> (a) Such resolution was introduced by the said E. E. Cox and he was at the time of the introduction of such resolution and at the time of the adoption thereof the record owner of $2,500 aggregate par value of stock of Albany Herald Broadcasting Company and, so far as petitioner has been able to ascertain, is still the record owner of such stock; proceedings are now pending before the Commission to determine whether or not the renewal of a license heretofore issued by the Commission to Herald Publishing Company, an affiliate of Albany Herald Broadcasting Company, for the operation of the broadcasting station in Albany, Georgia, and the transfer of such license to Albany Herald Broadcasting Company will be in the public interest; the facts indicate that the said E. E. Cox, in introducing such resolution, was motivated to a large degree, if not wholly, by the Commission's activities in connection with the ownership of Station WALB.
>
> (b) The $2,500 of stock above referred to was purchased by the said E. E. Cox with the proceeds of a check in the amount of $2,500 issued by Albany Herald Broadcasting Company to the said E. E. Cox accompanied by a voucher stating that said check was in payment of "legal expenses"; the Commission being of the opinion that such information should be submitted to the Department of Justice for a determination as to whether or not such payment was made for services rendered by the said E. E. Cox in an endeavor to secure favorable action in connection with applications filed with the Commission with respect to said broadcasting station and was therefore in violation of Section 113 of the Criminal Code of the United States, the matter was, pursuant to unanimous action of the Commission, duly reported to the Attorney General of the United States for appropriate action; so far as petitioner is advised such matter is still under consideration by the Attorney General.

In his remarks in support of House Resolution 31 Congressman Cox stated on the floor of the House on January 19, 1943:

> "Mr. Speaker: I am this morning bringing to you a matter in which I have the deepest possible personal interest."

2. That the said E. E. Cox, prior to this appointment to the Select Committee had already prejudged and con-

demned the Commission, its personnel and activities and has shown himself to be biased, prejudiced, and lacking in the objectivity of mind requisite for a member of such Committee in that he, in a speech on the floor of the House on January 19, 1943, in support of Resolution 21, accused the Commission of being "the nastiest nest of rats to be found in this entire country" and "a nest of Reds"; and has otherwise on numerous occasions publicly denounced in violent and intemperate language, the Commission, its personnel and activities.

Respectfully submitted,

Clifford J. Durr

May 13, 1943.

May 13, 1943

Honorable E. E. Cox
Honorable Richard B. Wigglesworth
Honorable Warren B. Magnuson
Honorable Edward J. Hart
Honorable Louis E. Miller,
House of Representatives,
Washington, D. C.

Gentlemen:

Attached hereto is a copy of a Petition and Memorandum which I have today handed the Speaker of the House of Representatives, asking that Congressman E. E. Cox be disqualified from serving as a member of the Select Committee to Investigate the Federal Communications Commission.

As you are aware from copies of letters which I have forwarded to you from time to time, I have on several occasions raised objections to procedures being followed by the Committee's staff in obtaining information. I have stated that these procedures were unnecessarily hampering this Commission in the performance of its duties, that they did not afford assurance that the members of the Committee, or of Congress, would receive all the information they should have, and that certain specific inquiries from the Committee's staff seemed to call for information of an entirely personal nature, in which I assumed the members of the Committee were not interested. In addition to these objections to inquiries addressed to me individually, I have also opposed the action of my fellow Commissioners in permitting the carting away by truck of Commission files when time was not allowed even to list what was taken or to see to it that irreplaceable Government records were properly receipted for.

A further incident has now arisen. On May 10, 1943, Dr. Robert D. Leigh, Director of our Foreign Broadcast Intelligence Service, was called by Eugene L. Garey, the General Counsel of the Select Committee, and was asked to testify, with no member of the Committee present. Dr. Leigh asked that a transcript of what was taken down be made available to him and was told that no copy would be made available. He then expressed his unwillingness to testify under oath in closed session, with no member of the Committee present and with no transcript made available to him.

A subpoena was thereupon served upon him, and he was ordered to testify forthwith in a closed hearing at which the only member of the Committee present was Congressman Cox. Dr. Leigh asked again whether he would be given a copy of the transcript, to make certain that his testimony was correctly recorded, and was again told that no copy would be furnished him. This incident, and particularly the requirement that witnesses testify behind closed doors before Congressman Cox alone, raises an issue even more fundamental than the procedures previously adopted, and intensifies a concern which I have felt for some time.

I would like to make it clear that I recognize the right of Congress to full and complete information with respect to the activities of any agency created by it. This is essential to the proper functioning of a government responsible to the people, and that is the only kind of government I want to live under. I recognize, too, that Congress must, as a practical matter, act through its committees in obtaining the information it desires or should have with respect to the agencies of the Government. If, therefore, Congress is to be fully and accurately informed, it is not only necessary that the agencies and their officials be cooperative in furnishing the basic information needed, but it is of equal importance that the Committees of Congress which are charged with the responsibility for receiving and analyzing such information and for reporting to Congress on the basis thereof, be motivated only by a desire to obtain and present the facts fairly and fully. If the Committee, or any member thereof, has any purpose other than this, or if any member enters upon his duties with either a predilection or a prejudice so strong as to impair or destroy his objectivity, the best interests of neither the public nor the Congress itself will be served.

It is because of my strong belief in the importance of Congressional committees to the successful functioning of our democratic form of government that I feel I should call to the attention of the Congress certain facts which raise a serious question as to whether or not Congressman Cox has the disinterest and objectivity requisite for the chairman or member of a Committee charged with a duty to investigate and to report upon its investigation to the House of Representatives. The facts indicate that Congressman Cox was inspired to a large degree, if not wholly, by prejudice, animosity, and personal interest in introducing the resolution pursuant to which this investigation is being conducted, in pressing for its adoption, and in conducting the investigation since its passage.

In the opening remarks made by Congressman Cox in his speech on the floor of Congress on January 19, 1943, in support of the resolution pursuant to which this investigation is being conducted, he stated:

> "Mr. Speaker: I am this morning bringing to you a matter in which I have the deepest possible personal interest."

The matter to which he then referred was Station WALB in Albany, Georgia, which Congressman Cox served as legal counsel, from which he received a $2,500 fee for "legal services", and in which he is a stockholder.

Because of his personal interest and because of the prejudice and bias which he has already shown, both of which are fully set forth in the Petition and Memorandum, I do not think that Congressman Cox is an appropriate person to conduct an inquiry into my activities as a member of the Federal Communications Commission or into my personal affairs. Nor, in the light of long-standing precedents of the House of Representatives, do I believe that, having the full information before it, the House of Representatives will deem it appropriate for him to conduct an inquiry into the activities of the Federal Communications Commission.

In view of the above I am unwilling to testify before the Committee—and certainly not before Congressman Cox or Mr. Garey in closed session—or to furnish its staff with any further information unless and until the House of Representatives, with full knowledge of the facts which I have herein outlined, indicates its desire that the Committee, as now constituted, should continue with the investigation or indicates that it does not deem such facts of sufficient importance to warrant its attention. If the House of Representatives so indicates, I will appear before the Committee at any time it may request my attendance and answer to the best of my ability any question that the Committee may address to me concerning the Commission or my activities as a member of the Commission, including any questions the Committee may deem it appropriate to ask with respect to my personal financial affairs, whether or not these questions relate to periods prior to or during my tenure of office as a member of the Commission.

The attached petition has been filed because I know of no other way of bringing the matter formally to the attention of the House of Representatives.

Very truly yours,

C. J. Durr,
Commissioner.

IN THE PUBLIC INTEREST

Recently Sterling Drug Co. Inc., manufacturers of Fletchers Castoria, was confronted with the serious problem of warning the consuming public that due to certain mysterious causes, their product contained some elements which made it unusable. Their object was to warn distributors to remove all stock from their shelves and to try to get in from customers all Fletchers Castoria sold within the last few months.

Harold B. Thomas, Vice President of Sterling Drug, Inc., has made the following signed statement to the National Association of Broadcasters:

"The speedy and sympathetic cooperation given to the manufacturer of Fletchers Castoria in broadcasting a nationwide warning against the sale and use of this product is a dramatic demonstration of the effectiveness with which the broadcasting industry serves the public interest. As the manufacturer of Fletchers Castoria, the Centaur Company Division of Sterling Drug, Inc., brought this matter to the attention of the major networks in order that its warning to consumers and retailers might be speedily disseminated. Networks pointed out that they could not carry such an announcement on a commercial basis, but NBC, CBS, Blue and MBS offered to, and did, carry the announcement a number of times on Tuesday, May 4, on a public service basis. We understand that many independent stations also carried this announcement. The manufacturer deeply appreciates this cooperation."

The record speaks for itself.

Selective Service

Employers engaged in war production or in activities essential to support of the war effort should file with Selective Service local boards written evidence of their employment of registrants who maintain bona fide homes with children less than 18 years of age, born on or before September 14, 1942, the Selective Service Bureau of the War Manpower Commission emphasized last week. Selective Service form No. 42B, which is available at local board offices, should be used for this purpose. (See Supplement No. 10 to NAB Selective Service Handbook, dated May 8, 1943.)

The local board, it was pointed out, thus will be advised of the registrant's employment in an essential activity, and the employer will receive notice of reopening of the registrant's classification any time it is undertaken by the local board. The employer, after receiving such notification, will have opportunity to submit additional evidence of the essentiality of necessary men in his employ.

Urge Filing of 42B

The only fathers now being inducted under the Selective Service Act are those engaged in activities or occupations on the War Manpower Commission's non-deferrable list; farm workers who, without permission of their local board, leave essential agriculture pursuits for which they have been deferred, and fathers whose children were born on or after September 15, 1942. Submission of Form 42B is urged, however, for men who have a child, or children, with whom they maintain a bona fide family relationship in their homes, to assure the employer that if the time comes when such registrants are needed in the armed forces he would receive notice of his employees' Selective Service status.

Heretofore, form 42B was used by employers to indicate men with dependents engaged in an activity essential to war production or in support of the war effort for whom a Class III-B deferment was requested. However, now that Class III-B, for the designation of such men, has been eliminated, form 42B will be filed only for men with children who are in Class III-A.

Coincident with these suggestions to employers, Selective Service also announced an interpretation of its previously issued memorandum relating to filling calls. On April 12, 1943, in a memorandum to local boards Selective Service said:

"Insofar as possible, men who are finally classified in Class I-A, men fit for military service; Class I-A-O, men fit for noncombatant service in the armed forces; or Class IV-E, men fit for work of national importance, who are available for induction or assignment to work of national importance, should be called for induction or assignment to work of national importance from the following groups in the order listed: (1) single men with no dependents, (2) single men with collateral dependents, (3) married men with wives only, and (4) men with children."

WEATHER LEAKS

The Office of Censorship requests the active cooperation of all station managers to prevent leaks which disclose weather conditions. Unwittingly information which reflects weather conditions creeps into many reports such as those emanating from state highway departments or state conservation or fishing commissions. All such releases should be carefully scrutinized by some responsible person in every radio station.

No paragraph in any such release which reflects "unseasonable", "recent rainy" or similar weather conditions as effecting fishing or hunting should be given on the air. These are quite apparently violations of the Wartime Code of Censorship.

Broadcasters' Responsibility

The duty of enforcing this Code is a solemn responsibility on the part of every broadcaster. If steps can be taken to eliminate incidental reference to weather in these official reports by contact at the source. this should be done. Where stations feature a sportsman's program care should be exercised so that no reference is made to the effect of changing weather upon fishing conditions.

Station managers are urged to advise the Office of Censorship of the contents of any pamphlets or releases gotten out by such authorities as above mentioned which make reference to weather conditions. This is in order that the Office may take the necessary steps to prevent recurrence of this practice.

Labor

SALARIES AND MANPOWER

A low cloud of administrative confusion still hangs over both the salary and manpower "freeze" programs, making exact answers to many questions still impossible.

On the salary side, there are signs that the cloud will soon lift. On Wednesday of this week, the freeze order of April 8 (Executive Order 9328) was modified. The War Labor Board is now permitted to allow salary increases under the "Little Steel" formula; in cases of "gross inequities," to promote "effective prosecution of the war." A "gross inequity" was defined as a salary under the lowest salary in the prevailing bracket for the same job in the same area.

For instance, if a substantial majority of the technicians in the stations in Podunk receive between $40 and $50, the WLB can now on the application of an employer permit any technician receiving less than $40 to be raised to that amount.

How the WLB will define "effective prosecution of the war" remains to be seen.

In connection with the "Little Steel" formula, it should be remembered that this *cannot* be applied to individuals. Here is how it works:

Take the average, hourly, straight time earnings of the *group* involved as of January, 1941. Say this is $1. Under the "Little Steel" formula, this group is entitled to an *average* increase of 15 cents an hour unless there have been increases since January, 1941. If they have, the average of these increases must be deducted from the 15 cents. The total increase allowable may be apportioned among individuals in any way the employer (or the employer and a union) sees fit.

On the manpower front, the best bet for broadcasters still is to consult their local War Manpower Commission officials or the local United States Employment Service before hiring. The administration of the job freeze program is being decentralized, and the rules and regulations may vary from place to place. It apparently is necessary for an employee to swap jobs at a higher rate of pay without a "certificate of availability," but the conditions for obtaining these may vary from place to place.

ANOTHER MANPOWER SOURCE

Stations are advised that investigation at WMC and Selective Service headquarters discloses that men in substantial numbers are now being discharged from the armed services, and that many of these men have specialized training in radio. It is suggested that stations interested in employing such men communicate their needs to their state director of Selective Service and their state director of the USES.

Men who are service casualties are granted a Certificate of Disability Discharge, and their names are reported to the Reemployment committeemen at their local draft boards by Selective Service, and to their local USES offices. Other disability cases are reported by WMC to their local USES offices. Both sources may afford excellent opportunities for securing replacement technicians.

Consideration should be given to the individual's acceptability as a permanent employee, both from the standpoint of the reemployment requirements of the Selective Training and Service Act and the public relations problems to be encountered in the possible discharge of a wounded veteran.

AFRA BLOCKS CBS USE OF "THIS IS THE ARMY"

AFRA this week turned thumbs down on a new CBS commercial which was to have used the cast of "This Is The Army."

Mrs. Emily Holt, AFRA's executive secretary, said that the decision had been a difficult one for the union's board to make lest it be thought that the actors were interfering with Army relief needs, even though the performers of the country had helped raise a total of $2,120,212.60, by official accounting, for Army and Navy relief during 1942.

The deciding factor in the board's decision, she said, was the realization that the cast of "This Is the Army," working for regular Army pay, would be promoting a venture that would mean substantial profits for the Columbia network and its affiliated stations and national advertising for the sponsor's product.

"We feel that soldiers and sailors ought not to be asked to sell soap or any other product," Mrs. Holt said.

Since the show was commercial, she said, the technical issue raised was whether A. F. R. A. members, some of whom are in "This Is the Army," should be asked to work with non-union performers. Of equal importance, she said, was the fact that the sponsor, with a proved program on its hands, would have a tremendous competitive advantage over the sponsors who paid the usual union wages and met all other commercial working conditions.

Engineering

WARTIME RECOMMENDATION FOR FIELD INTENSITY SURVEYS

During wartime, it is recognized that facilities for making a sufficient number of field intensity measurements to determine average daytime contours may not be available. The NAB executive engineering committee has therefore recommended an alternate wartime method for calculating these contours.

The new recommendation has been issued as a supplement page of the NAB Engineering Handbook, and will be mailed to all NAB member stations with the May 14 issue of the Swap Bulletin.

NOTICE

WANTED:	For publication in a profusely illustrated brochure, to be published by NAB, 8 x 10 gloss print of your women radio technicians.
PURPOSE:	To show that womanpower is relieving manpower. By "proof of the pudding" technique, to assist stations, not now employing women technicians, to recruit them.
COMPOSITION:	Show the girls at work. Photo should tell the story—women handling equipment in studio or at transmitter.
COPY:	Write your own story. Say whether training was given under supervision of your chief engineer or whether girls were formally trained, say in an ESMWT radio course . . . or combination. Comment on ability as proven in practice. What grade license, if any, do they hold? Full information will permit us to conform your copy to format.
DEADLINE:	Photo and copy should reach NAB by June 7, 1943. Send to Arthur Stringer.
THANK YOU:	If you are now employing women operators or technicians, you will help the industry by participating in this promotion. Thanks for your help.

WSJS WILL TRAIN TECHNICIANS OVER 45

In an effort to help relieve the shortage of trained technical personnel for radio, WSJS will inaugurate a radio technician training school to train women and men over 45 as transmitter and control operators.

Phil Hedrick, technical supervisor of WSJS, will teach the school, which will be tuition-free to students who are accepted for enrollment. Hedrick has had ample previous experience in such work, having been on the faculty of two previous radio technical school terms in Winston-Salem, conducted under the supervision of the extension division of North Carolina State College.

"The school," says station director Harold Essex, "was planned to be of benefit to other stations in our area, as well as to our own. Each student accepted understands that he or she is under no obligation to accept employment at WSJS after successful completion of the course, nor is the station to be under any obligation to provide or obtain employment for a student. Naturally, we expect to pick up one or two good ones for ourselves, but we expect also to turn out many students who will find connections with other stations as well."

From six to eight weeks, with classes two evenings each week, will be required for the course it is estimated. Plans are to "graduate" a group of students in time to have them take the F.C.C. examination the first Saturday in August, the next date on which the examination will be given in Winston-Salem.

NAB COVERS SCHENECTADY RADIO COUNCIL MEETINGS

The Northeastern Radio Council of New York will meet this week-end at Union College, Schenectady, to hold its first regional conference on radio in education.

Dorothy Lewis, NAB coordinator of listener activity, is scheduled to speak on "What A Council Can Mean." Walt Dennis, NAB news bureau chief, will be on hand to cover the meeting and to renew acquaintance with P. Schuyler Miller, of the Schenectady Board of Education, and discuss news broadcasts for children.

Miller is author of the children's news broadcast scripts over stations in that area as well as publicity director of the radio council.

Kenneth Bartlett, director of Syracuse university's radio workshop and Dr. James Rowland Angell, NBC public service counsel, also are scheduled speakers.

Leon Levine, assistant director of education for CBS, and Grace Johnson, director of women's and children's programs for the BLUE, will also speak. Kolin Hager, WGY manager, will preside at the Saturday luncheon. Mrs. Carolyn G. Tarbell is council president.

BMI TOP TUNES

(These songs currently are listed by Variety "sheets" as being among those most played on the air.)

DON'T CRY—National Music Co.
BRAZIL—Southern Music Publishing Co.
CANTEEN BOUNCE—Edward B. Marks Music Corp.
DO I KNOW WHAT I'M DOIN'?—Melody Lane.
I HEARD YOU CRIED LAST NIGHT—Campbell, Loft and Porgie.
I DON'T BELIEVE IN RUMORS—BMI.
IT STARTED ALL OVER AGAIN—Embassy.
I'M THINKING TONIGHT OF MY BLUE EYES—Peer.
GOODNIGHT LITTLE ANGEL—Wells.
SH! DON'T LOOK NOW—Top Music.

PEABODY "LISTENING POSTS"

To aid the George Foster Peabody Radio Awards Board in its annual selections, listening post committees are being set up in institutions of higher learning throughout the United States, according to Dean John E. Drewry, Henry W. Grady School of Journalism, The University of Georgia, which, with the National Association of Broadcasters administers these "Pulitzer prizes of the air."

Institutions that have already set up such committees, which will function through the office of the dean of the Grady School, are the state universities of California, Colorado, Georgia, Idaho, Illinois, Iowa, Kentucky, Louisiana, Minnesota, New Jersey (Rutgers), Montana, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Washington, West Virginia, and Wisconsin.

Under the direction of Dorothy Lewis (NAB), coordinator of listener activity, New York City, similar listening post committees are being established through the groups with which she works.

At least twice, and possibly three times, each year, members of these listening post committees will make reports as to significant broadcasting activities within their respective areas.

Adella A. Spence

Adella A. Spence, wife of Edwin M. Spence, former secretary-treasurer of NAB and manager of WWDC, died Wednesday, May 12, in Stuart, Florida. Mrs. Spence had been ill for more than a year and had been moved from her native city of Atlantic City to Florida to recuperate. Funeral services will be held from the Jeffries and Keates funeral home in Atlantic City with interment at Pleasantville cemetery.

AWD ANALYZES ACTIVITIES

An analysis and crystalization of the wartime activities of the members of the Association of Women Directors was made during the recent NAB and Ohio Institute sessions.

Plans to extend these projects were incorporated into the following statement of policy: "The Association of Women Directors of the National Association of Broadcasters pledge their wholehearted support and talents to the promotion of essential war projects. Believing that the enlistment of woman power for the services, for industry and for civilian wartime activities presents an immediate and serious problem, the steering committee recommends that the members carefully consider the needs in their locality, and as their current major responsibility offer their services and talents to the solution of the problem."

The following members attended the sessions:

Ruth Chilton, president, WSYR, Syracuse, N. Y.; Mildred Bailey, secretary, WTAG, Worcester, Mass.; Rhea McCarty, treasurer, WCOL, Columbus, Ohio; Dorothy Lewis, NAB, New York City; Mary Mason, district chairman, WRC, Washington, D. C.; Ann Ginn, district chairman, WTCN, Minneapolis, Minn.; Ruth Crane, district chairman, WJR, Detroit, Mich., and Peggy Cave, district chairman, KSD, St. Louis, Mo.

Others included: Florence Shugars, district chairman, WROK, Rockford, Ill.; Victoria Corey, district chairman, KDKA, Pittsburgh, Pa.; Marvel Campbell, district chairman, WAIR, Winston-Salem, N. C.; Frances Wilder, state district chairman, KNX, Hollywood, Cal.; Jane Weaver, WTAM, Cleveland, Ohio: Duffy Schwartz, WBBM, Chicago, Ill.; Marjorie A. Wever, WHIZ, Zanesville, Ohio; Gladys Borne, WISR, Butler, Pa.; Virginia Pierson, WTAD, Quincy, Ill.; Judith Waller, WMAQ, Chicago, Ill., and Madge L. Cooper, WMRN, Marion, Ohio.

Also: Hilda C. Wothrmeyer, WOWO-WGL, Fort Wayne, Ind.; Verda Mae Zeigler, Fort Wayne Public School, Fort Wayne, Ind.; Grace E. Ingledue, WFIN, Findlay, Ohio: Gertrude Broderick, FREC, Washington, D. C.; Lt. Hazel Markel, U. S. Navy, Washington, D. C.; Capt. Ruth Morton, WAAC, Washington, D. C.; Linnea Nelson, J. Walter Thompson, New York City; Dorothy Spicer, Chicago, Ill.; Hayle Cavenor, Regional Director, OWI, Minneapolis, Minn., and Madeline Johnson, WCOL, Columbus, Ohio.

Also: J. A. Barber, representing Ruth Schleber, KGVO, Missoula, Mont.; Lillian Gold, Chicago, Ill.; Kirt Cuff, Variety, Chicago, Ill.; Mrs. Oscar A. Ahlgren, president, Indiana Federation Women's Clubs; Mrs. R. F. Grosskopf, 7th District, Indiana Federation of Women's Clubs; Mrs. Esther Cook, state radio chairman, Wisconsin Federation of Women's Clubs; Mrs. Clarence A. Muth, Children's Theater, WTMJ, Milwaukee, Wis.; Mrs. George B. Palmer, national radio chairman, General Federation of Women's Clubs and regional director of listener activity for NAB; Mrs. R. K. Stoddard, regional director of listener activity of NAB in Iowa; Mrs. W. F. Ottmann, regional director of listener activity in Nebraska; Mrs. Robert Sterling, Illinois Federation of Women's Clubs, and Willard Egolf, NAB, Washington, N. C.

MORE REPORTS RECEIVED

Additional reports on the repairs to materials survey launched on March 26, 1943, have been received and are acknowledged with thanks.

Reporting cities are listed below. These are in addition to the cities reported in NAB Reports of April 16 and May 7.

Charleston, W. Va., Cincinnati, Ohio, Dixon, Ill. (and surrounding territory), Fairmont, W. Va., Harrisburg, Pa., Huntington, W. Va., Parkersburg, W. Va., Redding, Calif.

EXCESS PROFITS TAX

The Bureau of Internal Revenue this week issued regulations covering the excess profits tax relief provisions contained in Sec. 222 of the Revenue Act of 1942, Title II. Regulation 109 as thus amended may be procured from the Bureau of Internal Revenue, Washington, D. C., or from the nearest Collector of Internal Revenue.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, May 17th. It is subject to change.

Monday, May 17

Further Hearing

WJRM—Allegheny Broadcasting Corp., Elkins, W. Va.—Modification of C. P., under C. P. **1240 kc.**, 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WPTZ—Philco Radio & Television Corp., Wyndmoor, Pa.—Granted permission for licensee to use the announcement "WPTZ, Philadelphia", at its transmitter-studio when desirable for program correlation, until such time as national defense restrictions permit the use of the Tioga and C Streets studio in Philadelphia, or a new studio is acquired elsewhere within the city limits of Philadelphia.

KYA—Palo Alto Radio Station, Inc., San Francisco, Calif.—Granted special service authorization to permit broadcast of calls directed to Longshoremen, in accordance with request of the Pacific Coast Maritime Industry Board service to be rendered without charge. These announcements will be of 5 minutes duration in the a. m. and 5 minutes duration in the p. m.

LICENSE RENEWALS

Renewal of licenses for the following stations were granted for the period ending April 1, 1945:

KALB, Alexandria, La.; KDLR, Devils Lake, N. Dak.; KFJI, Klamath Falls, Ore.; KGY, Olympia, Wash.; KPFA, Helena, Mont.; KVSO, Ardmore, Okla.; WFOY, St. Augustine, Fla.; WGCM, Gulfport, Miss.; WJEJ, Hagerstown, Md.; WMFG, Hibbing, Minn.; WSNJ, Bridgeton, N. J.

KCRJ—Central Arizona Broadcasting Co., Jerome, Ariz.—Granted renewal of license for the period ending June 1, 1945.

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted renewal of license for the period ending June 1, 1945.

WFTC—Jonas Weiland, Kinston, N. C.—Granted renewal of license for the period ending February 1, 1945.

Renewal of licenses for the following stations were granted for the period ending June 1, 1945:

KBND, Bend, Ore.; KOCY, Oklahoma City, Okla.; KVIC, Victoria, Texas; KVOL, Lafayette, La.; KWOC, Poplar Bluff, Mo.; KXRO, Aberdeen, Wash.; WAIR, Winston-Salem, N. C.; WBRK, Pittsfield, Mass.; WCLS, Joliet, Ill.; WFBG, Altoona, Pa.; WGTM, Wilson, N. C.

W9XBT—Balaban & Katz Corp., Portable-Mobile, area of Chicago, Ill.—Granted renewal of license for the period ending February 1, 1944.

KALW—Board of Education of the San Francisco Unified School Dist., San Francisco, Calif.—Granted renewal of license for the period ending May 1, 1944.

WBRY—University of Kentucky, Beattyville, Ky.—Granted renewal of license for the period ending May 1, 1944.

W75NY—Metropolitan Television, Inc., New York City.—Granted renewal of license for the period ending June 1, 1944.

W9XER—Midland Broadcasting Co., Kansas City, Mo.—Granted renewal of license for the period ending May 1, 1944.

ORDER ADOPTED

The FCC has adopted an Order, pursuant to its Proposed Findings of Fact and Conclusions (B-170) entered on March 23, 1943, denying without prejudice the application of Georgia School of Technology, Atlanta, Ga., for renewal of license of Station WGST. The application was denied without prejudice to the filing of a further application for renewal of license in accordance with the conclusions reached in these proceedings, such further application to be filed within 60 days from March 23, 1943, and to set forth the plan of the applicant for the acquisition of the necessary facilities and equipment, and for the business management, representation, and control of its future operations, together with a list of all persons to participate therein.

The Commission further ordered that the outstanding temporary license for the operation of Station WGST be extended for a period of 90 days from March 23, 1943, or until June 21, 1943. (Docket No. 5903)

MISCELLANEOUS

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Granted license to cover construction permit as modified, for installation of new equipment and directional antenna for day and night use, change frequency, increase power, and move of transmitter (B2-L-1762); granted authority to determine operating power by direct measurement of antenna power (B2-Z-1517).

W9XMB—The Moody Bible Institute of Chicago, Ill.—Granted modification of construction permit as modified, which authorized new ST broadcast station, for extension of completion date from May 16 to August 16, 1943 (B4-MPST-14).

WSAY—Brown Radio Service and Laboratory (Gordon P. Brown, owner), Rochester, N. Y.—Granted modification of construction permit as modified, which authorized change of frequency, increase in power, installation of directional antenna for day and night use and new transmitter, and move of transmitter, for extension of completion date from May 1 to November 1, 1943 (B1-MP-1710).

WWPG—Lake Worth Broadcasting Corp., Lake Worth, Fla.—Granted modification of license (B3-ML-1154) to change designation of station from Lake Worth to Palm Beach, Florida.

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Action on petition for order to take depositions in re application for renewal of license, was passed over until June 16. (Docket No. 6476)

WLAN—Thomas J. Watson, Endicott, N. Y.—Granted petition for leave to dismiss without prejudice application for modification of construction permit to operate on **1450 kc.**, 250 watts, unlimited time. (Docket No. 6453)

WJRM—Allegheny Broadcasting Corp., Elkins, W. Va.—Granted motion for continuance of hearing on application for construction permit; hearing continued to June 7, 1943. (Docket No. 6488)

Transradio Press Service, Inc. (Complainant).—Granted motion for extension of time in which to file proposed findings of facts and conclusions in the matter of Trans-radio Press Service, Inc., complainant, vs. American Telephone and Telegraph Co., et al., defendants (Docket No. 5993), and in the matter of investigation of the rates, charges, classifications, regulations, practices and services of American Telephone and Telegraph Co., et al., in the rendition of press private line teletypewriter service (Docket No. 6202); time extended to August 2, 1943.

APPLICATIONS FILED AT FCC

550 Kilocycles

KTSA—Sunshine Broadcasting Co., San Antonio, Tex.—Authority to determine operating power by direct measurement of antenna power.

920 Kilocycles

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—License to cover construction permit (B2-P-2913) as modified, for changes in directional antenna for night use, and increase in power.

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Authority to determine operating power by direct measurement of antenna power.

1010 Kilocycles

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—License to cover construction permit (B3-P-3049) as modified, which authorized move of transmitter, new transmitter, change in frequency, changes in directional antenna for night use, and increase in power; also for approval of new type transmitter.

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Authority to determine operating power by direct measurement of antenna power.

1330 Kilocycles

WHAZ—Rensselaer Polytechnic Institute, Troy, N. Y.—Authority to determine operating power by direct measurement of antenna power.

TELEVISION APPLICATION

W2XMT—Metropolitan Television, Inc., New York, N. Y.—Modification of construction permit (B1-PVB-40 as modified, for new experimental television station) for extension of completion date from 5-31-43 to 12-31-43.

MISCELLANEOUS APPLICATION

WLOL—Independent Merchants Broadcasting Co., Minneapolis, Minn.—Transfer of control from Beatrice L. Devaney, Executrix of Estate of John P. Devaney, David J. Winton and Charles J. Winton, Jr., to Ralph Atlass (972 shares common stock).

NEW—Blue Network Co., Inc., New York, N. Y.—Extension of authority to transmit programs to Stations CFCF and CBL and the Canadian Broadcasting Corp.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Atlantic City Wholesale Drug Company, Atlantic City, N. J., and Roy H. Cochran and Rodney S. Pullen, Jr., president and sales manager of the corporation, are charged in a complaint with violation of the Robinson-Patman Act. (4957)

Carter Products, Inc., 53 Park Place, New York, engaged in the sale of a cosmetic and deodorant designated "Arrid," is charged in a complaint with disseminating advertisements containing false representations concerning the preparation. The complaint also is directed against Small & Seiffer, Inc., advertising agency at 24 West 40th St., New York, which prepares and places advertising copy to promote the sale of the preparation. (4960)

Sculler Safety Corp.—A complaint charges that the Sculler Safety Corporation, 116-122 Broad Street, New York, engaged in the sale and distribution of marine signal equipment and supplies has sold and distributed in commerce certain old and obsolete signal pistol cartridges bearing fictitious dates and which are worthless and ineffective, thus placing in jeopardy the lives of passengers and crew and the safety of the vessels in which the undated cartridges have been used. (4958)

Willys-Overland Motors, Inc.—Misrepresentation in the advertising of Willys-Overland Motors, Inc., as to the creation and perfection of the U. S. Army "Jeep," is charged in a complaint. The complaint alleges that the idea of creating a "Jeep" was originated by the American Bantam Car Company, of Butler, Pa., in collaboration with certain officers of the United States Army. (4959)

ORDER

National Administrators. An order to cease and desist from misrepresentation in connection with the sale of questionnaire forms used by creditors and collection agencies in obtaining information concerning delinquent debtors has been issued against Dan Trainor, trading as National Administrators, Winona, Minn.; John A. Janssen and Lloyd L. Hill, operating a collection agency known as Consumer Distribution Consultants, 520 North Michigan Ave., Chicago; and Chicago Mail Order Co. and Spiegel, Inc., Chicago corporations operating mail order businesses for the sale of merchandise at retail. (4870)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

G. S. Dowdy Sales Co., 602 North Walnut St., Florence, Ala., stipulated that in connection with the sale or distribution of his candy products he will cease and desist from the use of any sales plan involving a lottery scheme, gaming device or gift enterprise. (3641)

Elfco Service, 440 North Wells St., Chicago, stipulated that it will cease and desist from certain misrepresentations in connection with the sale of publications containing formulas recommended for various ailments and conditions of the body. The titles of the publications are "Formula Book" and "Brains Boiled Down." (03106)

J. E. Hanger, Inc.—Two corporations engaged in the manufacture of artificial limbs, and the advertising representative of one of them, have entered into stipulations to cease and desist from certain misrepresentations in connection with the sale of their products. Entering into the stipulations were J. E. Hanger, Inc., of Texas, located at 1914 Olive St., St. Louis, Mo.; and J. E. Hanger, Inc., of Delaware, located at 221 G St., N. W., Washington, D. C., and its advertising representative, R. Loran Langsdale, Inc., Baltimore. (3639-3640)

Kovac Laboratories, Inc., 6219 South Main St., Los Angeles, has entered into a stipulation to discontinue certain misrepresentations it has made concerning the therapeutic properties of food preparations sold under the names "Kovac," "Chikovac," "Papaya Dyjestin" and "Kovac Type Acidophilus Culture." (3642)

Kroehler Manufacturing Co., Naperville, Ill., stipulated that in connection with the sale and distribution of its furniture, it will cease and desist from representing that any comparative figures or data pertaining to volume of sale, turnover, gross margin or cost of merchandise of Kroehler dealers, as compared with furniture dealers generally, is based upon reports by any number of Kroehler dealers in excess of the number actually reporting on each and every item concerning which representations are made. (3643)

Si-Oze Co., 116 South Michigan Ave., Chicago, engaged in selling a medicinal preparation designated "Si-Oze," entered into a stipulation to cease and desist from disseminating any advertisement which fails to reveal that excessive use of the preparation may be dangerous and that it should not be administered to infants and younger children except on competent advice nor used by individuals suffering from high blood pressure, heart disease, diabetes or thyroid trouble except on competent advice, and, further, that frequent or continued use may cause nervousness, restlessness or sleeplessness; provided, however, that such advertisement need only contain the statement, "CAUTION: Use only as directed," if and when the directions for use, wherever they appear on the label or in the labeling, contain a warning to the same effect. (03109)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Bristol-Myers Co., Hillside, N. J., has been ordered to cease and desist from certain misrepresentations concerning the therapeutic and curative properties of the laxative designated "Sal Hepatica." The representations prohibited were made by the respondent corporation in advertisements in newspapers and magazines and in radio continuities. (3645)

Franklin Sales Co., 212 South Franklin St., Chicago, has been ordered to cease and desist from selling or otherwise disposing of any merchandise by means of a lottery scheme. The respondent deals in various articles of merchandise, including glassware, silverware, pen and pencil sets, radios, luggage and electrical appliances, which are sold to ultimate purchasers by means of push cards furnished by the respondent to his distributors. (4782)

Howe & Company—An order to cease and desist from certain misrepresentations in connection with the sale of cosmetics has been issued against Phil Howe, David A. Howe, and Joanne B. Howe, trading as Howe & Co., 1535 11th Ave., Seattle, Wash. (4729)

McNeil Drug Company, Inc., and Associated Advertising Agency, Inc., both of Jacksonville, Fla., have been ordered to cease and desist from certain misrepresentations and false advertising in connection with the sale and distribution of a medicinal preparation variously designated as "Magic Remedy," "McNeil's Magic Remedy," and "McNeil's Magic Remedy Brand." The advertising corporation is engaged in the preparation, editing and dissemination of advertising material for the McNeil Corporation. (4923)

Samuel H. Moss, Inc., 36 East 23rd Street, New York, a manufacturer, processor and distributor of "made to order rubber stamps," has been ordered to cease and desist from certain price discriminations in the sale of its products. (4405)

Nash Brothers Drug Co., Jonesboro, Ark., compounding, selling and distributing a medicinal preparation formerly designated "Nash's C & L Tonic," now designated "Nash's C & L Malaria Chill Tonic and Laxative," has been ordered to cease and desist from misrepresentation and false advertising in connection with the sale of the preparation. (3775)

Stetson Felt Mills, 223 East Fourth St., St. Paul, Minn., has been ordered to cease and desist from the use of false representations and fraudulent schemes to promote the sale of the felt rugs they manufacture. (4234)

FTC CLOSES PART OF CASE

The Federal Trade Commission has closed without prejudice a portion of its case involving alleged misrepresentation in connection with the sale of Nucoa Oleomargarine, manufactured and distributed by The Best Foods, Inc., New York.

The effect of the order is to strike out those portions of the complaint in which the Commission alleged as misleading and deceptive the representations that oleomargarine "is a fit food for children" and that "wholesome margarine and butter are equally delicious and nutritious (both yield 3400 calories—food-energy units—to the pound)." The allegation that such representations are untrue unless vitamin A is added to the product in sufficient quantity also is stricken from the complaint.

Remaining in force are those portions of the complaint which allege that the respondent's representations concerning the whole milk content of its product and its method of manufacture are misleading and deceptive.

Full Text of FCC Opinion

May 10, 1943

Nos. 554-555.—OCTOBER TERM, 1942.

National Broadcasting Company, Inc., Woodmen of the World Life Insurance Society, and Stromberg-Carlson Telephone Manufacturing Company, Appellants,
554 *vs.*
The United States of America, Federal Communications Commission, and Mutual Broadcasting System, Inc.

Columbia Broadcasting System, Inc., Appellant,
555 *vs.*
The United States of America, Federal Communications Commission, and Mutual Broadcasting System, Inc.

Appeals from the District Court of the United States for the Southern District of New York.

[May 10, 1943.]

Mr. Justice FRANKFURTER delivered the opinion of the Court.

In view of our dependence upon regulated private enterprise in discharging the far-reaching role which radio plays in our society, a somewhat detailed exposition of the history of the present controversy and the issues which it raises is appropriate.

These suits were brought on October 30, 1941, to enjoin the enforcement of the Chain Broadcasting Regulations promulgated by the Federal Communications Commission on May 2, 1941, and amended on October 11, 1941. We held last Term in *Columbia System* v. *U. S.*, 316 U. S. 407, and *Nat. Broadcasting Co.* v. *U. S.*, 316 U. S. 447, that the suits could be maintained under § 402(a) of the Communications Act of 1934, 48 Stat. 1093, 47 U. S. C. § 402(a) (incorporating by reference the Urgent Deficiencies Act of October 22, 1913, 38 Stat. 219, 28 U. S. C. § 47), and that the decrees of the District Court dismissing the suits for want of jurisdiction should therefore be reversed. On remand the District Court granted the Government's motions for summary judgment and dismissed the suits on the merits. 47 F. Supp. 940. The cases are now here on appeal. 28 U. S. C. § 47. Since they raise substantially the same issues and were argued together, we shall deal with both cases in a single opinion.

On March 18, 1938, the Commission undertook a comprehensive investigation to determine whether special regulations applicable to radio stations engaged in chain broadcasting[1] were required in the "public interest, convenience, or necessity". The Commission's order directed that inquiry be made, *inter alia*, in the following specific matters: the number of stations licensed to or affiliated with networks, and the amount of station time used or controlled by networks; the contractual rights and obligations of stations under their agreements with networks; the scope of network agreements containing exclusive affiliation provisions and restricting the network from affiliating with other stations in the same area; the rights and obligations of stations with respect to network advertisers; the nature of the program service rendered by stations licensed to networks; the policies of networks with respect to character of programs, diversification, and accommodation to the particular requirements of the areas served by the affiliated stations; the extent to which affiliated stations exercise control over programs, advertising contracts, and related matters; the nature and extent of network program duplication by stations serving the same area; the extent to which particular networks have exclusive coverage in some areas; the competitive practices of stations engaged in chain broadcasting; the effect of chain broadcasting upon stations not licensed to or affiliated with networks; practices or agreements in restraint of trade, or in furtherance of monopoly, in connection with chain broadcasting; and the scope of concentration of control over stations, locally, regionally, or nationally, through contracts, common ownership, or other means.

On April 6, 1938, a committee of three Commissioners was designated to hold hearings and make recommendations to the full Commission. This committee held public hearings for 73 days over a period of six months, from November 14, 1938, to May 19, 1939. Order No. 37, announcing the investigation and specifying the particular matters which would be explored at the hearings, was published in the Federal Register, 3 Fed. Reg. 637, and copies were sent to every station licensee and network organization. Notices of the hearings were also sent to these parties. Station licensees, national and regional networks, and transcription and recording companies were invited to appear and give evidence. Other persons who sought to appear were afforded an opportunity to testify. 96 witnesses were heard by the committee, 45 of whom were called by the national networks. The evidence covers 27 volumes, including over 8,000 pages of transcript and more than 700 exhibits. The testimony of the witnesses called by the national networks fills more than 6,000 pages, the equivalent of 46 hearing days.

The committee submitted a report to the Commission on June 12, 1940, stating its findings and recommendations. Thereafter, briefs on behalf of the networks and other interested parties were filed before the full Commission, and on November 28, 1940, the Commission issued proposed regulations which the parties were requested to consider in the oral arguments held on December 2 and 3, 1940. These proposed regulations dealt with the same matters as those covered by the regulations eventually adopted by the Commission. On January 2, 1941, each of the national networks filed a supplementary brief discussing at length the questions raised by the committee report and the proposed regulations.

On May 2, 1941, the Commission issued its Report on Chain Broadcasting, setting forth its findings and conclusions upon the matters explored in the investigation, together with an order adopting the Regulations here assailed. Two of the seven members of the Commission dissented from this action. The effective date of the Regulations was deferred for 90 days with respect to existing contracts and arrangements of network-operated stations, and subsequently the effective date was thrice again postponed. On August 14, 1941, the Mutual Broadcasting Company petitioned the Commission to amend two of the Regulations. In considering this petition the Commission invited interested parties to submit their views. Briefs were filed on behalf of all of the national networks, and oral argument was had before the Commission on September 12, 1941. And on October 11, 1941, the Commission (again with two members dissenting) issued a Supplemental Report, together with an order amending three Regulations. Simultaneously, the effective date of the Regulations was postponed until November 15, 1941, and provision was made for further postponements from time to time if necessary to permit the orderly adjustment of existing arrangements. Since October 30, 1941, when the present suits were filed, the enforcement of the Regulations has been stayed either voluntarily by the Commission or by order of court.

Such is the history of the Chain Broadcasting Regulations. We turn now to the Regulations themselves, illumined by the practices in the radio industry disclosed by the Commission's investigation. The Regulations, which the Commission characterized in its Report as "the expression of the general policy we will follow in exercising our licensing power", are addressed in terms to station licensees and applicants for station licenses. They provide, in general, that no licenses shall be granted to stations or applicants having specified relationships with networks. Each Regulation is directed at a particular practice found by the Commission to be detrimental to the "public interest", and we shall consider them *seriatim*. In doing so, however, we do not overlook the admonition of the Commission, that the Regulations as well as the network practices at which they are aimed are interrelated: "In considering above the network practices which necessitate the regulations we are adopting, we have taken each practice singly, and have shown that even in isolation each warrants the regulation addressed to it. But the various practices we have considered do not operate in isolation; they form a compact bundle or pattern, and the effect of their joint impact upon licensees necessitates the regulations even more urgently than the effect of each taken singly." (Report, p. 75.)

The Commission found that at the end of 1938 there were 660 commercial stations in the United States, and that 341 of these were affiliated with national networks. 135 stations were affiliated exclusively with the National Broadcasting Company, Inc., known in the industry as NBC, which operated two national networks, the "Red" and the "Blue". NBC was also the licensee of 10 stations, including 7 which operated on so-called clear channels with the maximum power available, 50 kilowatts; in addition, NBC operated 5 other stations, 4 of which had power of 50 kilowatts, under management contracts with their licensees. 102 stations were affiliated exclusively with the Columbia Broadcasting System, Inc., which was also the licensee of 8 stations, 7 of which were clear-channel stations operating with power of 50 kilowatts, 74 stations were under exclusive affiliation with the Mutual Broadcasting System, Inc. In addition, 25 stations were affiliated with both NBC and Mutual, and 5 with both CBS and Mutual. These figures, the Commission noted, did not accurately reflect the relative prominence of the three companies, since the stations affiliated with Mutual were, generally speaking, less desirable in frequency, power, and coverage. It pointed out that the stations affiliated with the national networks utilized more than 97% of the total nighttime broadcasting power of all the stations in the country. NBC and CBS together controlled more than 85% of the total nighttime wattage, and the broadcast business handled by the three national network companies amounted to almost half of the total business of all stations in the United States.

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[1] Chain broadcasting is defined in § 3(p) of the Communications Act of 1934 as the "simultaneous broadcasting of an identical program by two or more connected stations." In actual practice, programs are transmitted by wire, usually leased telephone lines, from their point of origination to each station in the network for simultaneous broadcast over the air.

The Commission recognized that network broadcasting had played and was continuing to play an important part in the development of radio. "The growth and development of chain broadcasting", it stated, "found its impetus in the desire to give widespread coverage to programs which otherwise would not be heard beyond the reception area of a single station. Chain broadcasting makes possible a wider reception for expensive entertainment and cultural programs and also for programs of national or regional significance which would otherwise have coverage only in the locality of origin. Furthermore, the access to greatly enlarged audiences made possible by chain broadcasting has been a strong incentive to advertisers to finance the production of expensive programs. . . . But the fact that the chain broadcasting method brings benefits and advantages to both the listening public and to broadcast station licensees does not mean that the prevailing practices and policies of the networks and their outlets are sound in all respects, or that they should not be altered. The Commission's duty under the Communications Act of 1934 is not only to see that the public receives the advantages and benefits of chain broadcasting, but also, as far as its powers enable it, to see that practices which adversely affect the ability of licensees to operate in the public interest are eliminated." (Report, p. 4.)

The Commission found that eight network abuses were amenable to correction within the powers granted it by Congress:

Regulation 3.101—Exclusive affiliation of station. The Commission found that the network affiliation agreements of NBC and CBS customarily contained a provision which prevented the station from broadcasting the programs of any other network. The effect of this provision was to hinder the growth of new networks, to deprive the listening public in many areas of service to which they were entitled, and to prevent station licensees from exercising their statutory duty of determining which programs would best serve the needs of their community. The Commission observed that in areas where all the stations were under exclusive contract to either NBC or CBS, the public was deprived of the opportunity to hear programs presented by Mutual. To take a case cited in the Report: In the fall of 1939 Mutual obtained the exclusive right to broadcast the World Series baseball games. It offered this program of outstanding national interest to stations throughout the country, including NBC and CBS affiliates in communities having no other stations. CBS and NBC immediately invoked the "exclusive affiliation" clauses of their agreements with these stations, and as a result thousands of persons in many sections of the country were unable to hear the broadcasts of the games.

"Restraints having this effect", the Commission observed, "are to be condemned as contrary to the public interest irrespective of whether it be assumed that Mutual programs are of equal, superior or inferior quality. The important consideration is that station licensees are denied freedom to choose the programs which they believe best suited to their needs; in this manner the duty of a station licensee to operate in the public interest is defeated. . . . Our conclusion is that the disadvantages resulting from these exclusive arrangements far outweigh any advantages. A licensee station does not operate in the public interest when it enters into exclusive arrangements which prevent it from giving the public the best service of which it is capable, and which, by closing the door of opportunity in the network field, adversely affect the program structure of the entire industry." (Report, pp. 52-57.) Accordingly, the Commission adopted Regulation 3.101, providing as follows: "No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization under which the station is prevented or hindered from, or penalized for, broadcasting the programs of any other network organization."

Regulation 3.102—Territorial exclusivity. The Commission found another type of "exclusivity" provision in network affiliation agreements whereby the network bound itself not to sell programs to any other station in the same area. The effect of this provision, designed to protect the affiliate from the competition of other stations serving the same territory, was to deprive the listening public of many programs that might otherwise be available. If an affiliated station rejected a network program, the "territorial exclusivity" clause of its affiliation agreement prevented the network from offering the program to other stations in the area. For example, Mutual presented a popular program, known as "The American Forum of the Air", in which prominent persons discussed topics of general interest. None of the Mutual stations in the Buffalo area decided to carry the program, and a Buffalo station not affiliated with Mutual attempted to obtain the program for its listeners. These efforts failed, however, on account of the "territorial exclusivity" provision in Mutual's agreements with its outlets. The result was that this program was not available to the people of Buffalo.

The Commission concluded that "It is not in the public interest for the listening audience in an area to be deprived of network programs not carried by one station where other stations in that area are ready and willing to broadcast the programs. It is as much against the public interest for a network affiliate to enter into a contractual arrangement which prevents another station from carrying a network program as it would be for it to drown out that program by electrical interference." (Report, p. 59.)

Recognizing that the "territorial exclusivity" clause was unobjectionable in so far as it sought to prevent duplication of programs in the same area, the Commission limited itself to the situations in which the clause impaired the ability of the licensee to broadcast programs otherwise available. Regulation 3.102, promulgated to remedy this particular evil, provides as follows: "No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which prevents or hinders another station serving substantially the same area from broadcasting the network's programs not taken by the former station, or which prevents or hinders another station serving a substantially different area from broadcasting any program of the network organization. This regulation shall not be construed to prohibit any contract, arrangement, or understanding between a station and a network organization pursuant to which the station is granted the first call in its primary service area upon the programs of the network organization."

Regulation 3.103—Term of affiliation. The standard NBC and CBS affiliation contracts bound the station for a period of five years, with the network having the exclusive right to terminate the contracts upon one year's notice. The Commission, relying upon § 307(d) of the Communications Act of 1934, under which no license to operate a broadcast station can be granted for a longer term than three years, found the five-year affiliation term to be contrary to the policy of the Act: "Regardless of any changes that may occur in the economic, political, or social life of the Nation or of the community in which the station is located, CBS and NBC affiliates are bound by contract to continue broadcasting the network programs of only one network for 5 years. The licensee is so bound even though the policy and caliber of programs of the network may deteriorate greatly. The future necessities of the station and of the community are not considered. The station licensee is unable to follow his conception of the public interest until the end of the 5-year contract." (Report, p. 61.) The Commission concluded that under contracts binding the affiliates for five years, "stations become parties to arrangements which deprive the public of the improved service it might otherwise derive from competition in the network field; and that a station is not operating in the public interest when it so limits its freedom of action." (Report, p. 62.) Accordingly, the Commission adopted Regulation 3.103: "No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which provides, by original term, provisions for renewal, or otherwise for the affiliation of the station with the network organization for a period longer than two years:[2] *Provided*, That a contract, arrangement, or understanding for a period up to two years, may be entered into within 120 days prior to the commencement of such period."

Regulation 3.104—Option time. The Commission found that network affiliation contracts usually contained so-called network optional time clauses. Under these provisions the network could upon 28 days' notice call upon its affiliates to carry a commercial program during any of the hours specified in the agreement as "network optional time". For CBS affiliates "network optional time" meant the entire broadcast day. For 29 outlets of NBC on the Pacific Coast, it also covered the entire broadcast day; for substantially all of the other NBC affiliates, it included 8½ hours on weekdays and 8 hours on Sundays. Mutual's contracts with about half of its affiliates contained such a provision, giving the network optional time for 3 or 4 hours on weekdays and 6 hours on Sundays.

In the Commission's judgment these optional time provisions, in addition to imposing serious obstacles in the path of new networks, hindered stations in developing a local program service. The exercise by the networks of their options over the station's time tended to prevent regular scheduling of local programs at desirable hours. The Commission found that "shifting a local commercial program may seriously interfere with the efforts of a [local] sponsor to build up a regular listening audience at a definite hour, and the long-term advertising contract becomes a highly dubious project. This hampers the efforts of the station to develop local commercial programs and affects adversely its ability to give the public good program service. . . . A station licensee must retain sufficient freedom of action to supply the program and advertising needs of the local community. Local program service is a vital part of community life. A station should be ready, able, and willing to serve the needs of the local community by broadcasting such outstanding local events as community concerts, civic meetings, local sports events, and other programs of local consumer and social interest. We conclude that national network time options have restricted the freedom of station licensees and hampered their efforts to broadcast local commercial programs, the programs of other national networks, and national spot transcriptions. We believe that these considerations far outweigh any supposed advantages from 'stability' of network operations under time options. We find that the optioning of time by licensee stations has operated against the public interest." (Report, pp. 63, 65.)

The Commission undertook to preserve the advantages of option time, as a device for "stabilizing" the industry, without unduly impairing the ability of local stations to develop local program service. Regulation 3.104 called for the modification of the option-time provision in three respects: the minimum notice period for exercise of the option could not be less than 56 days; the number of hours which could be optioned was limited; and specific restrictions were placed upon exercise of the option to the disadvantage of other networks. The text of the Regulation follows: "No license shall be granted to a standard broadcast station which options for network programs any time subject to call on less than 56 days' notice, or more time than a total of three hours within each of four segments of the broadcast day, as herein described. The broadcast day is divided into 4 segments, as follows: 8:00 a.m. to 1:00 p.m.; 1:00 p.m. to 6:00 p.m.; 6:00 p.m. to 11:00 p.m.; 11:00 p.m. to 8:00 a.m. Such options may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations."

Regulation 3.105—Right to reject programs. The Commission found that most network affiliation contracts contained a clause defining the right of the station to reject network commercial programs. The NBC contracts provided simply that the station "may reject a network program the broadcasting of which would not be in the public interest, convenience, and necessity." NBC required a licensee who rejected a program to "be able to support his contention that what he has done has been more in the public interest than had he carried on the network program". Similarly, the CBS contracts provided that if the station had "reasonable objection to any sponsored program or the product advertised thereon as not being in the public interest, the station may, on 3 weeks prior notice thereof to Columbia, refuse to broadcast such program unless during such notice period such reasonable objection of the station shall be satisfied."

While seeming in the abstract to be fair, these provisions, according to the Commission's finding, did not sufficiently protect the "public interest". As a practical matter, the licensee could not determine in advance whether the broadcasting of any particular network program would or would not be in the public interest. "It is obvious that from such skeletal information [as the networks submitted to the stations prior to the broadcasts] the station cannot determine in advance whether the program is in the public interest, nor can it ascertain whether or not parts of the program are in one way or another offensive. In practice, if not in theory, stations affiliated with networks have delegated to the networks a large part of their programming functions. In many instances, moreover, the network further delegates the actual production of programs to advertising agencies. These agencies are far more than mere brokers or intermediaries between the network and the advertiser. To an ever-increasing extent, these agencies actually exercise the function of program production. Thus it is frequently neither the station nor the network, but rather the advertising agency, which determines what broadcast programs shall contain. Under such circumstances, it is especially important that individual stations, if they are to operate in the public interest, should have the practical opportunity as well as the contractual right to reject network programs. . . .

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[2] Station licenses issued by the Commission normally last two years. Section 3.34 of the Commission's Rules and Regulations governing Standard and High-Frequency Broadcast Stations, as amended October 14, 1941.

"It is the station, not the network, which is licensed to serve the public interest. The licensee has the duty of determining what programs shall be broadcast over his station's facilities, and cannot lawfully delegate this duty or transfer the control of his station directly to the network or indirectly to an advertising agency. He cannot lawfully bind himself to accept programs in every case where he cannot sustain the burden of proof that he has a better program. The licensee is obliged to reserve to himself the final decision as to what programs will best serve the public interest. We conclude that a licensee is not fulfilling his obligations to operate in the public interest, and is not operating in accordance with the express requirements of the Communications Act, if he agrees to accept programs on any basis other than his own reasonable decision that the programs are satisfactory." (Report, pp. 39, 66.)

The Commission undertook in Regulation 3.105 to formulate the obligations of licensees with respect to supervision over programs: "No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which (a), with respect to programs offered pursuant to an affiliation contract, prevents or hinders the station from rejecting or refusing network programs which the station reasonably believes to be unsatisfactory or unsuitable; or which (b), with respect to network programs so offered or already contracted for, prevents the station from rejecting or refusing any program which, in its opinion, is contrary to the public interest, or from substituting a program of outstanding local or national importance."

Regulation 3.106—Network ownership of stations. The Commission found that NBC, in addition to its network operations, was the licensee of 10 stations, 2 each in New York, Chicago, Washington, and San Francisco, 1 in Denver, and 1 in Cleveland. CBS was the licensee of 8 stations, 1 in each of these cities: New York, Chicago, Washington, Boston, Minneapolis, St. Louis, Charlotte, and Los Angeles. These 18 stations owned by NBC and CBS, the Commission observed, were among the most powerful and desirable in the country, and were permanently inaccessible to competing networks. "Competition among networks for these facilities is nonexistent, as they are completely removed from the network-station market. It gives the network complete control over its policies. This 'bottling-up' of the best facilities has undoubtedly had a discouraging effect upon the creation and growth of new networks. Furthermore, common ownership of network and station places the network in a position where its interest as the owner of certain stations may conflict with its interest as a network organization serving affiliated stations. In dealings with advertisers, the network represents its own stations in a proprietary capacity and the affiliated stations in something akin to an agency capacity. The danger is present that the network organization will give preference to its own stations at the expense of its affiliates." (Report, p. 67.)

The Commission stated that if the question had arisen as an original matter, it might well have concluded that the public interest required severance of the business of station ownership from that of network operation. But since substantial business interests have been formed on the basis of the Commission's continued tolerance of the situation, it was found inadvisable to take such a drastic step. The Commission concluded, however, that "the licensing of two stations in the same area to a single network organization is basically unsound and contrary to the public interest", and that it was also against the "public interest" for network organizations to own stations in areas where the available facilities were so few or of such unequal coverage that competition would thereby be substantially restricted. Recognizing that these considerations called for flexibility in their application to particular situations, the Commission provided that "networks will be given full opportunity, on proper application for new facilities or renewal of existing licenses, to call to our attention any reasons why the principle should be modified or held inapplicable." (Report, p. 68.) Regulation 3.106 reads as follows: "No licensee shall be granted to a network organization, or to any person directly or indirectly controlled by or under common control with a network organization, for more than one standard broadcast station where one of the stations covers substantially the service area of the other station, or for any standard broadcast station in any locality where the existing standard broadcast stations are so few or of such unequal desirability (in terms of coverage, power, frequency, or other related matters) that competition would be substantially restrained by such licensing."

Regulation 3.107—Dual network operation. This regulation provides that: "No license shall be issued to a standard broadcast station affiliated with a network organization which maintains more than one network: *Provided*, That this regulation shall not be applicable if such networks are not operated simultaneously, or if there is no substantial overlap in the territory served by the group of stations comprising each such network." In its Supplemental Report of October 11, 1941, the Commission announced the indefinite suspension of this regulation. There is no occasion here to consider the validity of Regulation 3.107, since there is no immediate threat of its enforcement by the Commission.

Regulation 3.108—Control by networks of station rates. The Commission found that NBC's affiliation contracts contained a provision empowering the network to reduce the station's network rate, and thereby to reduce the compensation received by the station, if the station set a lower rate for non-network national advertising than the rate established by the contract for the network programs. Under this provision the station could not sell time to a national advertiser for less than it would cost the advertiser if he bought the time from NBC. In the words of NBC's vice-president, "This means simply that a national advertiser should pay the same price for the station whether he buys it through one source or another source. It means that we do not believe that our stations should go into competition with ourselves." (Report, p. 73.)

The Commission concluded that "it is against the public interest for a station licensee to enter into a contract with a network which has the effect of decreasing its ability to compete for national business. We believe that the public interest will best be served and listeners supplied with the best programs if stations bargain freely with national advertisers." (Report, p. 75.) Accordingly, the Commission adopted Regulation 3.108, which provides as follows: "No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization under which the station is prevented or hindered from, or penalized for, fixing or altering its rates for the sale of broadcast time for other than the network's programs."

The appellants attack the validity of these Regulations along many fronts. They contend that the Commission went beyond the regulatory powers conferred upon it by the Communications Act of 1934; that even if the Commission were authorized by the Act to deal with the matters comprehended by the Regulations, its action is nevertheless invalid because the Commission misconceived the scope of the Act, particularly § 313 which deals with the application of the anti-trust laws to the radio industry; that the Regulations are arbitrary and capricious; that if the Communications Act of 1934 were construed to authorize the promulgation of the Regulations, it would be an unconstitutional delegation of legislative power; and that, in any event, the Regulations abridge the appellants' right of free speech in violation of the First Amendment. We are thus called upon to determine whether Congress has authorized the Commission to exercise the power asserted by the Chain Broadcasting Regulations, and if it has, whether the Constitution forbids the exercise of such authority.

Federal regulation of radio[3] begins with the Wireless Ship Act of June 24, 1910, 36 Stat. 629, which forbade any steamer carrying or licensed to carry fifty or more persons to leave any American port unless equipped with efficient apparatus for radio communication, in charge of a skilled operator. The enforcement of this legislation was entrusted to the Secretary of Commerce and Labor, who was in charge of the administration of the marine navigation laws. But it was not until 1912, when the United States ratified the first international radio treaty, 37 Stat. 1565, that the need for general regulation of radio communication became urgent. In order to fulfill our obligations under the treaty, Congress enacted the Radio Act of August 13, 1912, 37 Stat. 302. This statute forbade the operation of radio apparatus without a license from the Secretary of Commerce and Labor; it also allocated certain frequencies for the use of the Government, and imposed restrictions upon the character of wave emissions, the transmission of distress signals, and the like.

The enforcement of the Radio Act of 1912 presented no serious problems prior to the World War. Questions of interference arose only rarely because there were more than enough frequencies for all the stations then in existence. The war accelerated the development of the art, however, and in 1921 the first standard broadcast stations were established. They grew rapidly in number, and by 1923 there were several hundred such stations throughout the country. The Act of 1912 had not set aside any particular frequencies for the use of private broadcast stations; consequently, the Secretary of Commerce selected two frequencies, 750 and 833 kilocycles, and licensed all stations to operate upon one or the other of these channels. The number of stations increased so rapidly, however, and the situation became so chaotic, that the Secretary, upon the recommendation of the National Radio Conference which met in Washington in 1923 and 1924, established a policy of assigning specified frequencies to particular stations. The entire radio spectrum was divided into numerous bands, each allocated to a particular kind of service. The frequencies ranging from 550 to 1500 kilocycles (96 channels in all, since the channels were separated from each other by 10 kilocycles) were assigned to the standard broadcast stations. But the problems created by the enormously rapid development of radio were far from solved. The increase in the number of channels was not enough to take care of the constantly growing number of stations. Since there were more stations than available frequencies, the Secretary of Commerce attempted to find room for everybody by limiting the power and hours of operation of stations in order that several stations might use the same channel. The number of stations multiplied so rapidly, however, that by November, 1925, there were almost 600 stations in the country, and there were 175 applications for new stations. Every channel in the standard broadcast band was, by that time, already occupied by at least one station, and many by several. The new stations could be accommodated only by extending the standard broadcast band, at the expense of the other types of service, or by imposing still greater limitations upon time and power. The National Radio Conference which met in November, 1925, opposed both of these methods and called upon Congress to remedy the situation through legislation.

The Secretary of Commerce was powerless to deal with the situation. It had been held that he could not deny a license to an otherwise legally qualified applicant on the ground that the proposed station would interfere with existing private or Government stations. *Hoover* v. *Intercity Radio Co.*, 286 Fed. 1003. And on April 16, 1926, an Illinois district court held that the Secretary had no power to impose restrictions as to frequency, power, and hours of operation, and that a station's use of a frequency not assigned to it was not a violation of the Radio Act of 1912. *United States* v. *Zenith Radio Corp.*, 12 F. 2d 614. This was followed on July 8, 1926, by an opinion of Acting Attorney General Donovan that the Secretary of Commerce had no power, under the Radio Act of 1912, to regulate the power, frequency or hours of operation of stations. 35 Ops. Atty. Gen. 126. The next day the Secretary of Commerce issued a statement abandoning all his efforts to regulate radio and urging that the stations undertake self-regulation.

But the plea of the Secretary went unheeded. From July, 1926, to February 23, 1927, when Congress enacted the Radio Act of 1927, 44 Stat. 1162, almost 200 new stations went on the air. These new stations used any frequencies they desired, regardless of the interference thereby caused to others. Existing stations changed to other frequencies and increased their power and hours of operation at will. The result was confusion and chaos. With everybody on the air, nobody could be heard. The situation became so intolerable that the President in his message of December 7, 1926, appealed to Congress to enact a comprehensive radio law:

> "Due to the decisions of the courts, the authority of the department [of Commerce] under the law of 1912 has broken down; many more stations have been operating than can be accommodated within the limited number of wave lengths available; further stations are in course of construction; many stations have departed from the scheme of allocations set down by the department, and the whole service of this most important public function has drifted into such chaos as seems likely, if not remedied, to destroy its great value. I most urgently recommend that this legislation should be speedily enacted." (H. Doc. 483, 69th Cong., 2d Sess., p. 10.)

The plight into which radio fell prior to 1927 was attributable to certain basic facts about radio as a means of communication—its facilities are limited; they are not available to all who may wish to use them; the radio spectrum simply is not large enough to accommodate everybody. There is a fixed natural limitation upon the number of stations that can operate without interfering with one another.[4] Regulation of radio was therefore as vital to its development as traffic control was to the development of the automobile. In enacting the Radio Act of 1927, the first comprehensive scheme of control over radio communication, Congress acted upon the knowledge that if the potentialities of radio were not to be wasted, regulation was essential.

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[3] The history of federal regulation of radio communication is summarized in Herring and Gross, Telecommunications (1936) 239-86; Administrative Procedure in Government Agencies, Monograph of the Attorney General's Committee on Administrative Procedure, Sen. Doc. No. 186, 76th Cong., 3d Sess., Part 3, dealing with the Federal Communications Commission, pp. 82-84; 1 Socolaw, Law of Radio Broadcasting (1939) 38-61; Donovan, Origin and Development of Radio Law (1930).

[4] See Morecroft, Principles of Radio Communication (3d ed. 1933) 355-402; Terman, Radio Engineering (2d ed. 1937) 593-645.

The Radio Act of 1927 created the Federal Radio Commission, composed of five members, and endowed the Commission with wide licensing and regulatory powers. We do not pause here to enumerate the scope of the Radio Act of 1927 and of the authority entrusted to the Radio Commission, for the basic provisions of that Act are incorporated in the Communications Act of 1934, 48 Stat. 1064, 47 U. S. C. § 151 *et seq.*, the legislation immediately before us. As we noted in *Federal Communications Comm'n* v. *Pottsville Broadcasting Co.*, 309 U. S. 134, 137, "In its essentials the Communications Act of 1934 [so far as its provisions relating to radio are concerned] derives from the Federal Radio Act of 1927. . . . By this Act of Congress, in order to protect the national interest involved in the new and far-reaching science of broadcasting, formulated a unified and comprehensive regulatory system for the industry. The common factors in the administration of the various statutes by which Congress had supervised the different modes of communication led to the creation, in the Act of 1934, of the Communications Commission. But the objectives of the legislation have remained substantially unaltered since 1927."

Section 1 of the Communications Act states its "purpose of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges". Section 301 particularizes this general purpose with respect to radio: "It is the purpose of this Act, among other things, to maintain the control of the United States over all the channels of interstate and foreign radio transmission; and to provide for the use of such channels, but not the ownership thereof, by persons for limited periods of time, under licenses granted by Federal authority, and no such license shall be construed to create any right, beyond the terms, conditions, and periods of the license." To that end a Commission composed of seven members was created, with broad licensing and regulatory powers.

Section 303 provides:

> "Except as otherwise provided in this Act, the Commission from time to time, as public convenience, interest, or necessity requires, shall—
>
> (a) Classify radio stations;
>
> (b) Prescribe the nature of the service to be rendered by each class of licensed stations and each station within any class;
>
> * * * * * * *
>
> (f) Make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the provisions of this Act . . . ;
>
> (g) Study new uses for radio, provide for experimental uses of frequencies, and generally encourage the larger and more effective use of radio in the public interest;
>
> * * * * * * *
>
> (i) Have authority to make special regulations applicable to radio stations engaged in chain broadcasting;
>
> * * * * * * *
>
> (r) Make such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this Act. . . ."

The criterion governing the exercise of the Commission's licensing power is the "public interest, convenience, or necessity". §§ 307(a)(d), 309(a), 310, 312. In addition, § 307(b) directs the Commission that "In considering applications for licenses and modifications and renewals thereof, when and insofar as there is demand for the same the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same."

The Act itself establishes that the Commission's powers are not limited to the engineering and technical aspects of regulation of radio communication. Yet we are asked to regard the Commission as a kind of traffic officer, policing the wave lengths to prevent stations from interfering with each other. But the Act does not restrict the Commission merely to supervision of the traffic. It puts upon the Commission the burden of determining the composition of that traffic. The facilities of radio are not large enough to accommodate all who wish to use them. Methods must be devised for choosing from among the many who apply. And since Congress itself could not do this, it committed the task to the Commission.

The Commission was, however, not left at large in performing this duty. The touchstone provided by Congress was the "public interest, convenience, or necessity", a criterion which "is as concrete as the complicated factors for judgment in such a field of delegated authority permit". *Federal Communications Comm'n.* v. *Pottsville Broadcasting Co.*, 309 U. S. 134, 138. "This criterion is not to be interpreted as setting up a standard so indefinite as to confer an unlimited power. Compare *N. Y. Central Securities Co.* v. *United States*, 287 U. S. 12, 24. The requirement is to be interpreted by its context, by the nature of radio transmission and reception, by the scope, character, and quality of services . . . ." *Radio Comm'n.* v. *Nelson Bros. Co.*, 289 U. S. 266, 285.

The "public interest" to be served under the Communications Act is thus the interest of the listening public in "the larger and more effective use of radio". § 303(g). The facilities of radio are limited and therefore precious; they cannot be left to wasteful use without detriment to the public interest. "An important element of public interest and convenience affecting the issue of a license is the ability of the licensee to render the best practicable service to the community reached by his broadcasts." *Federal Communications Comm'n.* v. *Sanders Radio Station*, 309 U. S. 470, 475. The Commission's licensing function cannot be discharged, therefore, merely by finding that there are no technological objections to the granting of a license. If the criterion of "public interest" were limited to such matters, how could the Commission choose between two applicants for the same facilities, each of whom is financially and technically qualified to operate a station? Since the very inception of federal regulation by radio, comparative considerations as to the services to be rendered have governed the application of the standard of "public interest, convenience, or necessity". See *Federal Communications Comm'n.* v. *Pottsville Broadcasting Co.*, 309 U. S. 134, 138 n. 2.

The avowed aim of the Communications Act of 1934 was to secure the maximum benefits of radio to all the people of the United States. To that end Congress endowed the Communications Commission with comprehensive powers to promote and realize the vast potentialities of radio. Section 303(g) provides that the Commission shall "generally encourage the larger and more effective use of radio in the public interest"; subsection (i) gives the Commission specific "authority to make special regulations applicable to radio stations engaged in chain broadcasting"; and subsection (r) empowers it to adopt "such rules and regulations and prescribe such restrictions and conditions not inconsistent with law as may be necessary to carry out the provisions of this Act".

These provisions, individually and in the aggregate, preclude the notion that the Commission is empowered to deal only with technical and engineering impediments to the "larger and more effective use of radio in the public interest". We cannot find in the Act any such restriction of the Commission's authority. Suppose. for example, that a community can. because of physical limitations, be assigned only two stations. That community might be deprived of effective service in any one of several ways. More powerful stations in nearby cities might blanket out the signals of the local stations so that they could not be heard at all. The stations might interfere with each other so that neither could be clearly heard. One station might dominate the other with the power of its signal. But the community could be deprived of good radio service in ways less crude. One man. financially and technically qualified, might apply for and obtain the licenses of both stations and present a single service over the two stations. thus wasting a frequency otherwise available to the area. The language of the Act does not withdraw such a situation from the licensing and regulatory powers of the Commission, and there is no evidence that Congress did not mean its broad language to carry the authority it expresses.

In essence, the Chain Broadcasting Regulations represent a particularization of the Commission's conception of the "public interest" sought to be safeguarded by Congress in enacting the Communications Act of 1934. The basic consideration of policy underlying the Regulations is succinctly stated in its Report: "With the number of radio channels limited by natural factors, the public interest demands that those who are entrusted with the available channels shall make the fullest and most effective use of them. If a licensee enters into a contract with a network organization which limits his ability to make the best use of the radio facility assigned him, he is not serving the public interest. . . . The net effect [of the practices disclosed by the investigation] has been that broadcasting service has been maintained at a level below that possible under a system of free competition. Having so found, we would be remiss in our statutory duty of encouraging 'the larger and more effective use of radio in the public interest' if we were to grant licenses to persons who persist in these practices." (REPORT, pp. 81, 82.)

We would be asserting our personal views regarding the effective utilization of radio were we to deny that the Commission was entitled to find that the large public aims of the Communications Act of 1934 comprehend the considerations which moved the Commission in promulgating the Chain Broadcasting Regulations. True enough, the Act does not explicitly say that the Commission shall have power to deal with network practices found inimical to the public interest. But Congress was acting in a field of regulation which was both new and dynamic. "Congress moved under the spur of a widespread fear that in the absence of governmental control the public interest might be subordinated to monopolistic domination in the broadcasting field." *Federal Communications Comm'n* v. *Pottsville Broadcasting Co.*, 309 U. S. 134, 137. In the context of the developing problems to which it was directed, the Act gave the Commission not niggardly but expansive powers. It was given a comprehensive mandate to "encourage the larger and more effective use of radio in the public interest", if need be, by making "special regulations applicable to radio stations engaged in chain broadcasting". § 303(g)(i).

Generalities unrelated to the living problems of radio communication of course cannot justify exercises of power by the Commission. Equally so, generalities empty of all concrete considerations of the actual bearing of regulations promulgated by the Commission to the subject-matter entrusted to it, cannot strike down exercises of power by the Commission. While Congress did not give the Commission unfettered discretion to regulate all phases of the radio industry, it did not frustrate the purposes for which the Communications Act of 1934 was brought into being by attempting an itemized catalogue of the specific manifestations of the general problems for the solution of which it was establishing a regulatory agency. That would have stereotyped the powers of the Commission to specific details in regulating a field of enterprise the dominant characteristic of which was the rapid pace of its unfolding. And so Congress did what experience had taught it in similar attempts at regulation, even in fields where the subject-matter of regulation was far less fluid and dynamic than radio. The essence of that experience was to define broad areas for regulation and to establish standards for judgment adequately related in their application to the problems to be solved.

For the cramping construction of the Act pressed upon us, support cannot be found in its legislative history. The principal argument is that § 303(i), empowering the Commission "to make special regulations applicable to radio stations engaged in chain broadcasting", intended to restrict the scope of the Commission's powers to the technical and engineering aspects of chain broadcasting. This provision comes from § 4(h) of the Radio Act of 1927. It was introduced into the legislation as a Senate committee amendment to the House bill (H. R. 9971, 69th Cong., 1st Sess.) This amendment originally read as follows:

> "(C) The commission, from time to time. as public convenience, interest, or necessity requires, shall—
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> * * * * * * *
>
> (j) When stations are connected by wire for chain broadcasting, determine the power each station shall use and the wave lengths to be used during the time stations are so connected and so operated, and make all other regulations necessary in the interest of equitable radio service to the listeners in the communities or areas affected by chain broadcasting."

The report of the Senate Committee on Interstate Commerce, which submitted this amendment, stated that under the bill the Commission was given "complete authority . . . to control chain broadcasting." Sen. Rep. No. 772, 69th Cong., 1st Sess., p. 3. The bill as thus amended was passed by the Senate, and then sent to conference. The bill that emerged from the conference committee, and which became the Radio Act of 1927, phrased the amendment in the general terms now contained in § 303(i) of the 1934 Act: the Commission was authorized "to make special regulations applicable to radio stations engaged in chain broadcasting". The conference reports do not give any explanation of this particular change in phrasing. but they do state that the jurisdiction conferred upon the Commission by the conference bill was substantially identical with that conferred by the bill passed by the Senate. See Sen. Doc. No. 200, 69th Cong., 2d Sess., p. 17: H. Rep. 1886, 69th Cong., 2d Sess., p. 17. We agree with the District Court that in view of this legislative history, § 303(i) cannot be construed as no broader than the first clause of the Senate amendment, which limited the Commission's authority to the technical and engineering phases of chain broadcasting. There is no basis for assuming that the conference intended to preserve the first clause, which was of limited scope, and abandon the second clause, which was of general scope, by agreeing upon a provision which was broader and more comprehensive than those it supplanted.[5]

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[5] In the course of the Senate debates on the conference report upon the bill that became the Radio Act of 1927. Senator Dill, who was in charge of the bill, said: "While the commission would have the power under the general terms of the bill, the bill specifically sets out as one

A totally different source of attack upon the Regulations is found in § 311 of the Act, which authorizes the Commission to withhold licenses from persons convicted of having violated the anti-trust laws. Two contentions are made —first, that this provision puts considerations relating to competition outside the Commission's concern before an applicant has been convicted of monopoly or other restraints of trade, and second, that in any event, the Commission misconceived the scope of its powers under § 311 in issuing the Regulations. Both of these contentions are unfounded. Section 311 derives from § 13 of the Radio Act of 1927, which expressly commanded, rather than merely authorized, the Commission to refuse a license to any person judicially found guilty of having violated the anti-trust laws. The change in the 1934 Act was made, in the words of Senator Dill, the manager of the legislation in the Senate, because "it seemed fair to the committee to do that". 78 Cong. Rec. 8825. The Commission was thus permitted to exercise its judgment as to whether violation of the anti-trust laws disqualified an applicant from operating a station in the "public interest". We agree with the District Court that "The necessary implication from this [amendment in 1934] was that the Commission might infer from the fact that the applicant had in the past tried to monopolize radio, or had engaged in unfair methods of competition, that the disposition so manifested would continue and that if it did it would make him an unfit licensee." 47 F. Supp. 940, 944.

That the Commission may refuse to grant a license to persons adjudged guilty in a court of law of conduct in violation of the anti-trust laws certainly does not render irrelevant consideration by the Commission of the effect of such conduct upon the "public interest, convenience, or necessity". A licensee charged with practices in contravention of this standard cannot continue to hold his license merely because his conduct is also in violation of the anti-trust laws and he has not yet been proceeded against and convicted. By clarifying in § 311 the scope of the Commission's authority in dealing with persons convicted of violating the anti-trust laws, Congress can hardly be deemed to have limited the concept of "public interest" so as to exclude all considerations relating to monopoly and unreasonable restraints upon commerce. Nothing in the provisions or history of the Act lends support to the inference that the Commission was denied the power to refuse a license to a station not operating in the "public interest", merely because its misconduct happened to be an unconvicted violation of the anti-trust laws.

Alternatively, it is urged that the Regulations constitute an *ultra vires* attempt by the Commission to enforce the anti-trust laws, and that the enforcement of the anti-trust laws is the province not of the Commission but of the Attorney General and the courts. This contention misconceives the basis of the Commission's action. The Commission's Report indicates plainly enough that the Commission was not attempting to administer the anti-trust laws:

"The prohibitions of the Sherman Act apply to broadcasting. This Commission, although not charged with the duty of enforcing that law, should administer its regulatory powers with respect to broadcasting in the light of the purposes which the Sherman Act was designed to achieve. . . . While many of the network practices raise serious questions under the antitrust laws, our jurisdiction does not depend on a showing that they do in fact constitute a violation of the antitrust laws. It is not our function to apply the antitrust laws as such. It is our duty, however, to refuse licenses or renewals to any person who engages or proposes to engage in practices which will prevent either himself or other licensees or both from making the fullest use of radio facilities. This is the standard of public interest, convenience or necessity which we must apply to all applications for licenses and renewals. . . . We do not predicate our jurisdiction to issue the regulations on the ground that the network practices violate the antitrust laws. We are issuing these regulations because we have found that the network practices prevent the maximum utilization of radio facilities in the public interest." (Report, pp. 46, 83, 83n. 3.)

We conclude, therefore, that the Communications Act of 1934 authorized the Commission to promulgate regulations designed to correct the abuses disclosed by its investigation of chain broadcasting. There remains for consideration the claim that the Commission's exercise of such authority was unlawful.

The Regulations are assailed as "arbitrary and capricious". If this contention means that the Regulations are unwise, that they are not likely to succeed in accomplishing what the Commission intended, we can say only that the appellants have selected the wrong forum for such a plea. What was said in *Board of Trade* v. *United States*, 314 U. S. 534, 548, is relevant here: "We certainly have neither technical competence nor legal authority to pronounce upon the wisdom of the course taken by the Commission." Our duty is at an end when we find that the action of the Commission was based upon findings supported by evidence, and was made pursuant to authority granted by Congress. It is not for us to say that the "public interest" will be furthered or retarded by the Chain Broadcasting Regulations. The responsibility belongs to the Congress for the grant of valid legislative authority, and to the Commission for its exercise.

It would be sheer dogmatism to say that the Commission made out no case for its allowable discretion in formulating these Regulations. Its long investigation disclosed the existences of practices which it regarded as contrary to the "public interest". The Commission knew that the wisdom of any action it took would have to be tested by experience: "We are under no illusion that the regulations we are adopting will solve all questions of public interest with respect to the network system of program distribution. . . . The problems in the network field are interdependent, and the steps now taken may perhaps operate as a partial solution of problems not directly dealt with at this time. Such problems may be examined again at some future time after the regulations here adopted have been given a fair trial." (Report, p. 88.) The problems with which the Commission attempted to deal could not be solved at once and for all time by rigid rules-of-thumb. The Commission therefore did not bind itself inflexibly to the licensing policies expressed in the Regulations. In each case that comes before it the Commission must still exercise an ultimate judgment whether the grant of a license would serve the "public interest, convenience, or necessity." If time and changing circumstances reveal that the "public interest" is not served by application of the Regulations, it must be assumed that the Commission will act in accordance with its statutory obligations.

Since there is no basis for any claim that the Commission did not fail to observe procedural safeguards required by law, we reach the contention that the Regulations should be denied enforcement on constitutional grounds. Here, as in *N. Y. Central Securities Co.* v. *United States*, 287 U. S.

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of the special powers of the commission the right to make specific regulations for governing chain broadcasting. As to creating a monopoly of radio in this country, let me say that this bill absolutely protects the public, so far as it can protect them, by giving the commission full power to refuse a license to anyone who it believes will not serve the public interest, convenience, or necessity. It specifically provides that any corporation guilty of monopoly shall not only not receive a license but that its license may be revoked; and if after a corporation has received its license for a period of three years it is then discovered and found to be guilty of monopoly, its license will be revoked. . . . In addition to that, the bill contains a provision that no license may be transferred from one owner to another without the written consent of the commission, and the commission, of course, having the power to protect against a monopoly, must give such protection. I wish to state further that the only way by which monopolies in the radio business can secure control of radio here, even for a limited period of time, will be by the commission becoming servile to them. Power must be lodged somewhere, and I myself am unwilling to assume in advance that the commission proposed to be created will be servile to the desires and demands of great corporations of this country." 68 Cong. Rec. 2881.

12, 24-25, the claim is made that the standard of "public interest" governing the exercise of the powers delegated to the Commission by Congress is so vague and indefinite that, if it be construed as comprehensively as the words alone permit, the delegation of legislative authority is unconstitutional. But, as we held in that case, "It is a mistaken assumption that this is a mere general reference to public welfare without any standard to guide determinations. The purpose of the Act, the requirements it imposes, and the context of the provision in question show the contrary." *Ibid.* See *Radio Comm'n* v. *Nelson Bros. Co.*, 289 U. S. 266, 285; *Federal Communications Comm'n* v. *Pottsville Broadcasting Co.*, 309 U. S. 134, 137-38. Compare *Panama Refining Co.* v. *Ryan*, 293 U. S. 388, 428; *Intermountain Rate Cases*, 234 U. S. 476, 486-89; *United States* v. *Lowden*, 308 U. S. 225.

We come, finally, to an appeal to the First Amendment. The Regulations, even if valid in all other respects, must fall because they abridge, say the appellants, their right of free speech. If that be so, it would follow that every person whose application for a license to operate a station is denied by the Commission is thereby denied his constitutional right of free speech. Freedom of utterance is abridged to many who wish to use the limited facilities of radio. Unlike other modes of expression, radio inherently is not available to all. That is its unique characteristic, and that is why, unlike other modes of expression, it is subject to governmental regulation. Because it cannot be used by all, some who wish to use it must be denied. But Congress did not authorize the Commission to choose among applicants upon the basis of their political, economic, or social views, or upon any other capricious basis. If it did, or if the Commission by these Regulations proposed a choice among applicants upon some such basis, the issue before us would be wholly different. The question here is simply whether the Commission, by announcing that it will refuse licenses to persons who engage in specified network practices (a basis for choice which we hold is comprehended within the statutory criterion of "public interest"), is thereby denying such persons the constitutional right of free speech. The right of free speech does not include, however, the right to use the facilities of radio without a license. The licensing system established by Congress in the Communications Act of 1934 was a proper exercise of its power over commerce. The standard it provided for the licensing of stations was the "public interest, convenience, or necessity". Denial of a station license on that ground, if valid under the Act, is not a denial of free speech.

A procedural point calls for just a word. The District Court, by granting the Government's motion for summary judgment, disposed of the case upon the pleadings and upon the record made before the Commission. The court below correctly held that its inquiry was limited to review of the evidence before the Commission. Trial *de novo* of the matters heard by the Commission and dealt with in its Report would have been improper. See *Tagg Bros.* v. *United States*, 280 U. S. 420; *Acker* v. *United States*, 298 U. S. 426.

Affirmed.

Mr. Justice BLACK and Mr. Justice RUTLEDGE took no part in the consideration or decision of these cases.

Mr. Justice MURPHY, dissenting.

I do not question the objectives of the proposed regulations, and it is not my desire by narrow statutory interpretation to weaken the authority of government agencies to deal efficiently with matters committed to their jurisdiction by the Congress. Statutes of this kind should be construed so that the agency concerned may be able to cope effectively with problems which the Congress intended to correct, or may otherwise perform the functions given to it. But we exceed our competence when we gratuitously bestow upon an agency power which the Congress has not granted. Since that is what the Court in substance does today, I dissent.

In the present case we are dealing with a subject of extreme importance in the life of the nation. Although radio broadcasting, like the press, is generally conducted on a commercial basis, it is not an ordinary business activity, like the selling of securities or the marketing of electrical power. In the dissemination of information and opinion radio has assumed a position of commanding importance, rivalling the press and the pulpit. Owing to its physical characteristics radio, unlike the other methods of conveying information, must be regulated and rationed by the government. Otherwise there would be chaos, and radio's usefulness would be largely destroyed. But because of its vast potentialities as a medium of communication, discussion and propaganda, the character and extent of control that should be exercised over it by the government is a matter of deep and vital concern. Events in Europe show that radio may readily be a weapon of authority and misrepresentation, instead of a means of entertainment and enlightenment. It may even be an instrument of oppression. In pointing out these possibilities I do not mean to intimate in the slightest that they are imminent or probable in this country, but they do suggest that the construction of the instant statute should be approached with more than ordinary restraint and caution, to avoid an interpretation that is not clearly justified by the conditions that brought about its enactment, or that would give the Commission greater powers than the Congress intended to confer.

The Communications Act of 1934 does not in terms give the Commission power to regulate the contractual relations between the stations and the networks. *Columbia System* v. *United States*, 316 U. S. 407, 416. It is only as an incident of the power to grant or withhold licenses to individual stations under §§ 307, 308, 309 and 310 that this authority is claimed,[1] except as it may have been provided by subdivisions (g), (i) and (r) of § 303, and by §§ 311 and 313. But nowhere in these sections, taken singly or collectively, is there to be found by reasonable construction or necessary inference, authority to regulate the broadcasting industry as such, or to control the complex operations of the national networks.

In providing for regulation of the radio the Congress was under the necessity of vesting a considerable amount of discretionary authority in the Commission. The task of choosing between various claimants for the privilege of using the air waves is essentially an administrative one. Nevertheless, in specifying with some degree of particularity the kind of information to be included in an application for a license, the Congress has indicated what general conditions and considerations are to govern the granting and withholding of station licenses. Thus an applicant is required by § 308(b) to submit information bearing upon his citizenship, character, and technical, financial and other qualifications to operate the proposed station, as well as data relating to the ownership and location of the proposed station, the power and frequencies desired, operating periods, intended use, and such other information as the Commission may require. Licenses, frequencies, hours of operation and power are to be fairly distributed among the several States and communities to provide efficient service to each. § 307(b). Explicit provision is made for dealing with applicants and licensees who are found guilty, or who are under the control of persons found guilty of violating the federal anti-trust laws. §§ 311 and 313. Subject to the limitations defined in the Act, the Commission is required to grant a station license to any applicant "if public convenience, interest or necessity will be served thereby". § 307(a). Nothing is said, in any of these sections, about network contracts, affiliations, or business arrangements.

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[1] The regulations as first proposed were not connected with denial of applications for initial or renewal station licenses but provided instead that: "No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, with a network organization", which contained any of the disapproved provisions. After a short time, however, the regulations were cast in their present form, making station licensing depend upon conformity with the regulations.

The power to control network contracts and affiliations by means of the Commission's licensing powers cannot be derived from implication out of the standard of "public convenience, interest or necessity". We have held that: "the Act does not essay to regulate the business of the licensee. The Commission is given no supervisory control of the programs, of business management or of policy. In short, the broadcasting field is open to anyone, provided there be an available frequency over which he can broadcast without interference to others, if he shows his competency, the adequacy of his equipment, and financial ability to make good use of the assigned channel." *Commission* v. *Sanders Radio Station*, 309 U. S. 470, 475. The criterion of "public convenience, interest or necessity" is not an indefinite standard, but one to be "interpreted by its context, by the nature of radio transmission and reception, by the scope, character and quality of services", . . . *Radio Comm'n* v. *Nelson Bros. Co.*, 289 U. S. 266, 285. Nothing in the context of which the standard is a part refers to network contracts. It is evident from the record that the Commission is making its determination of whether the public interest would be served by renewal of an existing license or licenses, not upon an examination of written applications presented to it, as required by §§ 308 and 309, but upon an investigation of the broadcasting industry as a whole, and general findings made in pursuance thereof which relate to the business methods of the network companies rather than the characteristics of the individual stations and the peculiar needs of the areas served by them. If it had been the intention of the Congress to invest the Commission with the responsibility, through its licensing authority, of exercising far-reaching control—as exemplified by the proposed regulations—over the business operations of chain broadcasting and radio networks as they were then or are now organized and established, it is not likely that the Congress would have left it to mere inference or implication from the test of "public convenience, interest or necessity", or that Congress would have neglected to include it among the considerations expressly made relevant to license applications by § 308(b). The subject is one of such scope and importance as to warrant explicit mention. To construe the licensing sections (§§ 307, 308, 309, 310) as granting authority to require fundamental and revolutionary changes in the business methods of the broadcasting networks—methods which have been in existence for several years and which have not been adjudged unlawful—would inflate and distort their true meaning and extend them beyond the limited purposes which they were intended to serve.

It is quite possible, of course, that maximum utilization of the radio as an instrument of culture, entertainment, and the diffusion of ideas is inhibited by existing network arrangements. Some of the conditions imposed by the broadcasting chains are possibly not conducive to a freer use of radio facilities, however essential they may be to the maintenance of sustaining programs and the operation of the chain broadcasting business as it is now conducted. But I am unable to agree that it is within the present authority of the Commission to prescribe the remedy for such conditions. It is evident that a correction of these conditions in the manner proposed by the regulations will involve drastic changes in the business of radio broadcasting which the Congress has not clearly and definitely empowered the Commission to undertake.

If this were a case in which a station license had been withheld from an individual applicant or licensee because of special relations or commitments that would seriously compromise or limit his ability to provide adequate service to the listening public, I should be less inclined to make any objection. As an incident of its authority to determine the eligibility of an individual applicant in an isolated case, the Commission might possibly consider such factors. In the present case, however, the Commission has reversed the order of things. Its real objective is to regulate the business practices of the major networks, thus bringing within the range of its regulatory power the chain broadcasting industry as a whole. By means of these regulations and the enforcement program, the Commission would not only extend its authority over business activities which represent interests and investments of a very substantial character, which have not been put under its jurisdiction by the Act, but would greatly enlarge its control over an institution that has now become a rival of the press and pulpit as a purveyor of news and entertainment and a medium of public discussion. To assume a function and responsibility of such wide reach and importance in the life of the nation, as a mere incident of its duty to pass on individual applications for permission to operate a radio station and use a specific wave length, is an assumption of authority to which I am not willing to lend my assent.

Again I do not question the need of regulation in this field, or the authority of the Congress to enact legislation that would vest in the Commission such power as it requires to deal with the problem, which it has defined and analyzed in its report with admirable lucidity. It is possible that the remedy indicated by the proposed regulations is the appropriate one, whatever its effect may be on the sustaining programs, advertising contracts, and other characteristics of chain broadcasting as it is now conducted in this country. I do not believe, however, that the Commission was justified in claiming the responsibility and authority it has assumed to exercise without a clear mandate from the Congress.

An examination of the history of this legislation convinces me that the Congress did not intend by anything in § 303, or any other provision of the Act to confer on the Commission the authority it has assumed to exercise by the issuance of these regulations. Section 303 is concerned primarily with technical matters, and the subjects of regulation authorized by most of its subdivisions are exceedingly specific—so specific in fact that it is reasonable to infer that, if Congress had intended to cover the subject of network contracts and affiliations, it would not have left it to dubious implications from general clauses, lifted out of context, in subdivisions (g), (i) and (r). I am unable to agree that in authorizing the Commission in § 303(g) to study new uses for radio, provide for experimental use of frequencies, and "generally encourage the larger and more effective use of radio in the public interest", it was the intention or the purpose of the Congress to confer on the Commission the regulatory powers now being asserted. Manifestly that subdivision dealt with experimental and development work—technical and scientific matters, and the construction of its concluding clause should be accordingly limited to those considerations. Nothing in its legislative history suggests that it had any broader purpose.

It was clearly not the intention of the Congress by the enactment of § 303(i), authorizing the Commission "to make special regulations applicable to radio stations engaged in chain broadcasting", to invest the Commission with the authority now claimed over network contracts. This section is a verbatim re-enactment of § 4(h) of the Radio Act of 1927, and had its origin in a Senate amendment to the bill which became that Act. In its original form it provided that the Commission, from time to time, as public convenience, interest, or necessity required, should:

"When stations are connected by wire for chain broadcasting, [the Commission should] determine the power each station shall use and the wave lengths to be used during the time stations are so connected and so operated, and make all other regulations necessary in the interest of equitable radio service to the listeners in the communities or areas affected by chain broadcasting."

It was evidently the purpose of this provision to remedy a situation that was described as follows by Senator Dill (who was in charge of the bill in the Senate) in questioning a witness at the hearings of the Senate Committee on Interstate Commerce:

". . . During the past few months there has grown up a system of chain broadcasting, extending over the United States a great deal of the time. I say a great deal of the time—many nights a month—and the stations that are connected are of such widely varying meter lengths that the ordinary radio set that reaches out any distance is unable to get anything but that one program, and so, in effect, that one program monopolizes the air. I realize it is somewhat of a technical engineering problem, but it has seemed to many people, at least many who have written to me, that when stations are carrying on chain programs that they might be limited to the use of wave lengths adjoining or near enough to one another that they would not cover the entire dial. I do not know whether legislation ought to restrict that or whether it had better be done by regulations of the department. I want to get your opinion as to the advisability in some way protecting people who want to hear some other program than the one being broadcasted by chain broadcast." (Report of Hearings Before Senate Committee on Interstate Commerce on S. 1 and S. 1754, 69th Cong., 1st Sess. (1926) p. 123.

In other words, when the same program was simultaneously broadcast by chain stations, the weaker independent stations were drowned out because of the high power of the chain stations. With the receiving sets then commonly in use, listeners were unable to get any program except the chain program. It was essentially an interference problem. In addition to determining power and wave length for chain stations, it would have been the duty of the Commission, under the amendment, to make other regulations necessary for "equitable radio service to the listeners in the communities or areas affected by chain broadcasting." The last clause should not be interpreted out of context and without relation to the problem at which the amendment was aimed. It is reasonably construed as simply as authorizing the Commission to remedy other technical problems of interference involved in chain broadcasting in addition to power and wave length by requiring special types of equipment, controlling locations, etc. The statement in the Senate Committee Report that this provision gave the Commission "complete authority . . . to control chain broadcasting" (R. Rep. No. 772, 69th Cong., 1st Sess., p. 3) must be taken as meaning that the provision gave complete authority with respect to the specific problem which the Senate intended to meet, a problem of technical interference.

While the form of the amendment was simplified in the Conference Committee so as to authorize the Commission "to make special regulations applicable to radio stations engaged in chain broadcasting", both Houses were assured in the report of the Conference Committee that "the jurisdiction conferred in this paragraph is substantially the same as the jurisdiction conferred upon the Commission by . . . the Senate amendment." (Sen. Doc. No. 200, 69th Cong., 2d Sess., p. 17; H. Rep. No. 1886, 69th Cong., 2d Sess., p. 17). This is further borne out by a statement of Senator Dill in discussing the conference report on the Senate floor:

"What is happening to-day is that the National Broadcasting Co., which is a part of the great Radio Trust, to say the least, if not a monopoly, is hooking up stations in every community on their various wave lengths with high powered stations and sending one program out, and they are forcing the little stations off the board so that the people cannot hear anything except the one program.

"There is no power to-day in the hands of the Department of Commerce to stop that practice. The radio commission will have the power to regulate and prevent it and give the independents a chance." (68 Cong. Rec. 3031.)

Section 303(r) is certainly no basis for inferring that the Commission is empowered to issue the challenged regulations. This subdivision is not an independent grant of power, but only an authorization to: "Make such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this Act." There is no provision in the Act for the control of network contractual arrangements by the Commission, and consequently § 303 (r) is of no consequence here.

To the extent that existing network practices may have run counter to the anti-trust laws, the Congress has expressly provided the means of dealing with the problem. The enforcement of those laws has been committed to the courts and other law enforcement agencies. In addition to the usual penalties prescribed by statute for their violation, however, the Commission has been expressly authorized by § 311 to refuse a station license to any person "finally adjudged guilty by a Federal court" of attempting unlawfully to monopolize radio communication. Anyone under the control of such a person may also be refused a license. And whenever a court has ordered the revocation of an existing license, as expressly provided in § 313, a new license may not be granted by the Commission to the guilty party or to any person under his control. In my opinion these provisions (§§ 311 and 313) clearly do not and were not intended to confer independent authority on the Commission to supervise network contracts or to enforce competition between radio networks by withholding licenses from stations, and do not justify the Commission in refusing a license to an applicant otherwise qualified, because of business arrangements that may constitute an unlawful restraint of trade, when the applicant has not been finally adjudged guilty of violating the anti-trust laws, and is not controlled by one so adjudged.

The conditions disclosed by the Commission's investigation, if they require correction, should be met, not by the invention of authority where none is available or by diverting existing powers out of their true channels and using them for purposes to which they were not addressed, but by invoking the aid of the Congress or the services of agencies that have been entrusted with the enforcement of the anti-trust laws. In other fields of regulation the Congress has made clear its intentions. It has not left to mere inference and guess-work the existence of authority to order broad changes and reforms in the national economy or the structure of business arrangements in the Public Utility Holding Company Act, 49 Stat. 803, the Securities Act of 1933, 48 Stat. 74, the Federal Power Act, 49 Stat. 838, and other measures of similar character. Indeed the Communications Act itself contains cogent internal evidence that Congress did not intend to grant power over network contractual arrangements to the Commission. In § 215(e) of Title II, dealing with common carriers by wire and radio, Congress provided:

"The Commission shall examine all contracts of common carriers subject to this Act which prevent the other party thereto from dealing with another common carrier subject to this Act, and shall report its findings to Congress, together with its recommendations as to whether additional legislation on this subject is desirable."

Congress had no difficulty here in expressing the possible desirability of regulating a type of contract roughly similiar to the ones with which we are now concerned, and in reserving to itself the ultimate decision upon the matters of policy involved. Insofar as the Congress deemed it necessary in this legislation to safeguard radio broadcasting against arrangements that are offensive to the anti-trust laws or monopolistic in nature, it made specific provision in §§ 311 and 313. If the existing network contracts are deemed objectionable because of monopolistic or other features, and no remedy is presently available under these provisions, the proper course is to seek amendatory legislation from the Congress, not to fabricate authority by ingenious reasoning based upon provisions that have no true relations to the specific problem.

Mr. Justice ROBERTS agrees with these views.

JOHN T. CAHILL (JAMES D. WISE, A. L. ASHBY, HAROLD S. GLENDENING, and JOHN W. NIELDS with him on the brief) for appellant, National Broadcasting Co., Inc.; E. WILLOUGHBY MIDDLETON (THOMAS H. MIDDLETON with him on the brief) for appellant Stromberg-Carlson Telephone Mfg. Co.; CHARLES E. HUGHES, Jr. (ALLEN S. HUBBARD, HAROLD L. SMITH, and WRIGHT TISDALE with him on the brief) for appellant, Columbia Broadcasting System, Inc.; CHARLES FAHY, Solicitor General (VICTOR BRUDNEY, RICHARD S. SALANT, CHARLES R. DENNY, General Counsel, Federation Communications Commission, HARRY M. PLOTKIN, DANIEL W. MEYER, and MAX GOLDMAN with him on the brief) for appellees, United States and Federal Communications Commission; LOUIS G. CALDWELL (LEON LAUTERSTEIN, EMANUEL DANNETT, and PERCY H. RUSSELL, JR. with him on the brief) for appellee, Mutual Broadcasting System, Inc.; ISAAC W. DIGGES filed brief on behalf of Association of National Advertisers, Inc., as amicus curiae; GEORGE LINK, JR., filed brief on behalf of American Association of Advertising Agencies as amicus curiae; HOMER S. CUMMINGS, MORRIS L. ERNST, BENJAMIN S. KIRSH, WILLIAM DRAPER LEWIS, and HARRIET F. PILFEL filed brief on behalf of American Civil Liberties Union as amicus curiae.

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N STREET, N. W. WASHINGTON, D. C. Vol. 11, No. 21, May 21, 1943

Music

PETRILLO EXECUTES ANOTHER "ABOUT FACE"

James Caesar Petrillo, president of the American Federation of Musicians, again shifted his ground at a meeting with the transcription companies held on May 13th. It will be recollected that Petrillo's written demands served upon the transcription companies were for the payment directly to the union of a percentage of the gross revenue derived by transcription companies from library services. Apparently, no demands were made with respect to commercial transcriptions, but Petrillo consistently refused to permit commercial transcriptions to be made until his demands with respect to library transcriptions were met.

On April 13th, Petrillo withdrew the written demands which he had served on the transcription companies and demanded instead that the transcription companies agree that they would not permit either library or commercial recordings to be used by any stations which the Federation might from time to time characterize as "unfair." Petrillo made it clear that the test of "unfairness" would be whether the broadcasting station employed a number of musicians satisfactory to the Federation.

Demand Is Rejected

The transcription companies rejected this demand and on May 14th released the following statement:

> "Representatives of a number of electrical transcription companies have been meeting with the Executive Board of the American Federation of Musicians since Feb. 11th in an effort to effect a solution of the problems concerned in the strike of musicians against the electrical transcription industry which has been continued since August 1st of last year, a period of more than 9 months.
>
> "These meetings which started some weeks ago were concluded tonight (May 13) with both sides agreeing that an impasse had been reached.
>
> "In a meeting last month a proposal was made to the union by the electrical transcription manufacturers that musicians be permitted to resume work on commercial advertising transcriptions with no further restrictions except that they be limited to one use for a single broadcast on a station.
>
> "For libraries it was proposed that they resume work on the basis of an increase in the pay of the musicians. This proposal first met with a favorable response from the Federation but they subsequently decided that the possible additional compensation was not a sufficient inducement for them to return to work.
>
> "It appears that there is no dispute between the Union and the employers on the general subjects of wages, hours and working conditions but the only basis on which the Federation is presently prepared to return to work is with the limitation in that the recordings made be withheld from broadcast by stations deemed at any time unfair by the American Federation of Musicians. This boycott demand was rejected by the transcription companies because of their station and customer relations and its doubtful legality.
>
> "The meeting was concluded with the understanding that the electrical transcription companies would be available to meet at any time the Federation had new proposals to make which did not involve the boycott principle.
>
> "The above statement was made by the following companies—Associated Music Publishers, Inc.; Empire Broadcasting Corp.; Lang-Worth Feature Programs, Inc.; MUZAK Transcriptions, Incorporated; Radio Recording Division of National Broadcasting Co.; Standard Radio; WOR Recording Studios; and, World Broadcasting System, Inc."

Petrillo's present demands therefore are that the transcription companies agree to an illegal boycott against their customers in aid of a plan to create forced employment. It is understood that the transcription companies are meeting to consider what course of action they will take in view of the new demands which to some extent change the hitherto existing situation.

FCC OVERRULED

Dividing 4 to 2, the Supreme Court May 17 held that KOA had the right, under Section 312 (b) of the Communications Act, to be made a party to the proceedings on WHDH's application for unlimited operation on KOA's frequency, and that KOA was entitled under Section 402(b) of the Act to appeal from the Commission's action in excluding it from participation in the proceeding and from the order made by the Commission. The majority opinion was written by Justice Roberts, in which Chief Justice Stone and Justices Reed and Jackson concurred. Justice Frankfurter and Justice Douglas wrote dissenting opinions. Justices Black, Murphy and Rutledge took no part in the consideration or decision of the case.

"These rules (Secs. 3.21 and 3.25 of the Commission's Rules defining a 'clear channel' and designating frequencies and power) were incorporated into the terms of KOA's license which granted it a frequency of 850 kilocycles and a power of 50 kilowatts", the court stated, "To alter the rules so as to deprive KOA of what had been assigned to it, and to grant an application which would create interference on the channel given to it, was in fact and in substance to modify KOA's license."

"This being so," the court declared, "Sec. 312(b) requires that it be made a party to the proceedings."

(The opinion of the court is printed in full on p. 240.)

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Arthur C. Stringer, *Director of Promotion.*

"NO STALLING" FLY SAYS

At his weekly press conference, Chairman Fly of the FCC said the networks to date haven't requested any more time to act on the new regulations after June 14, date on which the regulations take effect.

Fly said he would give the networks extra time if necessary, but added: "I would imagine that would give the stations ample time (June 14). Of course we will give them whatever time is necessary, but offhand I don't see that further time is necessary. I will say this; that there will be no more dilatory tactics."

IMPORTANT NOTICE

In compliance with the recent system of zoning established by the post office, covering deliveries in metropolitan centers, all mail to NAB should hereafter be addressed as follows:

NATIONAL ASSOCIATION OF BROADCASTERS
1760 N Street, N. W.
Washington 6, D. C.

Compliance with this suggestion will assure prompt handling of mail.

EMPLOYEES VACATIONS

Joseph B. Eastman, Director of the Office of Defense Transportation, has asked the cooperation of trade associations in appealing to employers to begin and end all employees' vacations on Tuesday, Wednesday or Thursday. It is also suggested by ODT that vacations be scheduled throughout the year rather than confined to the summer months.

The transportation situation makes it imperative to start vacation schedules now and extend them through the year in such a way as to avoid travel at holiday periods. Eastman said that railroads and bus lines could not handle vacation travel this year if it is concentrated in July and August.

Adoption by employers of the recommended vacation policy is necessary, Eastman said, to even out the usual midsummer and week-end travel concentration.

"We are strongly urging persons who can take vacations this year," he said, "to spend them at home or as near home as possible. We are urging them, if they go away from home, to limit their travel on public carriers to a single round-trip to the place where the vacation is spent. And we are urging them to do any vacation traveling only on days other than Fridays, Saturdays or Sundays so as to avoid the week-end travel peaks."

RADIO EXECUTIVES CLUB OF N. Y. HOLDS PROGRAM PANEL

Sponsored by SESAC, the Radio Executives Club of New York held a panel on "Radio Programs and Radio's Future" May 19 at which Leonard Callahan, SESAC treasurer and counsel, was moderator.

Participating were: Ben Gross, New York Daily News radio editor; Jerry Franken, PM radio editor; Linnea Nelson, J. Walter Thompson, time buyer; Herb Pettey, WHN manager, and Clarence Menser, NBC program vice-president.

Principal topic was spot announcements with the newspaper boys decrying overuse of same, while the radio panel members and Miss Nelson defended use of spots as being vital to radio's revenue and, hence, continuance.

High points from each panel participant's remarks are quoted as follows:

"Radio is spineless in defending its rights to free speech as compared to daily newspapers." **(Gross)**

"We will sell that for which there is a demand." **(Pettey)**

"Ad agencies will put out the types of appeals (defending spots) which are producing results." **(Nelson)**

"Spot announcements and the wohle structure of programming depend on the thinking of the industry as governed by conditions. We've got to make money to spend it (for better programming)." **(Menser)**

"The independent stations should devote more time and money to improving local programming (instead of depending wholly on spots to carry the financial load)." **(Franken)**

Walt Dennis, NAB news chief, attended the panel for NAB.

WANTED: WOMEN TECHNICIAN PHOTOS

Request for photos and stories of women technicians employed at member stations for inclusion in a brochure, has already procured excellent material from:

WBAL, Baltimore; WEIM, Fitchburg; WMBD, Peoria; WRNL, Richmond; and WWDC, Washington.

If you are employing women technicians be sure to forward material as outlined on Page 217 of the May 14, NAB Reports. This is an industry promotion and this material from your station will help.

NEW BATTERY ORDER EXPECTED

According to information received from battery manufacturers, a revised order affecting the production of farm radio batteries is expected to be released by WPB this week, perhaps Friday.

Without any further increase in production it is believed that 1,300,000 packs will be produced during the present quarter ending June 30. It is believed that production will be materially increased during the third and fourth quarters.

FLAG WEEK—JUNE 8-14

Sale of an additional 100 million dollars worth of war bonds and stamps is this year's goal of the United States Flag Association during the Fifth Annual National Celebration of Flag Week, June 8-14.

Flag Week committees, appointed by mayors throughout the United States, will add their efforts to those of other local war bond committees, in order to reach the extra 100 million dollar goal. Heads of business, civic, religious, patriotic and other groups have been asked to serve on Flag Week committees.

On the National Council are Henry L. Stimson, secretary of war; Henry Morgenthau, Jr., secretary of the treasury; Frank Knox, secretary of the navy, and Walter D. Fuller, president, Curtis Publishing Company.

According to word from William F. Seals, Flag association director, material for press and radio is to be distributed direct.

The Association asks that our flag be displayed in homes and places of business during the week.

SCORE A SWELL IDEA FOR WLS

Staff members of WLS are in Washington implementing a plan which they believe is necessary to secure the maximum cooperation from farmers in the "Food for Freedom" campaign.

According to Glen Snyder, WLS general manager, and Harry Templeton, program manager, all the government-released material for radio failed to explain adequately why vast amounts of additional food must be produced. The farmers understood it well enough when they were called upon to feed the fighting forces. But they had not been told about the conditions affecting agriculture in all of the United Nations.

So, asked Messrs. Snyder and Templeton, who can tell that story and tell it most effectively? They believed the information would be found in the respective Washington embassies of the United Nations governments. Acting on that hunch they came to Washington, met with OWI, and discovered there were agricultural experts of most all of the United Nations who were quartered at the embassies. With the cooperation of OWI, portable recording equipment was moved in and the agricultural expert of the nation involved explained conditions in his country which made it necessary to obtain food elsewhere. Fortunately, all of these men speak excellent English.

As of the first part of this week, 17 quarter hours have been cut.

OWI plans to release the transcriptions to all stations in the surplus food production belts of the United States.

NORTHEASTERN RADIO COUNCIL HOLDS FIRST CONFERENCE

(This conference was covered for NAB by Walt Dennis, NAB news bureau chief, and the story is presented for your information.)

Leading broadcasters, educators, and civic leaders of the Tri-Cities (Albany, Troy and Schenectady, N. Y.) gathered May 14-15 in "Old Chapel", Union College, Schenectady, to hold the first regional conference of the Northeastern Radio Council, which was organized in September, 1942.

Topic of the conference was "Broadening Our Horizons Through Radio and Other Audio Materials."

The conference opened Friday evening with a radio broadcast over WGY at 7:30 p. m., which featured Colonel Carlos Romulo, author of "I Saw the Fall of the Philippines", and a panel of critics in a discussion of Romulo's book. Conference delegates made up the "studio" audience and participated in an open forum following the broadcast.

Principal speech of the evening was made by Kenneth Bartlett, Syracuse university workshop director, on "Education by Radio.'

Bartlett pointed out that "four inventions have changed man's life most—the wheel, the printing press, airplane and radio tube."

He urged expansion of use of radio in the schools including assigned "homework" of radio listening, adding that although radio has changed American society, it had scarcely made an impression in the schools. Citing figures, Bartlett said only "one school in twenty uses radio in the curriculum."

Council Awards Citations

A series of citations was awarded outstanding local radio programs and program series by the council with first award going to P. Schuyler Miller's series of newscasts for children presented over WSNY. Miller is a staff member of the Schenectady board of adult education.

The Saturday morning session was opened by Mrs. Dorothy Lewis, NAB coordinator of listener activity, who spoke on "What a Council Can Mean."

"Freedom of the air and its preservation is one vital function a radio council can perform," Mrs. Lewis said. "The recent Supreme Court decision has made a football of radio—the decision is a blow to freedom of the air. It is up to our radio councils to lead the way in restoring freedom of the air to radio by exercising unceasing vigilance to see that the government stays in line and does not usurp the powers vested in the people to whom the air belongs."

Mrs. Lewis told the delegates one of their first duties was to understand radio and then to act as "editors" of the air by making their wishes as listeners known to radio managers via mail or telephone and to exchange opinions among themselves on radio programs.

Council Is 'Liaison'

"This council and the many others now organized and being organized in America provide the mediums whereby the listeners can exercise the privileges of democracy to the highest plane. Its very civic makeup of people representing all types of organizations allows it to become a medium of transmission of ideas—a perfect liaison group between the people and radio managers," Mrs. Lewis declared.

She said that more than 2,000,000 persons were now enrolled in radio councils over the nation.

Grace Johnsen, director of women's and children's programs for the BLUE network, was the next speaker and pointed out how the network served the public in point rationing, home economics and other home front efforts by programming. Miss Johnsen also listed the many other public service and educational programs carried by the BLUE.

Asks Record Library

Max U. Bildersee, radio supervisor, New York State department of education, spoke on "Education by Recordings" and urged that a record library be established in schools to afford complete and controlled access to the fine programs now being broadcast. He also asked for establishment of "audio" workshops in teachers colleges where prospective teachers could be taught how to use radio and recordings in schools.

A message to the conference was sent by Arch Oboler, radio writer, in which he wrote:

"The devil is getting a place in hell ready for radio executives, advertising agency executives, manufacturers of products advertised over the air and radio writers for their part of the responsibility for the national indifference that led to Pearl Harbor."

Oboler wrote that "the appalling lack of qualified radio writers is responsible for the lack of adult and intelligent acquainting of the world with the vital issues of today."

He made a plea for the networks to establish a fund to train radio dramatic writers to fill this lack.

Two-Headed Monster

Writing of the Hooper and Crossley audience survey systems, Oboler declared: "Hooper-Crossley is a two-headed monster fostering the idea that unless a program has a Jack Benny rating it doesn't exist."

Speaking on the subject "Radio Plans for the Future," Leon Levine, assistant education director, CBS, said: "Radio has made it possible for the world's leaders to explain immediately and to answer the questions of the people.

"Radio is a great neutral instrument which provides a channel for all opinions and allows the people to listen and to make up their own minds. There may be confusion, yes, but out of confusion comes decision and when it is made, it is the person's own decision not the thought someone else has tried to force on him."

Levine expressed concern over the future of radio in the light of the recent network-FCC decision and told the delegates that little planning for the future can be done until the FCC reveals what it will do with the power granted it by the court.

He gave warning about overdoing postwar talk on the air without careful planning "else the boys will come marching home looking for the ice cream sodas and will forget all about postwar problems."

Levine said "the soldier is going to come home and he is going to want the world he left, but he will be changed, his country will be changed and the place from which he came will be changed. He must be educated in this change gradually and carefully."

He then gave a complete explanation of the CBS postwar planning department and said the department was fully staffed by full time people working on postwar programming and other radio problems.

Dr. Angell Speaks

The conference meetings closed with a luncheon at which Kolin Hager, WGY manager, presided and at which Dr. James R. Angell, NBC public service counsellor, was the principal speaker.

Doctor Angell stressed the complexity of radio and took a look into the future where he saw numerous and widespread results accruing from the use of television "the standard form of radio of the future."

Not overlooking short-wave, Doctor Angell said: "shortwave is giving us a contact with the peoples of the world—and it is inconceivable this contact will not have considerable effect on international relations, principally in languages, arts, education and politics. It will give us a broad tolerance of view in our dealings with our neighbors."

He said councils can familiarize themselves with the inside of radio—the "who, what and why" and pass this information on to the people. Doctor Angell concluded by praising the great work of radio in furthering the war.

Saturday afternoon was devoted to field trips to WGY, WSNY, W47A and WGY's television studios where a demonstration was given. Mrs. Carolyn Tarbell is council chairman, and was general chairman of the conference.

NEW PREFERENCE RATING IS "AA-2"

Radio broadcasting now has AA-2 rating instead of AA-2X rating assigned last February 14, under P-133.

All other terms of P-133 still apply with one possible exception. This concerns the quantity of material you are now using for maintenance, repair and operating supplies. Quantity cannot be more than that used in 1942. This is covered in paragraph (f) of CMP Reg. 5, reproduced below.

In buying materials your new AA-2 preference rating is applied by use of the following certification appearing on order and properly signed:

> "Preference rating AA-2—MRO. The undersigned certifies, subject to the criminal penalties for misrepresentation contained in section 35(A) of the United States Criminal Code, that the items covered by this order are required for essential maintenance, repair or operating supplies; that this order is rated and placed in compliance with CMP Regulation No. 5; and that the delivery requested will not result in a violation of the quantity restrictions contained in paragraph (f) of said regulation."

Use form PD-1A for material not obtainable with AA-2. No change in this procedure.

The above is an interpretation of the new regulations obtained from WPB.

Paragraph (f) covering quantity restrictions follows:

(f) *Quantity restrictions.* (1) No person *who uses* the allotment symbol of preference ratings assigned by this regulation to obtain *any* maintenance, repair or operating supplies *shall order for delivery* during any calendar quarter *maintenance, repair or operating supplies* in an aggregate amount exceeding one-fourth of his aggregate expenditures for maintenance, repair and operating supplies during the calendar year 1942 (or his fiscal year ending nearest to December 31, 1942), except that a person engaged in a seasonal business may use such allotment symbol or preference ratings *to order for delivery* during any calendar quarter, up to, but not in excess of, his aggregate expenditures for maintenance, repair and operating supplies during the corresponding quarter of 1942 (or of such fiscal year). In neither case, however, shall any person use such allotment symbol or preference ratings to obtain maintenance, repair and operating supplies during the 12 months ending March 31, 1944, in an amount exceeding his aggregate expenditures for maintenance, repair and operating supplies during the calendar year 1942 (or such fiscal year). *In determining the dollar amount of expenditures for maintenance, repair and operating supplies permitted under this paragraph (f) there shall be included not only expenditures for supplies obtained by use of the allotment symbol or preference ratings hereby assigned, but also expenditures for supplies which are obtained without the use of such symbol or rating plus amounts expended in acquiring minor capital additions under paragraph (b) (3) of this regulation. Expenditures during the base period shall be computed in the same way, except that amounts expended in acquiring minor capital additions during the base period shall not be included.*

(2) A person who has several plants or other operating units which maintain separate records of maintenance, repair and operating supplies shall treat each of them separately for purposes of complying with the provisions of subparagraph (1) of this paragraph (f).

(3) In the case of a plant or other operating unit which was not in operation during the base period specified in subparagraph (1) of this paragraph (f), the person operating the same may take, as a base, his expenditures for maintenance, repair and operating supplies during the first quarter of 1943, or during the portion thereof when the plant or unit was in operation, reasonably adjusted for seasonal or other variable factors; *Provided,* That he first notifies the War Production Board in writing of the base which he is taking, the reasons therefor, and the nature of any adjustments made. In the case of a plant starting operations after February 28, 1943, maintenance, repair and operating supplies may be acquired pursuant to this regulation in the minimum amounts necessary for operation, without other restrictions, up to $5,000 per quarter. If more than this amount is required, application *should* be made to the War Production Board for a specific quota. In any case where the base provided in subparagraph (1) or by this subparagraph (3) is deemed too low for necessary operations, application may be made for modification thereof *by filing a letter in triplicate with the War Production Board stating the relevant facts.*

(4) The restrictions contained in this paragraph (f) shall apply in addition to any quantitative restrictions contained in any order in the "P" series, unless the particular P order expressly provides that the restrictions of this regulation shall be inapplicable.

(5) The quantity restrictions in this paragraph (f) shall not apply to persons whose aggregate requirements

of maintenance, repair and operating supplies do not exceed $5,000 per year.

(6) The War Production Board may, by further regulations or orders, require specified persons or classes of persons to file applications or reports regarding their requirements of maintenance, repair and operating supplies and may prescribe specific quantitative limits for the same, either larger or smaller than the limits provided above in this paragraph (f).

NOTE: Paragraph (6) redesignated May 13, 1943.

State Legislation

MASSACHUSETTS:

H. 1704 (Reported on P. D. 144) CHAIN LIBEL—Relative to chain libel, so called.

H. 1705 (Reported on P. D. 144) LIBEL CASES—DAMAGES—Relative to retraction and damages in libel cases.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, May 24th. They are subject to change.

Tuesday, May 25

KRBA—Ben T. Wilson, R. A. Corbett and Thomas W. Baker, Co-partners, d/b as Red Lands Broadcasting Ass'n, Lufkin, Texas—Renewal of license, **1340 kc.**, 250 watts, unlimited.

KRBA—Ben T. Wilson, R. A. Corbett and Thomas W. Baker, Co-partners, d/b as Red Lands Broadcasting Ass'n (Assignor); Darrell E. Yates (Assignee), Lufkin, Texas—Voluntary assignment of license, **1340 kc.**, 250 watts, unlimited.

Wednesday, May 26

Further Hearing

KOBH—Black Hills Broadcast Co. of Rapid City, Rapid City, South Dakota—C. P., **610 kc.**, 5 KW, DA night, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KRNR—News-Review Company, Roseburg, Ore.—Granted modification of license to increase power from 100 watts night, 250 watts LS, to 250 watts day and night, subject to the provision that the applicant shall erect an antenna which complies with the Commission's standards when materials again become available (B5-ML-1160).

Roy C. Kelley, Grand Rapids, Mich.—Granted authority to transmit programs to station CKLW, Windsor, Ontario, Canada (B2-FP-108).

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted consent to transfer of control of Station KEVR from Walter L. Wyckoff and Fred Bianco (transferors) to A. W. Talbot (transferee), by transfer of 950 shares (or 72%) of issued and outstanding capital stock of licensee corporation. The consideration proposed to be paid is $17,515 (B5-TC-320).

KRBA—Ben T. Wilson, R. A. Corbett and Thomas W. Baker, d/b as Red Lands Broadcasting Assn., Lufkin, Texas—Adopted an order continuing the hearing now set for May 25 until June 14, 1943, in re application for renewal of license and for voluntary assignment of license. The Commission also ordered that the hearing be transferred to Lufkin, Tex. (Dockets 6491 and 6492).

WEMV—The WGAR Broadcasting Co., Cleveland, Ohio—Granted application for construction permit for changes in equipment, frequencies and in type of emission from A3 to special emission for frequency modulation of relay station WEMV (B2-PRE-425).

LICENSE RENEWALS

Granted renewal of licenses for the following stations for the period beginning June 1, 1943, and ending in no event later than June 1, 1945:

KCKN, Kansas City, Kans.; KFRE, Fresno, Calif.; KFYO, Lubbock, Tex.; KMYR, Denver, Colo.; KRJF, near Miles City, Mont.; KRMD, Shreveport, La.; KROS, Clinton, Iowa; WDMJ, Marquette, Mich.; WEBR and auxiliary, Buffalo, N. Y.; WFHR, Wisconsin Rapids, Wisc.; WJPF, near Herrin, Ill.; WLBC, South of Muncie, Ind.; WHFF, Plattsburgh, N. Y.; WRAW, Reading, Pa.; WSAJ, Grove City, Pa.; WSOY, Decatur, Ill.; KHMO, Hannibal, Mo.; WLAV, Grand Rapids, Mich.; WLNH, Laconia, N. H.

MISCELLANEOUS

WKBZ—Ashbacker Radio Corp., Muskegon, Mich.—Adopted an order granting petition for leave to dismiss without prejudice application for modification of license to change frequency from **1490 kc.** to **1450 kc.** (Docket 6454)

W8XCT—The Crosley Corp., Cincinnati, Ohio—Granted modification of construction permit as modified, which authorized new experimental television broadcast station, for extension of completion date only from April 28 to October 28, 1943. (B2-MPVB-99)

APPLICATIONS FILED AT FCC

1140 Kilocycles

WFTL—Ralph A. Horton, Ft. Lauderdale, Fla.—Voluntary assignment of license and construction permit to The Fort Industry Company.

1490 Kilocycles

KXO—Valradio, Incorporated, El Centro, Calif.—Authority to determine operating power by direct measurement.

MISCELLANEOUS APPLICATIONS

WRET—Ralph A. Horton, Portable-Mobile, area Ft. Lauderdale, Fla.—Voluntary assignment of license to The Fort Industry Company.

WAAD—Ralph A. Horton, Portable-Mobile, area Ft. Lauderdale, Fla.—Voluntary assignment of license to The Fort Industry Company.

WFTL—The Fort Industry Co., Ft. Lauderdale, Fla.—Modification of license to move main studio from Ft. Lauderdale to Miami, Fla. (contingent upon the granting of B3-APL-15 above).

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an

opportunity to show cause why cease and desist orders should not be issued against them.

Bortz & Co., Trust Service Co., and Susquehanna Pen Co., is charged in a complaint with misrepresentation in connection with the sale of postcards and form letters for use by collection agencies and attorneys in obtaining information concerning delinquent debtors. (4961)

Ever-Flo Company—Misrepresentation in the sale of a so-called antifreeze solution designated "Ever-Flo," recommended for use in the cooling systems of automobile and other combustion type engines, is alleged in a complaint issued against the manufacturer of the product, The Ever-Flo Co., 1701 Rockwell Ave., Cleveland, Ohio. (4965)

Home Service Co., Deerfield, Ill., selling a so-called mothproofing preparation designated "H-S-C Immunizing Solution" and a cleaning solution called "Nu Life Foam," is charged with misrepresentation in a complaint. (4964)

Dr. F. A. Newcomb—A complaint has been issued charging Fay A. Newcomb, trading as Dr. F. A. Newcomb, 927½ Massachusetts St., Lawrence, Kans., with misrepresentation in connection with the sale of a home treatment for various diseases and ailments, particularly cataract of the eye. (4962)

Paul, Rice & Levy, Inc., 501 Poydras St., New Orleans, distributors of marine supplies, is charged in a complaint with violating section 5 of the Federal Trade Commission Act by selling quantities of obsolete signal pistol cartridges as new, thereby endangering the lives of passengers and crews and the safety of vessels equipped with such outdated cartridges. The signal flare cartridges sold by the respondent corporation are designed and intended to be used by ships in distress or under conditions of emergency at sea where it is necessary to obtain assistance from other vessels. (4963)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Ace Fastener Corp., 3415 North Ashland Ave., Chicago, engaged in the manufacture of stapling machines and staples, entered into a stipulation to discontinue representing that its machines will give perfect stapling satisfaction for ten years or for any indicated period of time; that they will never jam or clog, or that they are proof against or immune to jamming or clogging. (3647)

Electrovox Co., 169 Maplewood Ave., Maplewood, N. J., has entered into a stipulation to discontinue certain misrepresentations in connection with the sale of Walco phonograph needles made of duraluminum and equipped with a sapphire tip. (3644)

A. Freedman & Sons, Inc., shoe manufacturer of New Bedford, Mass., stipulated that in connection with the sale and distribution of its products it will cease and desist from the use of the words "a solid steel arch" or other words of similar import as a mark, stamp, brand or label for those of its shoes which are not provided with an arch or shank of the type indicated. (3645)

International Products Co., Inc., 1441 Lamar Ave., Memphis, Tenn., engaged in reprocessing feathers which it sells to manufacturers of pillows, mattresses and like products, stipulated that it will cease and desist from representing that such feathers are new when actually they are, either in whole or in part, old or second-hand or have been previously used; and from failing to disclose clearly that they are composed, in whole or in part, of second-hand materials. (3646)

Troy Chemical Co., 115 Montgomery St., Binghamton, N. Y., engaged in selling a stock remedy designated "Savoss," has entered into a stipulation to cease and desist from representing that the preparation is a cure or remedy for any disease or ailment of horses or has any therapeutic properties except to the extent that it may act as a counter-irritant and vesicant, and from using the word "guarantee" or the term "guarantee contract" in connection with certain conditions of horses to represent that Savoss is a cure or remedy for such conditions. (03108)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Charlotte Novelty Co., 2631 Pennsylvania Ave., Baltimore, has been ordered to cease and desist from selling or otherwise disposing of merchandise by means of a lottery scheme and from placing in the hands of his agents or the public pull cards or other devices which are to be used or may be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme. (3457)

Duo-Tint Bulb & Battery Co., Inc., 4431 North Racine Ave., Chicago, selling and distributing small glass incandescent electric light bulbs and batteries, and Carrie Riggs, Helen Corts and Dalton W. Riggs, officials of the corporation, have been ordered to cease and desist from misrepresentation in the sale of their products. (4814)

FTC CLOSES CASE

The Federal Trade Commission has closed without prejudice the case growing out of its complaint against Scott Products Co., trading as America-Chiffon Co., Chicago, which had been charged with misrepresentation in connection with the sale of hosiery.

KOA DECISION TEXT

No. 585.—October Term, 1942.

Federal Communications Commission, Petitioner,
vs.
National Broadcasting Company, Inc., (KOA), et al.

On Writ of Certiorari to the United States Court of Appeals, District of Columbia.

[May 17, 1943.]

Mr. Justice Roberts delivered the opinion of the Court.

This case presents important questions of procedure arising under Title III of the Communications Act of 1934.[1]

The respondent is licensed to operate station KOA at Denver, Colorado, on a frequency of 850 kilocycles. Station WHDH, of Boston, Massachusetts, had a license to operate, daytime only, on the same frequency. October 25, 1938, WHDH applied to the Communications Commission for an increase in power and for operation unlimited in time. The Commission set down the application and designated certain issues for hearing, of which the following are pertinent: To determine whether the interests of any other stations may be adversely affected by reason of interference, particularly KOA and other named stations; to determine whether public interest, convenience or necessity would be served by modifying the rules governing standard broadcast stations to authorize the proposed operation of WHDH.

The Commission's rules precluded the operation of a second station at night on KOA's frequency;[2] provided that an application not filed in accordance with its regulations would be deemed defective, would not be considered, and

[1] Act of June 19, 1934, c. 652, 48 Stat. 1064, 1081; 47 U. S. C. Sec. 301 ff.

[2] Secs. 3.22 and 3.25.

would be returned to the applicant;[3] and also that if an applicant desired to challenge the validity or wisdom of any rule or regulation he must submit a petition setting forth the desired change and the reasons in support thereof.[4]

The respondent petitioned to intervene. Its petition was denied. It then moved to dismiss WHDH's application for failure to conform to the rules and regulations. The motion was denied. Meantime the Commission evidently believing that, in view of the possible alteration of the rules concerning standard broadcast stations, questions of policy might be involved and that, consequently, under Sec. 409(a), the hearing would have to be conducted by a member of the Commission,[5] designated Commissioner Case to conduct the hearing.

No hearing was held under the original notice. A new notice was issued which indicated that the Commission did not then contemplate modification of its substantive rules but intended merely to afford the applicant an opportunity to urge that they be construed in the applicant's favor. Issues specified in the second notice were "to determine whether or not the Commission's Rules Governing Standard Broadcast Stations, particularly Sections 3.22 and 3.25 (Part III) properly interpreted and applied preclude the granting of the application" and to determine the nature, extent, and effect of any interference which would result from a grant of the application, particularly with Station KOA and others named. The inquiry thus limited could be heard before an examiner under Sec. 409(a) and, accordingly, the Commission withdrew the designation of Commissioner Case and assigned an examiner.

A hearing was held January 29 and 30, 1940, but the respondent was not permitted to appear or participate. December 9, 1940, the Commission promulgated proposed findings of fact and conclusions. Two commissioners dissented. All agreed that Secs. 3.22 and 3.25 of the regulations precluded a grant of WHDH's application. Three voted to modify those regulations and to grant the application. Respondent then filed its second petition to intervene, which was denied. The Commission subsequently, on its own motion, permitted respondent to file briefs and present an oral argument *amicus curiae*. April 7, 1941, the Commission adopted a final order amending Sec. 3.25 of the rules and granting the WHDH application, two commissioners dissenting.

Respondent filed a petition for rehearing pursuant to Sec. 405 of the Act.[6] This was denied. Thereupon respondent gave notice of appeal to the Court of Appeals of the District of Columbia,[7] which concluded that the Commission's action effected a modification of respondent's license and consequently the statute entitled the respondent to be made a party and to participate in the hearing. The court below therefore reversed the Commission's order and remanded the case for further proceedings.[8]

The respondent contends that it was entitled, as a matter of right, to participate in the hearing before the Commission on the question of the granting of WHDH's application and that its rights in this respect were not satisfied by permitting it to file a brief and present argument. It further insists that the Commission's proceeding was invalid due to the provisions of Sec. 409(a) of the statute, the failure to comply with the rules then in force, and the arbitrary and capricious action taken. Finally, the respondent asserts § 405 entitled it to a rehearing and § 402(b)(2) granted it an appeal.

The petitioner urges the grant of WHDH's application did not amount to a substantial modification of KOA's license or so affect KOA's rights as to require that KOA be permitted to intervene and that, in any event, KOA was not denied any substantial right of participation in the proceeding.

First. We are of the opinion that respondent was entitled to be made a party.

Section 312(b) of the Act provides:

> "Any station license hereafter granted . . . may be modified by the Commission . . . if in the judgment of the Commission such action will promote the public interest, convenience, and necessity. . . . *Provided, however*, That no such order of modification shall become final until the holder of such outstanding license . . . shall have been notified in writing of the proposed action and the grounds or reasons therefor and shall have been given reasonable opportunity to show cause why such an order of modification should not issue."

The Commission found that there would be interference with KOA's broadcast in the eastern part of the United States if WHDH's application were granted. The Commission's own reports to Congress show that at night a small proportion of the urban population and a much larger proportion of the rural population of the country enjoy only such broadcasting service as is afforded by clear channel stations. KOA, one of the stations upon which this service depends, has operated continuously at Denver since 1924 and has used a clear channel upon which only one station is permitted to operate during the night. Under the Commission's regulations (§§ 3.22 and 3.25) KOA had, therefore, little or no channel interference from any station located within the United States. In addition, its signals throughout the United States were free, and entitled to remain free, of channel interference from any station in Canada, Mexico or Cuba, pursuant to the provisions of the North American Regional Broadcasting Agreement.[9] The Commission's order deprives KOA of freedom from interference in its night service over a large area lying east of the Mississippi River. Furthermore, the order opens the way for Canada, Mexico, and Cuba, signatories to the broadcasting agreement, to acquire the right to operate stations which may cause channel interference at night on KOA's frequency within the United States.

The respondent urges that it can be shown that the service of WHDH, while interfering at night with that of KOA, would not be a service equally useful, and that the grant to WHDH adds a new primary service to an area already heavily supplied with such service. In its petitions to intervene, the respondent called attention to the terms of its existing license, asserting that the grant of WHDH's application would cause interference in areas where KOA's signal was interference free; that respondent would be aggrieved and its interests adversely affected by a grant of the application and that the operation proposed by WHDH would not be in the interest of public convenience and necessity; that a grant of the application would result in a modification of respondent's license in violation of § 312(b) and would result in a modification of the Commission's regulations without such a hearing as is required by § 303(f) of the Act. In its petition for rehearing the respondent elaborated and reiterated the reasons embodied in its motions for dismissal of the petition and its petitions to intervene.

The Commission says that the section has no application to this case. It asserts that the proceeding was an application by WHDH for modification of its station license and that, under § 309(a) of the Act, the Commission might have acted on the application without any hearing. So much may be conceded, if nothing more were involved. But the grant of WHDH's application, in the circumstances, necessarily involved the modification of KOA's outstanding license. This petitioner denies, saying KOA's license granted no more than the privilege of operating its station in a prescribed manner and that the grant of WHDH's application in nowise altered the terms of KOA's license. This contention stems from the circumstance that KOA's license authorizes it to operate a transmitter of 50 kilowatts on the frequency 850 kilocycles at Denver. The petitioner says that the grant of WHDH's application affects none of these terms. But we think this too narrow a view. When KOA's license was granted the Commission's rules §§ 3.21 and 3.25 embodied these provisions:

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[3] Sec. 1.72.

[4] Sec. 1.71.

[5] Sec. 409(a), 47 U. S. C. § 409(a) provides that, in the administration of Tit. III, an examiner may not hold hearings with respect to a matter involving a change of policy by the Commission or a new kind of use of frequencies.

[6] 47 U. S. C. Sec. 405.

[7] Pursuant to Sec. 402(b) (2); 47 U. S. C. Sec. 402(b) (2).

[8] 132 F. 2d 545.

[9] 55 Stat., Part 2, 1005.

> "A 'clear channel' is one on which the dominant station or stations render service over wide areas and which are cleared of objectionable interference within their primary service areas and over all or a substantial portion of their secondary service areas."
>
> "The frequencies in the following tabulation are designated as clear channels and assigned for use by the classes of stations are given:
>
> (a) To each of the channels below there will be assigned one class I station and there may be assigned one or more class II stations operating limited time or daytime only: . . . The power of the class I stations on these channels shall not be less than 50 kilowatts."

850 kilocycles was one of the frequencies appearing on the schedule forming part of the rule.

These rules were incorporated into the terms of KOA's license which granted it a frequency of 850 kilocycles and a power of 50 kilowatts. To alter the rules so as to deprive KOA of what had been assigned to it, and to grant an application which would create interference on the channel given it, was in fact and in substance to modify KOA's license. This being so, § 312(b) requires that it be made a party to the proceeding. We can accord no other meaning to the language of the proviso which requires that the holder of the license which is to be modified must have notice in writing of the proposed action and the grounds therefor and must be given a reasonable opportunity to show cause why an order of modification should not issue. Certainly one who is to be notified of a hearing and to have the right to show cause is not to be considered a stranger to the proceeding but is, by the very provisions of the statute, to be made a party. The very notices issued by the Commission show that that body knew there would probably be an interference with KOA's signals if the pending application of WHDH were granted; and that the Commission also realized there was a serious question whether the application could be granted under its existing rules. It is not necessary to discuss at any length the sufficiency of the petitions to intervene if, as we have held, the Act itself provided that, in such an instance as the present, KOA was entitled to be brought in as a party. A licensee cannot show cause unless it is afforded opportunity to participate in the hearing, to offer evidence, and to exercise the other rights of a party.

Much is said to the effect that KOA was not in fact injured, because the Commission permitted it to file a brief *amicus curiae* and to present oral argument. It is beside the point to discuss the Commission's rules as to intervention and the privileges accorded by the Commission to one denied intervention since we are of opinion, as already stated, that, under the terms of the Act, the respondent was entitled to participate in the proceedings.

Second. While the Commission did not urge before the court below, and did not advance as a reason for the grant of certiorari, that respondent was not entitled to appeal to the Court of Appeals, this matter was argued here and, as it raises a question of jurisdiction, we shall consider it.

It would be anomalous if one entitled to be heard before the Commission should be denied the right of appeal from an order made without hearing. We think the Act does not preclude such an appeal. Section 402(b) (2) permits an appeal to the Court of Appeals of the District of Columbia by "any . . . person aggrieved or whose interests are adversely affected by any decision of the Commission granting or refusing" any application for modification of an existing station license. If, within the intent of the statute, the interests of KOA would be adversely affected, or if KOA would be aggrieved by granting the application of WHDH, then the statute grants KOA a right of appeal.

In *Federal Communications Commission* v. *Sanders Bros. Radio Station*, 309 U. S. 470, we dealt with a similar situation. There the question was whether a rival station, which would suffer economic injury by the grant of a license to another station, had standing to appeal under the terms of the Act. We held that it had. We pointed out that while a station license was not a property right, and while the Commission was not bound to give controlling weight to economic injury to an existing station consequent upon the issuance of a license to another station, yet economic injury gave the existing station standing to present questions of public interest and convenience by appeal from the order of the Commission. Here KOA, while not alleging economic injury, does allege that its license ought not to be modified because such action would cause electrical interference which would be detrimental to the public interest.

In view of the fact that § 312(b) grants KOA the right to become a party to the proceedings, we think it plain that it is a party aggrieved, or a party whose interests will be adversely affected by the grant of WHDH's application, as, indeed the Commission seems to have thought when it first noticed WHDH's application for hearing. We, therefore, hold KOA was entitled to appeal from the Commission's action in excluding it from participation in the proceeding and from the order made by the Commission.

The judgment is affirmed.

Mr. Justice BLACK, Mr. Justice MURPHY and Mr. Justice RUTLEDGE took no part in the consideration or decision of this case.

Mr. Justice FRANKFURTER, dissenting.

Unlike courts, which are concerned primarily with the enforcement of private rights although public interests may thereby be implicated, administrative agencies are predominantly concerned with enforcing public rights although private interests may thereby be affected. To no small degree administrative agencies for the enforcement of public rights were established by Congress because more flexible and less traditional procedures were called for than those evolved by the courts. It is therefore essential to the vitality of the administrative process that the procedural powers given to these administrative agencies not be confined within the conventional modes by which business is done in courts.

In my judgment the decision of the Court in this case imposes a hampering restriction upon the functioning of the administrative process. This is the aspect that lends this case importance and leads me to express the reasons for my dissent.

The Communications Act of 1934, 48 Stat. 1064, 47 U. S. C. § 151 *et seq.*, directs the Federal Communications Commission to "classify radio stations", "prescribe the nature of the service to be rendered by each class of licensed stations and each station within any class", and "assign bands of frequencies to the various classes of stations, and assign frequencies for each individual station and determine the power which each station shall use and the time during which it may operate". § 303(a) (b) (c). Accordingly, the Commission has established a plan for allocating the available radio facilities among the stations of the country. Under its Rules there are three classes of standard broadcast channels: "clear channels", on which dominant stations render service over extensive areas and which are cleared of objectionable interference within their primary service areas and over all or a substantial part of their secondary service areas; "regional channels", on which several stations serving smaller areas operate simultaneously with powers not in excess of 5 kilowatts; and "local channels", on which many stations serving local areas operate simultaneously with powers not in excess of 250 watts. § 3.21. Similarly, standard broadcast stations are classified into four groups: "class I stations"—dominant stations operating on clear channels and designed to render primary and secondary service over large areas and at relatively long distances; "class II stations"—operating on clear channels and designed to render service over a primary service area which is limited by and subject to such interference as may be received from class I stations; "class III stations"—operating on regional channels and designed to render service primarily to metropolitan districts and the rural areas contiguous thereto; and "class IV stations"—operating on local channels and designed to render service primarily to cities or towns and the suburban and rural areas contiguous thereto. § 3.22. Section 3.25 divides clear channels into two further groups: I-A channels, to which only one class I station is assigned, with one or more class II stations operating limited time or daytime only, and I-B channels, to which both class I and class II stations may be assigned, with more than one station operating at night.

On October 25, 1938, Station WHDH in Boston, Massachusetts, a class II station licensed to operate during the daytime only on the frequency 830 kilocycles (a class I-A channel) with power of 1 kilowatt, applied to the Commission for modification of its license so that it could operate both night and day on that frequency with increased power of 5 kilowatts. At that time Station KOA in Denver, Colorado, was the dominant class I station on the frequency 830 kilocycles, operating unlimited time with power of 50 kilowatts. Since the Commission's Rules provided for the assignment of only one station to operate at night on the frequency 830 kilocycles, the WHDH application could not be granted without amendment of § 3.25.

Section 309(a) of the Act specifies the procedure which the Commission must follow in passing upon applications for modification of licenses, such as that of WHDH: "If upon examination of any application for . . . modification of a station license the Commission shall determine that public interest, convenience, or necessity would be served by the granting thereof, it shall authorize . . . modification thereof in accordance with said finding. In the event the Commission upon examination of any such application does not reach such decision with respect thereto, it shall notify the applicant thereof, shall fix and give notice of a time and place for hearing thereon, and shall afford such applicant an opportunity to be heard under such rules and regulations as it may prescribe." The Commission, upon its examination of the WHDH application, was unable to find that a grant would serve the public interest, convenience, or necessity. The application was therefore, on September 2, 1939, designated for hearing. Three weeks later, on September 23, 1939, KOA filed a petition to intervene. Its petition, in substance, alleged only that the proposed operation of WHDH would "cause interference to station KOA in areas where KOA's signal is not interference free", that KOA "would be aggrieved and its interests adversely affected" by the proposed operation, and that a grant of the WHDH application would not be in the public interest, convenience or necessity.

The Court holds that the Commission was required as a matter of law to grant KOA's petition to intervene in the hearing upon the WHDH application. In my judgment the Act precludes such a construction. Section 4(j) provides that the Commission "may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice"; § 303(r) authorizes it to make "such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this Act". We have held that by force of these provisions "the subordinate questions of procedure in ascertaining the public interest, when the Commission's licensing authority is invoked—the scope of the inquiry, whether applications should be heard contemporaneously or successively, whether parties should be allowed to intervene in one another's proceedings, and similar questions—were explicitly and by implication left to the Commission's own devising, so long, of course, as it observes the basic requirements designed for the protection of private as well as public interest." *Federal Communications Comm'n* v. *Pottsville Broadcasting Co.*, 309 U. S. 134, 138.

The breadth of discretion entrusted to the Commission is limited, however, by §§ 303(f) and 312(b). The former provides that "changes in the frequencies, authorized power, or in the times of operation of any station, shall not be made without the consent of the station licensee unless, after a public hearing, the Commission shall determine that such changes will promote public convenience or interest or will serve public necessity, or the provisions of this Act will be more fully complied with". Section 312(b) authorizes the Commission to modify outstanding station licenses "if in the judgment of the Commission such action will promote the public interest, convenience, and necessity, or the provisions of this Act or of any treaty ratified by the United States will be more fully complied with: *Provided, however*, That no such order of modification shall become final until the holder of such outstanding license or permit shall have been notified in writing of the proposed action and the grounds or reasons therefor and shall have been given reasonable opportunity to show cause why such an order of modification should not issue."

The procedural scheme established by the statute is thus clear: if application is made for a station license, or for modification or renewal of a license, the Commission may grant such application without a hearing if it finds, upon examination of the application, that a grant would be in the public interest. If it is unable to reach such a determination from its study of the application, it must afford the applicant a "hearing". § 309(a). If a Commission order involves a change in the frequency, authorized power, or hours of operation of an existing station without its consent, such licensee is entitled to a "public hearing". § 303(f). If a Commission order involves "modification" of an outstanding license, presumably something other than a change in frequency, power, or hours of operation, the modification order cannot become effective until the licensee is given notice in writing and a "reasonable opportunity to show cause why such an order of modification should not issue". § 313(b). It is relevant here, also, that under § 312(a) a Commission order revoking a station license cannot take effect "until fifteen days' notice in writing thereof, stating the cause for the proposed revocation, has been given to the licensee. Such licensee may make written application to the Commission at any time within said fifteen days for a hearing upon such order, and upon the filing of such written application said order of revocation shall stand suspended until the conclusion of the hearing conducted under such rules as the Commission may prescribe. Upon the conclusion of said hearing the Commission may affirm, modify, or revoke said order of revocation." The Act explicitly provides for a "hearing", therefore, when the Commission proposes to deny an application for a license, or to revoke a license, or to change the frequency, power, or hours of operation of a station licensee. But when a Commission order merely involves "modification" of the license of an existing station, the latter is entitled only to notice in writing and a "reasonable opportunity to show cause" why the order should not issue.

The Commission has exercised the authority given it by Congress to formulate its administrative procedure. Section 1.102 of its Rules, relating to intervention in Commission proceedings by interested parties, provides as follows:

"Petitions for intervention must set forth the grounds of the proposed intervention, the position and interest of the petitioner in the proceeding, the facts on which the petitioner bases his claim that his intervention will be in the public interest, and must be subscribed or verified in accordance with section 1.122. The granting of a petition to intervene shall have the effect of permitting intervention before the Commission but shall not be considered as any recognition of any legal or equitable right or interest in the proceeding. The granting of such petition shall not have the effect of changing or enlarging the issues which shall be those specified in the Commission's notice of hearing unless on motion the Commission shall amend the same."

Under an earlier rule any person could intervene in a Commission proceeding if his petition disclosed "a substantial interest in the subject matter". § 105.19, Commission's Rules and Regulations (1935). The reasons for the change in the Commission's intervention rule were thus stated by the Attorney General's Committee on Administrative Procedure, Sen. Doc. No. 186, 76th Cong., 3d Sess., Pt. 3, pp. 16-17: "The effects of this complete freedom of intervention [available under the old rule] upon the Commission's activities were very marked. Not only was the record unnecessarily prolonged by the discussion of non-controversial issues, but the evidence relevant to each issue was increased manyfold by virtue of the extended cross-examination of witnesses by each intervener. More often than not the interveners presented no affirmative evidence on the issues at hand. The major functions served by them were apparently to impede the progress of the hearing, to increase the size of the record, and to obfuscate the issues by prolonged and confusing cross-examination. Nor were these dilatory and destructive tactics restricted to the hearing itself. Each intervener would customarily avail himself of his rights to take exceptions to the examiner's report, to oral argument before the Commission, and, in many cases, to appeal from the Commission's order to the District of Columbia Court of Appeals. . . . If this [new] provision is enforced intelligently and forcefully, an important step will have been taken both toward the protection of applicants and the increase of the Commission's prestige." Compare *In re Hazelwood, Inc.*, 7 F. C. C. 443.

KOA's petition for intervention was denied, presumably because the showing required by §1.102 had not been made. And on January 29 and 30, 1940, a hearing upon the WHDH application was held before an examiner of the Commission. Although KOA was denied the right to intervene, it could, under § 1.195 of the Commission's Rules, have appeared and given evidence. That rule provides that the Secretary of the Commission shall maintain "a record of all communications received by the Commission relating to the merits of any application pending before the Commission", and if the application is designated for hearing, the Secretary must notify all persons who have communicated with the Commission regarding the application "in order that such persons will have an opportunity to appear and give evidence at such hearing." Under this rule if KOA had appeared at the hearing upon the WHDH application, it would have been entitled to present evidence relating to the matters raised in its petition for intervention. But, so far as the record before us shows, it made no effort to take advantage of the right of participation afforded it by § 1.195.

On December 9, 1940, the Commission issued proposed findings and conclusions. Under these the Commission found that the proposed operation of WHDH, with use of a directional antenna, "would not cause any interference to the primary service of Station KOA, Denver, Colorado, and that such interference as the proposed operation of WHDH might reasonably be expected to cause to reception of KOA would be limited to receivers in the eastern half of the United States"; that the operation of WHDH as proposed in its application would "enable it to deliver service of primary signal quality to an area having a population of 3,093,000 or to 621,000 more people than are now included within the primary service area of the station"; that by extending WHDH's hours of operation "a new primary service to 94.9% of the Boston metropolitan area, including a population of 2,185,000", would be provided; that, in addition to the improved service to listeners in the Boston area, there would be "an improvement and extension of service which applicant station [WHDH] now endeavors to render over the fishing banks situated off the New England coast"; and that the public interest would be served by amending §3.25 of the Rules so as to make the frequency 830 kilocycles a I-B channel, upon which more than one station could operate at night, thereby permitting "more efficient use of the frequency."

On December 16, 1940, KOA again petitioned to intervene. Its petition alleged only that the proposed action, if adopted, would result in "interference to Station KOA in areas where KOA's signals are now interference free", would constitute a modification of KOA's license without affording it an opportunity to be heard, and would result in "a degradation of service on 830 kc which will be prejudicial to the priority rights in the United States on this channel, will discriminate against service to rural listeners in order to furnish additional service to the City of Boston which is already well served". KOA made no offer to contradict or add to the evidence adduced at the hearing, nor did it dispute the Commission's conclusions as to the extent of the interference which KOA would suffer from the proposed operation of WHDH. Accordingly, on January 7, 1941, the Commission denied KOA's second petition to intervene, but it permitted KOA, as well as other "clear channel" stations interested in the proceeding, to participate in the oral argument before the Commission, and to file briefs *amicus*, in order to determine whether the proposed findings should be made final.

Meanwhile, on January 23, 1941, the President proclaimed the North American Regional Broadcasting Agreement, 55 Stat. 1005. The purpose of this Agreement, which was concluded at Havana on December 13, 1937, among Canada, Cuba, Dominican Republic, Haiti, Mexico, and United States, was to "regulate and establish principles covering the use of the standard broadcast band in the North American Region so that each country may make the most effective use thereof with the minimum technical interference between broadcast stations". The signatory Governments recognized that "until technical developments reach a state permitting the elimination of radio interference of international character, a regional arrangement between them is ncessary in order to promote standardization and to minimize interference." The Agreement established priorities in the use of specified clear channels, sixty-three of which were assigned to the United States, and provided that each such channel "shall be used in a manner conforming to the best engineering practice with due regard to the service to be rendered by the dominant stations operating thereon".

In order to carry out the provisions of the Agreement, the United States was obliged to make extensive adjustments in the assignments of its existing stations. As part of the accommodations required, stations assigned to the frequency of 830 kilocycles were to be moved to 850 kilocycles. This change affected both WHDH and KOA. The license of KOA, like that of all other standard broadcast stations, would have expired on August 1, 1940, while the WHDH application was pending. The licenses of all stations, including KOA and WHDH, were successively extended by the Commission, first to October 1, 1940, and then to March 29, 1941, the effective date of the Agreement. KOA had filed an application for renewal of its license to operate on 830 kilocycles, 50 kilowatts, unlimited time. On February 4, 1941, the Commission advised all applicants for renewals, including KOA, that under the Agreement, their operating assignments were to be changed and that their applications for renewals would be regarded as applications to operate upon the new frequencies, unless the applicant wished to operate upon some other frequency, in which event its application would be designed for hearing. So far as appears, KOA did not notify the Commission that it had any objection to its renewal application being regarded as an application to operate on the frequency 850 kilocycles. Accordingly, when its license to operate on 830 kilocycles expired on March 29, 1941, its license was renewed on the frequency 850 kilocycles. In no sense, therefore, did the action of the Commission changing KOA's frequency assignment pursuant to the North American Regional Broadcasting Agreement constitute a modification of KOA's license. And, indeed, KOA makes no such contention here, for review of Commission orders modifying station licenses, upon the Commission's own motion, can be reviewed only in a suit brought in a district court under § 402(a). See *Scripps-Howard Radio, Inc.* v. *Federal Communications Comm'n*, 316 U. S. 4, 8-9, note 3.

On March 26, 1941, three days before the Agreement was to become effective, the Commission issued an order adopting the proposed findings and conclusions upon the WHDH application, granting WHDH authority to operate on 850 kilocycles, with power of 5 kilowatts, day and night, and amending § 3.25 of its Rules so as to make the frequency 850 kilocycles a I-B channel upon which more than one station could operate at night. This order was made effective April 7, 1941.

On April 25, 1941, KOA filed a petition for rehearing before the Commission, repeating in substance the allegations contained in its earlier petitions to intervene. And on May 20, 1941, the Commission, in an opinion that considered in detail each of the allegations in the petition for rehearing, denied the petition. The Commission stated that, "in view of the importance of the matters involved in this proceeding, we shall re-examine our findings and conclusions and the record upon which they are based." In summary, it found that a grant of the WHDH application "would not result in interference to the primary service of Station KOA, Denver, Colorado, and that such interference to the reception of Station KOA as might reasonably be expected to result from a grant of the Matheson [WHDH] application would occur in its secondary service area and would be limited to receivers in the eastern half of the United States, remote from the KOA transmitter; that such secondary service as KOA could render in this area would be of uncertain character because of its dependence upon the characteristics of the individual receiver, the signal intensity and the signal to interference ratio involved in each individual case"; and "that although petitioner [KOA] contends it is entitled to serve the rural areas in which it is claimed interference will occur, it fails to allege either that it has been providing a useful service in such areas or point out, in terms of population, the nature and extent of the claimed interference."

On June 7, 1941, KOA filed an appeal from the Commission's order in the Court of Appeals for the District of Columbia under § 402(b)(2) of the Communications Act of 1934. Section 402(b) provides for appeals to the Court from decisions of the Commission "in any of the following cases: (1) By any applicant for a construction permit for a radio station, or for a radio station license, or for renewal of an existing radio station license, or for modification of an existing radio station license, whose application is refused by the Commission. (2) By any other person aggrieved or whose interests are adversely affected by any decision of the Commission granting or refusing any such application."

The court below could not take jurisdiction of the suit unless KOA had a right to appeal under § 402(b)(2), in other words, unless it was "aggrieved" or its "interests were adversely affected" by the granting of the WHDH application. Since the Commission in exercising its licensing function must be governed by the public interest and not the private interest of existing licensees, an appellant under § 402(b)(2) appears only to vindicate the public interest and not his own. *Federal Communications Comm'n* v. *Sanders Radio Station*, 309 U. S. 470; *Scripps-Howard Radio, Inc.* v. *Federal Communications Comm'n*, 316 U. S. 4. That the Commission's order may impair the value of an existing station's license is in itself no ground for invalidating the order; it merely may create standing to attack the validity of the order on other grounds. Whatever doubts may have existed as to whether the ingredients of "case" or "controversy", as defined, for example, in *Muskrat* v. *United States*, 219 U. S. 346, are present in this situation were dispelled by our ruling in the *Sanders* case that the legality of a Commission order can be challenged by one "aggrieved" or "whose interests are adversely affected" thereby, even though the source of his grievance is not what is claimed to make the order unlawful. But from this it must not be concluded that anyone who claims to be "aggrieved" or who is in any way adversely affected by Commission action has a right to appeal. As the prevailing opinion in the Court of Appeals pointed out: "In the present stage of radio, very few changes, either in frequency or in power, can be made without creating some degree of electrical interference. This may range from minute and practically harmless interruption with remote and very occasional listeners in secondary service areas to total obliteration in the primary field. . . . It seems not unreasonable to read the [*Sanders*] opinion as requiring by implication that there be probable injury of a substantial character. So much by way of limitation seems necessary to prevent vindication of the public interest from turning into mass appeals by the industry at large, with resulting hopeless clogging of the administrative process by judicial review. Likewise, with electrical interference, it is hardly necessary to secure appellate championship by every broadcaster who may be affected in only a remote and insubstantial manner." 132 F. 2d 545, 548.

In order to establish its right to appeal, therefore, KOA had to make a showing that its interests were substantially impaired by a grant of the WHDH application. This, the record makes clear, it failed to do. In its notice of appeal to the court below, KOA made only a general allegation, what courts normally regard as a conclusion of law, that the Commission's action resulted in a "substantial modification" of its license. No supporting allegations of fact were tendered. There was no claim that KOA's economic position was in any way impaired, or that the proposed operation of WHDH would cause substantial interference with KOA, or that such operation would result in a substantial loss of listeners to KOA, or that any areas of substantial size would no longer be able to receive satisfactory service from KOA. Neither in its petitions for intervention, nor in its petition for rehearing before the Commission, nor in its notice of appeal to the court below, did KOA specifically challenge the correctness of the Commission's findings.

The record affords no basis, therefore, for finding that KOA had standing to appeal from the grant of the WHDH application. But even if it had, I do not believe that KOA was afforded less opportunity to participate in the proceedings before the Commission than the statute requires. Assuming that the grant of the WHDH application constituted a "modification" of KOA's license in the sense that the scope of the operations authorized by KOA's license was thereby limited, only § 312(b) would come into operation. Section 303(f) is inapplicable because the grant of the WHDH application unquestionably did not change KOA's frequency, power, or hours of operation. Both before and after the Commission's action, KOA's operating assignment was precisely the same: 850 kilocycles, 50 kilowatts, unlimited time. And so the only question on this phase of the case is—was KOA afforded such opportunity of participation in the WHDH proceeding as § 312(b) requires? That section provides that no order modifying the license of any existing station "shall become final until the holder of such outstanding license or permit shall have been notified in writing of the proposed action and the grounds or reasons therefor and shall have been given reasonable opportunity to show cause why such an order of modification should not issue.

KOA does not claim that it did not have sufficient notice, formal and otherwise, of the proceedings upon the WHDH application. Nor can there be any doubt that it had ample and "reasonable opportunity to show cause" why WHDH's application should not be granted. Under § 1.195 of the Commission's Rules it could have appeared and given evidence at the hearing upon the WHDH application. That it did not take advantage of such an opportunity is certainly no reason for saying that it had none. KOA was permitted to argue before the Commission that the proposed grant of the WHDH application should not be made final. It submitted a petition for rehearing which the Commission considered on its merits and which the Commission denied only after a detailed review of all the contentions made by KOA.

The Court holds, nevertheless, that the Commission was required to afford KOA more than all these opportunities to show cause. Section 312(b) is construed to require a hearing in which the licensee whose interests may be affected is entitled to intervene as a formal party. Such a construction appears to me to disregard the structure and language of the legislative scheme. Congress might have been explicit and provided in § 312(b) that every licensee whose interests may be affected by Commission action shall be entitled to a hearing as an intervenor in the proceeding. As has been noted, the draftsmen of the Communications Act of 1934 knew how to use apt words when they wished to afford parties before the Commission the right of "hearing." Section 309(a) requires the Commission to afford an applicant for a license a "hearing", not notice and an opportunity to show cause, before the application can be denied. Section 313(a) gives a licensee a "hearing", not notice and an opportunity to show cause, before its license can be revoked. Section 303(f) provides that the Commission cannot change the frequency, authorized power, or times of operation of a licensee unless it affords such licensee a "public hearing", not merely notice and an opportunity to show cause. But, for reasons which it deemed sufficient, Congress did not choose to make this technical requirement of a "hearing" in specifying the procedure for the protection of licensees who might be affected by Commission action. Congress may well have desired to avoid the litigious waste so abundantly established by the voluminous cases to which the claim of intervention in courts has given rise. The requirement of notice and an opportunity to show cause is not equivalent of the requirement of a "hearing." By imposing this requirement for the adequate protection of substantial interests Congress charged the Commission with the duty of devising appropriate procedure which would "best conduce to the proper dispatch of business and to the ends of justice." § 4(j). The Commission's response was §§ 1.102 and 1.195 of its Rules.

Can it seriously be claimed that the Commission acted beyond its authority in providing that before a licensee can intervene in another proceeding he must indicate some solid ground by setting forth "the facts on which the petitioner bases his claim that his intervention will be in the public interest"? Otherwise anyone who asserts generally that the grant of another's application will affect his license may become a party to a proceeding before the Commission and may, to the extent to which a party can shape and distort the direction of a proceeding, gain all the opportunities that a party has to affect a litigation although he has not made even a preliminary showing that his intervention will be in the public interest. I cannot read the requirement for "reasonable opportunity to show cause why such an order of modification should not issue" as a denial to the Commission of power to make such a reasonable rule for sifting the responsibility of potential intervenors. And if the Commission's rule for intervention was within its discretionary authority in formulating appropriate rules of procedure for the conduct of its proceedings, it is equally clear that the Commission, in the circumstances of this particular case, was justified in finding that KOA made no substantial claim that the grant of the WHDH application would impair KOA's economic interests or entail a substantial loss of listeners or make any appreciable inroads upon any areas served by KOA or otherwise substantially affect its interest or that of the public.

To deny to the Commission the right to require a preliminary showing, such as was found wanting here, before admitting a petitioner to the full rights of a party litigant is to fasten upon the Commission's administrative process the technical requirements evolved by courts for the adjudication of controversies over private interests. See *Federal Communications Comm'n* v. *Pottsville Broadcasting Co.*, 309 U. S. 134, 142-44. It is to assume that the modes familiar to courts for the protection of substantial interests are the only permissible modes, regardless of the nature of the subject matter and the tribunals charged with administration of the law. This is to read the discretion given to the Federal Communications Commission to fashion a procedure relevant to the interests for the adjustment of which the Commission was established through the distorting spectacles of what has been found appropriate for courts. We must assume that an agency which Congress has trusted is worthy of the trust. And especially when sitting in judgment upon procedure devised by the Commission for the fair protection of both public and private interests, we must view what the Commission has done with a generous and not a jealous eye.

Mr. Justice DOUGLAS dissenting.

While I am in substantial agreement with the views expressed by Mr. Justice FRANKFURTER, there are a few words I desire to add on one phase of the case.

I agree with the Court that if as we held in the *Sanders* case (309 U. S. 470) a person financially injured by the grant of a license has a standing to appeal, so does one whose station will suffer from electrical interference if the license is issued. I expressed my doubts, however, in *Scripps-Howard Radio, Inc.* v. *Federal Communications Commission*, 316 U. S. 4, 20-21, whether Congress endowed private litigants with the power to vindicate the public interest when it gave the right of appeal under § 402(b) to a person "aggrieved or whose interests are adversely affected" by a decision of the Commission. I also expressed my concern in that case with the constitutionality of a statutory scheme which allowed one who showed no invasion of a private right to call on the courts to review an order of the Commission. See *Muskrat* v. *United States*, 219 U. S. 346. But if we accept as constitutionally valid a system of judicial review invoked by a private person who has no individual substantive right to protect but who has standing only as a representative of the public interest,[1] then I think we must be exceedingly scrupulous to see to it that his interest in the matter is substantial and immediate. Otherwise we will not only permit the administrative process to be clogged by judicial review; we will most assuredly run afoul of the constitutional requirement of case or controversy. *Federal Radio Commission* v. *General Electric Co.*, 281 U. S. 464.

Any actual controversy which may now be present in this case is between KOA and the Commission. Any controversy which existed between WHDH and the Commission has come to an end. *United States* v. *Alaska S. S. Co.*, 253 U. S. 113, 116. The interest, if any, of the appellant KOA is the interest of a private person and accordingly must be measured in terms of private injury. That interest must be substantial and immediate if the standard of the statute and if the constitutional requirements of case or controversy, as interpreted by the *Sanders* and the *Scripps-Howard* cases, are to be satisfied. It is necessary to show in effect that KOA has sustained or is about to sustain some direct and substantial injury (see *Massachusetts* v. *Mellon*, 262 U. S. 447, 488)—an injury which for the purpose of this case must result from electrical interference. The *Sanders* case and the *Scripps-Howard* case do not dispense with that requirement. They merely hold that an appellant has his case decided in light of the standards of the public interest, not by the criteria which give him a standing to appeal.

I do not understand that the opinion of the Court takes a contrary view. It only holds on this phase of the case that KOA made an adequate showing under § 402(b). I disagree with that conclusion.

PAUL A. FREUND (CHARLES FAHY, Solicitor General, HARRY M. PLOTKIN, and DANIEL W. MEYER with him on the brief) for petitioner; PHILIP J. HENNESSEY, JR. (LESTER COHEN, KARL SMITH, A. L. ASHBY, and HENRY LADNER with him on the brief) for respondent.

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[1] Referred to as a sort of King's proctor by Edgerton, J., in Colorado Radio Corp. *v.* Federal Communications Commission, 118 F. 2d 24, 28; and as "private Attorney Generals" by Frank, J., in Associated Industries of N. Y. State, Inc. *v.* Ickes, — F. 2d —.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON, D. C. Vol. 11, No. 22, May 28, 1943

FCC Decision

WHITE-WHEELER HEARINGS POSTPONED; BOARD MEETING CALLED; EDITORIAL COMMENT REPRINTED

Postponing the Interstate Commerce Committee hearings on the White-Wheeler bill from May 25, Senator Wheeler has advised NAB that he will set another date for the hearings on or before June 15.

Meanwhile, Neville Miller has called a meeting of the NAB board of directors for June 3-4 at the Hotel Statler in Washington to consider the Supreme Court FCC decision and other problems.

Attacking the FCC decision as a major step toward infringement of freedom of speech, David Lawrence, Washington columnist and editor of the United States News, in his column of May 25 suggested an amendment to the first article of the Bill of Rights to protect freedom of speech against misuse of the commerce clause of the Constitution.

Lawrence wrote:

"One suggestion for a constitutional change would amend the first article of the Bill of Rights, namely, the First Amendment of the Constitution, so that the following section would be added. . . .

" 'The grant, sale or lease of any facilities by the United States to the press, to radio broadcasting, to television, or to any other medium of public expression shall not vest in the Congress or in any executive agency or in the several states the power to limit, restrict or regulate the contents of any printed publication, radio program or creative work emanating from any medium of public expression except as any of these media may offend against the common law governing fraud, obscenity or libel or as they disclose military information in time of war in contravention of the laws passed by Congress. . . .'

"The decision in the case of radio broadcasting issued recently shows particularly a trend toward governmental control of that means of communication which, taken together with the prosecution of the member newspapers of the Associated Press, reveals a prejudice and a political policy against which the people cannot be protected by the judiciary's whims."

Broadcasting

Broadcasters are also referred to the editorial entitled "Paging Congress" in the May 24 issue of BROADCASTING magazine, from which we quote the following paragraphs:

"The Supreme Court has spoken twice within a fortnight on the subject of radio. It has acted in both directions. . . .

"In its momentous May 10 opinion in the network cases, the court set up the FCC as a sort of Lord High Executioner of all it surveyed, with that ephemeral, indefinable phrase 'public interest, convenience or necessity' its sharp-edged sword. . . .

"Last Monday, May 17, the highest tribunal decided in the NBC-KOA case against the FCC. . . .

"The two recent opinions make . . . more imperative than ever . . . the need for new legislation. The industry must be courageous. It should not be bludgeoned into submission by threats."

NOTICE

Additional copies of the release "What The May 10th Supreme Court Decision Means—to American Broadcasting—to the American People" and of the text of the decision itself are available at NAB Washington headquarters for those desiring them.

Other editorial comment from newspapers follows:

George Rothwell Brown in the Baltimore News-Post:

"The country now has a pretty well-rounded picture of long-entrenched bureaucracy fighting back at Congress, with its back to the wall. Currently the incident centers around the Federal Communications Commission, whose vast powers over radio, confirmed by the Supreme Court, threaten freedom of speech and of thought as guaranteed by the Bill of Rights."

Eureka, Cal., Times editorial:

"The gist of the Supreme Court's ruling yesterday on the assumption of certain powers by the Federal Communications Commission is that a Washington Bureau can do no wrong . . . using a law which was designed to prevent the intolerable confusion if two or more stations in one community should use the same broadcast band, the FCC has steadily extended its power over every detail of the radio business. Stations and networks fight its decrees at their peril, for the FCC can pronounce a sentence of death upon them by withholding licenses."

Greenfield, Ind., Reporter editorial:

"Some months ago we wrote more than once in this column, and at considerable length and detail, concerning the constant cramping of the rights of free expression, and the growing tendency among those entrusted with public powers and responsibility to handle adverse criticism by coercion and control . . . we know that some of our readers thought we were unduly exercised and 'hollering down the rain barrel' just to hear the echo, or were making ghosts and demons out of fence posts. But, this recent decision of the Supreme Court, sustaining the right of the Federal Communications Commission to revoke the license of a radio station if it is, in the opinion of the members of the commission 'for the public good,' is ample

(Continued on page 250)

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Arthur C. Stringer, *Director of Promotion.*

BROADCASTING

(Continued from page 249)

proof of all the potential truth of what we have said, and more. . . .

"The thrill about it all is that a similar licensing for newspapers was openly advocated some time ago in Washington and missed enactment by only a fairly narrow margin, only because the press is both better acquainted with governmental trends than (sic) most sections of America, and is more vigilant and vocal."

Identical editorials in Moline, Ill., Dispatch and Dixon, Ill., Telegraph:

"A recent decision of the United States Supreme Court, in which a radio station's contract with the network was involved, seems to raise a question of freedom of expression and to be a threat to freedom of the press as well."

Identical editorials in Honesdale, Pa., Citizen and Ambridge, Pa., Citizen:

"The decision is held as another danger to the freedom of the press.

"Radio is in a strait jacket, and the chains and stations as they now exist are held to constitute monopolies. The theory of the radio case is very much like the case against the Associated Press. New socialistic theories are challenging freedom of all forms of communication."

Indianapolis, Ind., News editorial:

"There can be no doubt that the decision did recognize the power of Congress to regulate the broadcasting companies' method of doing business. And there is also no doubt that when the regulation of broadcasting was taken in hand by the federal government there was no mention of any regulation beyond the necessary awarding of wave lengths. Congress merely intended in the beginning of radio broadcasting that wave lengths should be allotted to prevent general confusion and to serve the best interests of the people.

"But it (FCC) has displayed both by attitude and by specific order, an inclination to use its licensing power to inflict regulations which many believe to go far beyond the authority which Congress granted. In the recent decision, the majority opinion upheld the FCC's interpretation of its authority and ruled that the remedy was with Congress.

"These extensions of authority are in the direction of infringement of the right of freedom of speech and freedom of the press as set out in the first article of the Bill of Rights. But no invasion of these rights has taken place which cannot be quickly and decisively repelled by act of Congress. The Supreme Court has recognized the power of Congress, and with this go sign, Congress should revise the FCC act to establish protective limitations."

NEBRASKA BROADCASTERS URGE RADIO'S RECOGNITION

Two resolutions of the Nebraska Broadcasters Association, meeting at Lincoln, April 19, have been received at NAB Headquarters and are presented herewith in extended recognition of their aptitude:

> **"That John Gillin, NAB representative for the State of Nebraska, request the National Association of Broadcasters to suggest to all government script writers that they include the words, 'and heard over the radio,' when they speak of things read in the newspapers; and that Nebraska stations edit their teletype services to use the words, 'press and radio', instead of 'press' alone, in referring to matter disseminated by both media."**
>
> **"That Mr. Gillin be requested to ask the National Association of Broadcasters to appoint a committee to consult with the Federal Trade Commission, and suggest that some scientific sampling procedure be adopted during the war emergency period which will lessen the burden on stations with regard to furnishing copies of advertising scripts."**

OWI

WOMEN'S AUXILIARY RECRUITING

Donald D. Stauffer, chief of the domestic radio bureau of the Office of War Information, recently sent to all regional and branch offices a memorandum designed to clarify the policy on women's auxiliary recruiting for the Army and Navy, such as the WAVES, WAACS, SPARS, etc.

The memorandum pointed out that recruitment of women auxiliaries to the armed services may be handled on radio "at the discretion of the Regional OWI Director." It pointed out that if the quotas in any particular area are falling short, public relations officers of the Army and Navy will contact the OWI field men for help. The final decision as to whether or not these recruitment drives should be given radio coverage in any particular area rests with the OWI Regional Officers.

It is further pointed out that whenever WAVE, WAAC or SPAR recruitment material is carried in the network allocation plan or included in the national packet of spot announcements it is not necessary to give additional radio cooperation. Information as to whether or not such material is included in the allocation plan or the national packet is furnished the OWI regional office sufficiently in advance to keep the office fully advised.

Recruitment Must Clear WMC

A further point made in the memorandum has to do with the recruitment for women's auxiliary services in critical labor shortage areas. It is made quite clear that without clearance of the regional information officer of the War Manpower Commission, no recruitment activity is permitted.

The attention of NAB recently has been called to instances in which WAVES, WAACS or SPARS in uniform have accompanied solicitors of advertising media, other than radio, to importune prospective advertisers to buy space in aid of recruitment drives for both the Army and Navy recruiting offices. We are advised that such activity on the part of women in uniform is strictly prohibited by service rules and regulations.

Radio station operators who have knowledge that such practices are being followed in any community should give full information, including the names of the persons in service, the advertising solicitor, the name of the advertising medium and the names of any persons solicited. With this information available, proper steps may be taken both to discipline infractions and to prevent recurrence.

OWI TIGHTENS RULE

Elaine Ewing, assistant chief of station relations, Office of War Information, recently communicated to all regional and branch offices a memorandum dealing with OWI regulation No. 2. In this regulation, originally issued on September 9, 1942, Elmer Davis set forth procedure to be followed in clearance of radio material by the several government agencies through the domestic radio bureau, OWI.

At the time of issuance of the original regulation, the regional offices in every case were not ready to service all the radio stations and government agencies throughout the country. Special exceptions and interpretations therefore were made.

The memorandum just issued directs the OWI regional information officer, where he deems it advisable, to require that all radio material prepared by any government agency be cleared through the proper regional office. Regional information officers are further instructed to re-examine programs that have been running on local stations prior to or since the issuance of regulation No. 2, to determine if those programs are fulfilling the purposes for which they were established.

If in the judgment of the OWI regional officers, a change or discontinuance of the program is required, the regional office is instructed to notify the proper government agency. This memorandum will undoubtedly serve to clarify some cases and misunderstandings.

CONCERNING FLAG DAY

Two releases have been mailed all stations by OWI in the interest of Flag Day, June 14.

Regarding the observance of Flag Day, OWI says:

"It is important at this time that the American people be fully informed concerning the facts about the United Nations and the observance of Flag Day provides an excellent opportunity to bring this material to the attention of the people."

Public Service

WHAS GIFT TO THE UNIVERSITY OF KENTUCKY SETS UP MOUNTAIN RADIO LISTENING CENTERS

The University of Kentucky executive committee of the board of trustees has acknowledged "with gratitude" a financial gift to the university from WHAS which makes it possible for the university to double the number of mountain radio listening centers, a total of 80 to be realized when the work is completed.

Impact of the war with attendant gasoline rationing and curtailment of travel in the Kentucky mountain regions has placed more responsibility on radio for contact with the outside world, increasing the importance of these "listening centers." This situation is further embellished by the current lack of radio batteries, but "listening center" radios get preference for batteries because they serve many families instead of one.

The present WHAS gift supplements a previous contribution of 40 sets made two years ago. Listening centers are now located in Breathitt, Morgan, Magoffin, Floyd, Leslie, Letcher, Knott, Estill, Clay and Martin counties with the new grants to provide additional centers in Leslie and Knott counties. Every resident of these two counties, except in areas contiguous to towns and state roads, will thus be provided a listening center within a three-mile reach.

RADIO GREATEST DONOR TO SECOND WAR LOAN CAMPAIGN

Radio time and talent contributed to the Second War Loan Campaign, April 12 to May 1, reached the grand total of $7,095,500.00, revised figures indicate. This total establishes radio as top donor by more than two million dollars and exceeds the contributions of all other media combined. Radio's preliminary figure of $6,262,350.00, announced Saturday, May 22, also enjoyed the latter distinction.

Both figures embrace the 118,000 radio announcements and 8,000 programs of fifteen minutes or more credited to radio by Henry Morgenthau, Jr., Secretary of the Treasury, in his release of May 22.

Radio's final figure of $7,095,500.00 is a joint computation of the Office of War Information and the NAB. The OWI computation, released to NAB, totals $6,170,000.00 and is based solely on definite OWI commitments under the Network Allocation Plan, the National Spot Allocation Plan and the Station Announcement Plan. It is significant that even this figure for radio exceeds the contributions of all other media combined. OWI, however, called attention to the fact that this computation did not include the value of local station time and talent, both commercial and sustaining, which was devoted to the Second War Loan Campaign.

It will be remembered that a great number of stations devoted their entire broadcast day to the Second War Loan Campaign, April 12. As estimated at NAB headquarters, the value of this time was approximately $925,500.00, or a conservative 15 per cent above and beyond definite OWI commitments. This figure is thought to be exceptionally low but must stand as an estimate in the absence of what would be a burdensome and next to impossible survey of all stations, particularly objectionable in wartime.

TREASURY STREAMLINES WAR BOND ORGANIZATION

The Treasury Department's organization of volunteer war bond salesmen is being streamlined and amplified, Secretary Morgenthau announced Thursday. The Secretary said the War Savings Staffs and Victory Fund Committees of the Treasury Department would be merged into a single organization to take charge of War Loan drives and the continuing campaign to sell War Bonds.

This consolidation is the result, he explained, of the amazing success of the second war loan drive which raised eighteen and one-half billion dollars for the war effort in three weeks.

The new and merged organization will be directed by state chairmen who will report to Secretary Morgenthau.

CBS REPORTS ON ITS POSTWAR RESEARCH AND PROGRAMMING

After a year and a half of research on problems of the post-war world, CBS is ready to translate these findings into terms of actual radio production, according to Douglas Coulter, CBS Director of Broadcasts.

Robert Lewis Shayon, CBS producer-director, has been selected to produce these programs, designed to give the average American a clearer understanding of the kind of world in which he can expect to live after the war. Shayon will work in close conjunction with Lyman Bryson, CBS Director of Education and head of the "Post-War Division."

Columbia's "Post-War Division" was established December 1, 1941, six days before Pearl Harbor.

"We realized then that whether or not the United States was drawn into war, we would inevitably have to take part in the tremendous rehabilitation program which would follow World War II," Bryson stated.

"The vital role which radio will play in world-wide reconstruction was apparent, since for the first time in the history of wars and peace treaties, such a means of mass communication has been available."

The research staff of CBS' post-war division has made digests from hundreds of important books, pamphlets and articles which represent the opinions of a wide cross-section of writers.

They also have prepared five elaborate charts of post-war issues which have been placed at the disposal of public officials, experts on foreign affairs and others active in post-war planning.

Research of CBS' post-war division includes study of the work being done by more than 300 organizations already in the field, representing every shade of political and economic thought.

It is Shayon's intention to translate this vast amount of research material into programs that listeners will understand and enjoy.

Presentation of this material will not be limited to the discussion or lecture form. To reach the widest possible audience, Shayon plans to make use of the full scope of radio. Daytime serials, an outstanding evening show combining dramatic and documentary techniques, interviews—any of these media may be used. More than fifteen program ideas submitted in weekly conferences of CBS producers and executives are under consideration. Final selection will be made on the basis of educational value combined with entertaining and effective radio.

The importance of such programs was stated by Coulter when he declared:

"The people of the United States by the exercise of their right to vote will be called upon to decide many issues of the post-war world. Radio can perform a valuable public service by thoughtful presentation of the problems the people must solve in the future."

INTER-AMERICAN RELATIONS

It is universally agreed that the broadcasting industry has done a magnificent job in the war effort. Not only have the stations carried thousands of announcements and programs, but they have voluntarily censored broadcasts in accordance with the Code of Wartime Practice issued by the Office of Censorship.

Inevitably, however, some things occur which are harmful to the successful prosecution of the war and to the maintenance of cordial relations with our allies. Those stations whose signals may be heard in neighboring countries, such as Central and South America and Canada, are charged with an even greater responsibility than those whose signals are not so heard. The delicacy of relations with South American countries and our Canadian neighbors is well known.

Sensitiveness, and in some cases over-sensitiveness, is an equation which must always be taken into account. Stations broadcasting programs in English or a foreign language which reach these countries are charged with an exceptional responsibility, and management must discharge that responsibility faithfully and make sure that nothing is broadcast that might in the least upset or impair maintenance of friendly relations.

An illustration of what can unwittingly occur was called to our attention recently by Mexican authorities.

In an ad lib sports interview over a southwestern station with a prize fighter, the program m.c. asked a question to which the fighter remarked ad lib that he saw three Mexicans in the studio audience and "I would like to kill them all. I remember the Alamo."

Statements such as these are highly offensive to the Mexicans and should at all costs be avoided.

FIRST RADIO RESCUE OF TORPEDOED SEAMEN REPORTED

An Associated Press story has reported the first rescue of torpedoed seamen credited to radio.

The skipper and radio operator of an American ship sunk off South America said 84 crewmen were rescued due to the new-type radio equipment installed in their life-boats.

Adrift in two life-boats for two days, the men kept communication with each other and contacted four potential rescue vessels before they were picked up.

The radio equipment consists of a combination radio-telegraph-telephone unit powered by a hand-cranked generator.

Broadcast Advertising

GET ON THE COAL 'WAGON'

In connection with the OWI national "Order Coal Now" Campaign, the radio section of the Solid Fuels Administration For War division of the Department of the Interior has prepared transcriptions for use by Retail Coal Dealers over their local radio stations on the commercially sponsored basis.

The NAB broadcast advertising department urges station commercial managers to get on the coal "wagon" and to contact their local coal dealers to see if they have received the transcriptions. Some 300 localities have been covered to date in shipments of the records.

Below is reprinted the letter from H. A. Gray, Deputy Solid Fuels Administrator, to coal dealers, which explains the program. Further information may be obtained by writing Lew Avery of the NAB department of broadcast advertising or to Mr. Gray's office direct:

UNITED STATES
DEPARTMENT OF THE INTERIOR

Solid Fuels Administration for War
Washington

MESSAGE TO RETAIL COAL DEALERS:

The Solid Fuels Administration for War has prepared two double-faced radio records which are available for use by Retail Coal Dealers in connection with the ORDER COAL NOW campaign.

These recordings contain a series of 20 or more brief spot announcements, three 4-minute dramatized announcements and a 15-minute musical show.

Retail dealers and others interested in the ORDER COAL NOW campaign may obtain the recordings without charge by writing to Howard A. Gray, Deputy Director, Office of Solid Fuels Administration for War, Department of the Interior, Washington, D. C.

These records were prepared with the idea of affording retail coal dealers an opportunity to use them in any local ORDER COAL NOW advertising campaigns. The messages do a direct selling job with the dealer's role in the war effort emphasized. Each message is cut so that dealers' or association names, addresses and telephone numbers can be inserted to conform with regular radio advertising practices.

A limited number of records will be available for distribution on May 17. In order to conserve time, money and effort, persons desiring to secure the records are urged to order promptly.

It should be understood that these records are separate and distinct from transcriptions prepared by the Office of War Information which have been distributed to 850 radio stations for use during the campaign.

The Office of War Information radio material is being used by radio stations without charge as a patriotic contribution to the ORDER COAL NOW campaign.

In view of the contribution of free time which the radio industry is making toward the ORDER COAL NOW campaign, we have a distinct understanding with OWI that free time will not be requested for the records offered to the industry by this circular. OWI is advising the radio industry of this understanding.

Assurances from radio chains and independent stations of cooperation on the use of the free OWI material is most encouraging. It is difficult to measure in dollars and cents the value of the time, talent and over-all cooperation we have secured from the radio industry in this campaign. However, we cannot expect radio stations and OWI to keep the campaign on the air continuously this summer, and with this in view, we believe the recordings described here will take up when the OWI schedule pauses in mid-June and their use will permit retailers to tie in with the national campaign most effectively.

Retailers who plan to sponsor radio advertising are urged to notify us immediately so that these records can be furnished them. Dealers who desire these recordings to use in connection with their advertising activities are advised to write us immediately.

Sincerely yours,

H. A. Gray,
Deputy Solid Fuels Administrator for War.

SPECIAL SECTION FOR WROK

Front page, in two colors, and four following pages of the second section of the Rockford Register-Republic, of May 17, publicized affiliation of WROK, Rockford, with the Blue Network.

Illinois' Governor Dwight H. Green participated in the dedicatory broadcast. The section carried the welcome of the Blue Network to the Rockford area by Ruth Hanna Simms, WROK owner.

FCC INVESTIGATES DODD

The FCC has ordered an investigation of alleged misleading and conflicting reports said to have been made by W. E. Dodd of the FCC foreign broadcast intelligence division, as suggested by Representative Anderson on the floor of the House recently, Chairman James Lawrence Fly said at a press conference early this week.

The Commission has taken no action, he stated, in connection with Goodwin Watson of the same division, and none is planned, he said. The Chairman said that Dodd has been given substantial time to respond to the charges made by the Congressman. Dodd also asked for a hearing and it is understood this will be granted.

Representative Anderson said in his speech on the floor of the House that there was a conflict between the reports made by Dodd to the Commission and those made to the FBI, and the FCC in turn made the same report to the House Committee on Appropriations. Representative Anderson charged that these reports which were originated by Dodd were in conflict with his testimony. Chairman Fly said that the investigation by the Commission involves largely a study of the documents and their comparison. Fly made it plain at the conference that the FCC investigation of Dodd does not involve the question of whether or not Dodd belonged to any association, or made any special speech, or what his political ideas might be.

Chairman Fly said neither Dodd nor Watson have resigned their positions with the Commission. He was questioned as to his attitude toward Congress cutting anyone off government payrolls. He said that he thought there is a serious doubt of the validity of any such provision. He also said he believed it would be helpful to everyone if some way were found to get authoritative tests on the adjudication of that issue.

GEORGIA ASSOCIATION OF BROADCASTERS HOLDS MEETING

The Georgia Association of Broadcasters met in Macon, Georgia, May 22 with Frank Crowther (Red Cross) presiding and Lew Avery, NAB director of broadcast advertising, representing NAB and acting as secretary.

A panel discussion on advertising problems, concerning the small stations problems, was addressed by James W. Woodruff, jr., of WRLB, and also director of NAB 5th district and member of NAB small stations problems steering committee. Avery spoke on advertising developments since the NAB War Conference.

Wilton E. Cobb moved that the Georgia association telegraph all Georgia members of Congress pointing out the discrimination against radio by the government in the preparation of mats and other services by the government for newspaper advertising while radio advertising receives no such help.

Oppose Paid Government Ads

Sentiment of the association was overwhelmingly opposed to use of paid radio advertising by the government.

Willett Kempton, OWI regional director at Atlanta, described OWI functions. Hervey Allen, noted author and WMC regional director at Atlanta, spoke and emphasized seriousness of the manpower shortage and urged broadcasters present to prepare "manning tables" or "replacement schedules" for all their personnel within draft age limits (see Selective Service Handbook supplement issued with this week's NAB "Reports").

Ray Ringson moved for appointment of a committee on training programs and replacement schedules to work with the Atlanta office of WMC.

A discussion ensued concerning the effectiveness of women as announcers and enthusiasm was expressed for a plan to train wives of drafted announcers to replace them.

Army air base officials present at the luncheon were thanked publicly for their cooperation in assisting various Georgia stations to present programs from Army air corps centers.

Eugene Carr, Office of Censorship, addressed the meeting following the luncheon on the importance of closer adherence to the voluntary censorship Code of Wartime Practice.

Kempton and Allen also spoke again on their respective topics of OWI and manpower.

Avery Talks on FCC Decision

Avery took over at the beginning of the afternoon session and presented Neville Miller's greetings on behalf of NAB. Avery spoke on the FCC Supreme Court decision, read the statement issued by the NAB legislative committee issued in Washington May 19, and urged broadcasters present to consult their attorneys on the implications and potentialities of the decision.

He reported on the battery situation and the distribution of radio tubes.

John M. Outler, jr., of WSB, talked on the NAB sales managers committee, and its work from its formation down to the inauguration of the Retail Promotion Committee Plan in 1942.

Outler and Avery outlined the plan's purpose and asked support of those Georgia stations not yet signed up.

The Georgia association then elected officers and directors for 1943-44 as follows:

Jack Williams, WAYX, president; John Tobola, WAYX, secretary-treasurer, and Ray Ringson, WRDW, vice-president; and directors: Hoyt Wimpy, WPAX; Frank Crowther, WMAZ, and John M. Outler, Jr., WSB.

A rising vote of appreciation for Crowther was then given after which Williams assumed the chair and appointed Crowther program director for future meetings and adjourned the session.

Sixty-three members and guests attended the meeting.

Engineering

NEED TECHNICIANS?

The NAB engineering department has now been recruiting technicians, not presently employed in the broadcast industry, for several months. Several methods of recruiting both men and women for replacement technical positions are now being used. Currently, we are receiving more applications for positions than requests for assistance from broadcast stations.

It is important that these applicants be placed as soon as possible after registering with NAB or they will find employment elsewhere and be lost to the broadcast industry. In order to expedite the placing of these candidiates, a few applicants are being selected from the NAB files to be placed on regional availability lists. These lists will be mailed with the current issue of the *Swap Bulletin* addressed to chief engineers.

Stations in need of replacement technicians should first make every effort to fill vacancies locally. If it is found impossible to obtain the required replacements, stations are invited to write to the NAB Engineering Department for the names of several available persons. NAB has no knowledge of the applicants other than the statements contained in the registration letter and is therefore not in a position to make employment recommendations. The usual employment references should be obtained by direct correspondence with the applicants.

TUBES REPAIRED WITHOUT PREFERENCE RATING

The radio and radar division of WPB has just released the following interpretation of preference rating order P-133 and general limitation order L-265, insofar as the orders apply to the repairing of vacuum tubes:

"From time to time the question has arisen as to the restrictions of preference rating order P-133 with regard to the repair of vacuum tubes. The limitations and restrictions of P-133 apply only to the extension of ratings under that order.

"Order P-133 prohibits an operator from applying a rating to obtain a new tube as long as he has one spare

RMA TRANSMITTING TUBE CONSERVATION RECOMMENDATIONS

Percentages of rated normal filament voltages to be used under various operating and stand-by conditions to give maximum filament life.

Tube Type by Kind of Filament or Cathode	Operating Conditions		Recommended Stand-by Conditions (% of Normal Operating Voltage)				Typical Tube Types
	Normal Load Operation	Light Load; May Increase Life	Under 15 Minutes	15 Min. to 2 Hours	2 to 12 Hours	Over 12 Hours	
1. Pure Tungsten filament............ (small and medium types)	100*	Reduce	80	80	off	off	207, 891R
2. Pure Tungsten filament............ (large types)	100*	Reduce	80	80	80	off	895, 899A, 898
3. Thoriated Tungsten filament........ (small and medium types)	100	95–100	80	off	off	off	211, 803, 851
4. Thoriated-Tungsten filament........ (large types)	100	95–100	80	80	off	off	827R, 861
5. Oxide-coated filament.............. (small and medium-gas, vapor)	100	100	100	100	off	off	866A, 872A
6. Oxide-coated filaments or cathodes... (large-gas, vapor)	100	100	100	100	100	off	857B, 870A
7. Oxide-coated cathodes.............. (high vacuum)	100	95–100	100	off	off	off	807, 837
8. Oxide-coated filaments.............. (high vacuum, quick heating)	100	95–100	80	off	off	off	1616, 1619, 1624

* Normal load operation may be less than 100% as recommended in instructions.

NOTE: Recently the NAB Engineering Department asked vacuum tube manufacturers to submit recommendations covering the stand-by operating conditions that would assure the maximum life from transmitting tubes. It was found that differences of opinion existed among the manufacturers and that the problem was further complicated by the variety of tube types to be considered. The manufacturers coordinating through the RMA Transmitting Tube Committee have now released the above standard recommendations.

tube for each active tube socket. *However,* there is no limitation on the number of tubes which may be repaired, or the number of repaired tubes which may be held as spares. It is permissible to repair any tube without the extension of a preference rating. It is also to be noted that if a burned-out tube is to be repaired, it is not necessary, under P-133, to return the old tube to the manufacturer in order to obtain a new tube.

"General limitation order L-265 specifically exempts from its provisions the transfer of electronic equipment for repair, as well as exempting any operations involved in the repair of a specific piece of electronic equipment. Thus, any number of tubes can be repaired without the extension of a preference rating. However, a preference rating under P-133 cannot be extended for the purchase of a new tube unless an operator has in his inventory less than one spare tube per socket."

80,000 TRAINED IN RADIO

"Fundamentals of radio", promoted and prepared by the NAB War Committee, is the most popular course with trainees enrolled in all Engineering, Science, and Management war training courses.

A total of 80,000 men and women have been trained for radio work in the ESMWT course since October, 1940, according to an announcement Thursday by Paul V. McNutt, chairman, War Manpower Commission. Another 18,000, he said, have been enrolled in Electronics courses.

Dr. W. W. Charters, chief of the commission's bureau of training, explained that "radio" and "pre-radar and ultra-high frequency techniques" share the popularity of fundamentals of radio. However, it is known from the records possessed by NAB, that "fundamentals of radio" stands at the top of the heap. This course has been offered in every state.

McNutt said that more and more women have registered for the radio courses in the last six months as a result of the increasing demand for women with radio and electronics training. The Aircraft Radio Laboratory at Wright Field alone, he added, has more than 200 women registered in courses preparing for radio jobs.

DEADLINE FOR PIX

Deadline to receive photos and copy of your women technicians is June 7. [See page 217, NAB REPORTS, May 14.]

Since last week material has been received from:

KTSW—Emporia, WBEN—Buffalo, WCCO—Minneapolis, WDBJ—Roanoke, WDRC—Hartford, WIBW—Topeka, WISH—Indianapolis, WMBS—Uniontown, WOC—Davenport, WSUN—St. Petersburg.

FAVOR BATTERY ORDER

(General Limitation Order L-71 as Amended May 21, 1943).

The new dry cell battery order was issued last Friday as predicted in last week's NAB REPORTS.

Its provisions are generally regarded with favor by the manufacturers. It reflects the desire of Consumers Durable Goods, of WPB, to get larger production from available facilities.

6 MORE CITIES REPORT

Six more materiel reports are acknowledged with thanks from the following cities:

Cumberland, Md.; Fargo, N. D.; Fitchburg, Mass.; Moorehead, Minn.; Norfolk, Neb.; Parkersburg, W. Va., and Rochester, Minn.

Reports from cities now total 231. All have been deposited with the radio and radar Division of WPB for its guidance.

State Legislation

ALABAMA:

H. 367 FOOD-DRUGS AND COSMETICS—Providing for regulation commerce in foods, drugs devices and cosmetics in the interest of consumers and users and eliminating certain of these from commerce. To Public Health.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARING

The following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, May 31st. It is subject to change.

Thursday, June 3

KGNC—Plains Radio Broadcasting Co., Amarillo, Texas—Modification of license, **860 kc.**, 500 watts night, 5 KW day, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATION GRANTED

WDLP—Panama City Broadcasting Co., Panama City, Fla.—Granted modification (B3-ML-1161) of license to increase night power from 100 to 250 watts.

LICENSE RENEWALS

WINX—WINX Broadcasting Co., Washington, D. C.—Granted renewal (B1-R-1104) of license for synchronous amplifier, with waiver of Rules 2.53 and 13.61 subject to same conditions contained in previous grant.

The following stations were granted renewal of licenses for the period ending June 1, 1945:

KGEZ, Kalispell, Mont.; KOME, Tulsa, Okla.; KUIN, Grants Pass, Ore.; KVOX, Moorhead, Minn.; KWLM, Willmar, Minn.; WEIM, Fitchburg, Mass.; WGAU, Athens, Ga.; WHAT, Philadelphia; WINX, Washington, D. C.; WIZE, Springfield, Ohio; WALL, Middletown, N. Y.; WMBO, Auburn, N. Y.; WNBH, New Bedford, Mass.; WSTV, Steubenville, Ohio; WBRE, Wilkes-Barre, Pa.; WCMI, Ashland, Ky.; WSAV, Savannah, Ga.

Licenses for the following stations were extended upon a temporary basis only, pending determination upon application for renewal. for the period ending August 1, 1943:

KAND, Corsicana, Texas; KGFW, Kearney, Nebr.; KPDN, Pampa, Texas; KROC, Rochester, Minn.; KWFC, Hot Springs, Ark.; WCBI, Columbus, Miss.; WDAK, West Point, Ga.; WGH, Newport News, Va.; WJPR, Greenville, Miss.; WLAK, Lakeland, Fla.; WLBJ, Near Bowling Green, Ky.; WWPG, Palm Beach, Fla.; KHUB, Near Watsonville, Calif.; KSUB, Cedar City, Utah; KVSF, Santa Fe, N. Mex.; WFIG, Sumter, S. C.; WGAA, Cedartown, Ga.; WJMA, Covington, Va.; WAML, Laurell, Miss.; WEXL, Royal Oak, Mich.; WEMP and auxiliary, Milwaukee, Wis.

Licenses for the following stations were further extended upon a temporary basis only, pending determination upon application for renewal of license, for the period ending August 1, 1943:

KAVE, Carlsbad, N. Mex.; KBST, Big Springs, Texas; KCMC, Texarkana, Texas; KGGF, Coffeyville, Kans.; KGKL, San Angelo, Texas; KICA, Clovis, N. Mex.; KIUL, Garden City, Kans.; KPLT, Paris, Texas; KRBC, Abilene, Texas; KRLH, Midland, Texas; KVGB, Great Bend, Kans.; KXL, Portland, Ore.; WABI, Bangor, Maine; WBBZ, Ponca City, Okla.; WBNX, New York City; WCBT, Roanoke Rapids, N. C.; WCOV, Montgomery, Ala.; WEDC, Chicago; WFCI, Pawtucket; WGGA, Gainesville, Ga.; WHOM and auxiliary, Jersey City; WING, Dayton. Ohio; WJBW, New Orleans; WJW, Akron; WNBZ, Saranac Lake, N. Y.; WOCB, Near Hyannis, Mass.; WRAL, Raleigh; WSAY, Rochester, N. Y.; WSYB, Rutland, Vt.; WTEL, Philadelphia.

KICD—Iowa Great Lakes Broadcasting Co., Spencer, Iowa—Granted renewal of license for the period ending April 1, 1945.

WAAC—Fort Meyers Broadcasting Co., Fort Meyers, Fla.—Granted renewal of license for the period ending April 1, 1945.

WJMC—Walter H. McGenty, Rice Lake, Wis.—Granted renewal of license for the period ending April 1, 1945.

KWRC—Western Radio Corp., Pendleton, Ore.—Granted renewal of license for the period ending April 1, 1945.

W2XWE—WOKO, Inc., Albany, N. Y.—Present license further extended upon a temporary basis to July 1, 1943, pending determination upon application for renewal.

W75C—The Moody Bible Institute of Chicago, Chicago, Ill.—Granted license (B4-LH-39) to cover construction permit (B4-PH-5, as modified) in part.

W85A—General Electric Co., Schenectady, N. Y.—Granted renewal of license for the period ending June 1, 1944.

W71NY—Bamberger Broadcasting Service, Inc., New York City—Granted renewal of license for the period ending June 1, 1944.

W45BR—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted renewal of license for period ending May 1, 1944.

W69PH—WCAU Broadcasting Co., Philadelphia, Pa.—Present license extended on a temporary basis only, to July 1, 1943, pending determination upon application for renewal.

W5XAU—WKY Radiophone Co., Oklahoma City, Okla.—Present license further extended upon a temporary basis only, pending determination on application for renewal, for the period ending July 1, 1943.

W9XLA—KLZ Broadcasting Co., Denver, Colo.—Present license further extended upon a temporary basis only, pending determination on application for renewal, for the period ending July 1, 1943.

MISCELLANEOUS

KWSC—State College of Washington, Pullman, Wash.—Motions to strike and amend notice of hearing and to strike Issues 6 and 7 of "Notice of Hearing" in re application for construction permit were dismissed without prejudice to the filing of a petition before the full Commission with permission to other parties to file opposition thereto. (Docket No. 6499)

WOKO—WOKO, Inc., Albany, N. Y.—Granted petition for continuance of hearing on renewal of license to operate on **1460 kc.**, 500 watts night, 1 KW day; hearing continued to July 1, 1943 (Docket No. 6486)

W2XMT—Metropolitan Television, Inc., New York, N. Y.—Granted modification of construction permit as modified, which authorized new experimental television broadcast station, for extension of completion date from May 31 to December 31, 1943. (B1-MPVB-100)

APPLICATIONS FILED AT FCC

560 Kilocycles

KWTO—Ozark Broadcasting Co., Springfield, Mo.—Authority to determine operating power by direct measurement of 310′ vertical antenna power. (Contingent upon the granting of B4-ML-1153.)

570 Kilocycles

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—License to cover construction permit (B2-P-2547) as modified, for increase in power, installation of new transmitter and directional antenna for night use, and change hours of operation.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Authority to determine operating power by direct measurement of antenna power.

WNAX—WNAX Broadcasting Co., Yankton, S. Dak.—Modification of construction permit (B4-P-3288, as modified, which authorized increase in power and directional antenna for night use) for extension of completion date from 6-7-43 to 9-7-43.

590 Kilocycles

WKZO—WKZO, Incorporated, Kalamazoo, Mich.—Voluntary assignment of license to John E. Fetzer, tr/as Fetzer Broadcasting Company.

990 Kilocycles

WIBG—Seaboard Radio Broadcasting Corp., Philadelphia, Pa.—License to cover construction permit (B2-P-3207) as modified for installation of new transmitter and directional antenna for day and night, change hours, increase power and move.

WIBG—Seaboard Radio Broadcasting Corp., Philadelphia, Pa.—Authority to determine operating power by direct measurement.

1230 Kilocycles

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Modification of license to change frequency from **1230** to **1240 kc.**

WBBZ—Adelaide Lillian Carrell, Executrix of Estate of Charles Lewis Carrell, Deceased, Ponca City, Okla.—Voluntary assignment of license to Adelaide Lillian Carrell.

1310 Kilocycles

WTNJ—WOAX, Incorporated, Trenton, N. J.—Special Service Authorization to operate hours formerly used by WCAP pending repairs to WCAP's transmitter, which was destroyed by fire.

1450 Kilocycles

WKIP—Poughkeepsie Broadcasting Corp., Poughkeepsie, N. Y.—Transfer of control of licensee corporation from Richard E. Coon to Poughkeepsie Newspapers, Inc. (480 shares of common and 80 shares preferred).

1490 Kilocycles

WSLS—Roanoke Broadcasting Corp., Roanoke, Va.—Modification of license to change frequency from **1490** to **1230 kc.**

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINT

The Federal Trade Commission has alleged unfair competition against the following firm. The respondent will be given an opportunity to show cause why cease and desist orders should not be issued against it.

L. R. Kallman & Company—Misrepresentation in the sale of two cosmetic preparations designated "Chin-Up" and "Digitite" is alleged in a complaint issued against L. R. Kallman, trading as L. R. Kallman & Co., 43 East Ohio St., Chicago. (4966)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Associated Distributors, Inc.—An order to cease and desist from misrepresentations concerning the origin and properties of a cosmetic designated "Chen Yu Nail Lacquer" has been issued against Associated Distributors, Inc., and J. L. Younghusband, Paul Rowatt and Howard A. Younghusband, trading as Associated Distributors, all of 30 West Hubbard St., Chicago.

Findings of the Commission are that the respondents, through the use of the trade name "Chen Yu" accompanied by Chinese letters or symbols or by depictions of Chinese art, and by means of various representations in their advertising matter, have represented their nail lacquer as being of Chinese origin and incapable of chipping or flaking, when such are not the facts. (4749)

Neo Gravure Printing Co., Inc., et al.—An order to cease and desist from unfair and deceptive acts and practices in connection with the sale of manufacturers' advertising displays for use in export catalogs has been issued against three corporations and an individual found to have been associated in a cooperative arrangement to induce American manufacturers to purchase substantial quantities of the displays as a means of increasing their business in foreign countries.

The order is directed against Neo Gravure Printing Co., Inc., New York; Eggers & Heinlein, Inc., and Middleton & Co., Ltd., export commission firms with headquarters in New York, and Marcus A. Crews, Lawrenceburg, Tenn., trading as M. A. Crews Co. and as Pioneer Exporters, associated with the other respondents in the sale of the displays and the publication of export catalogs. The Commission previously had dismissed the complaint as to Cuneo Press, Inc., Chicago. (4781)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Associated Laboratories, Inc., 21st St. at Borden Ave., Long Island City, N. Y., engaged in the sale of multi-vitamin concentrates, in capsule form, under the trade name "Vitamin-Quota," stipulated that it will cease and desist from representing in advertising matter that it is impossible or extremely difficult to obtain an adequate intake of vitamins from ordinary foods; that conditions such as vague aches and pains, fatigue, lack of resistance to colds, nervousness, poor appetite, poor digestion, or lack of energy are necessarily symptomatic of vitamin deficiencies; and that the ingestion of Vitamin-Quota capsules will relieve, remedy or correct such conditions or result in a superior state of health. (3648)

A. Freedman & Sons, Inc., New Bedford, Mass., engaged in the manufacture of shoes, stipulated that it will cease and desist from marking, labeling or otherwise advertising its products through use of the word "Lloyd" or the words "London Boot Shop," or any word or picturization customarily associated with the British Isles or any foreign country, so as to imply that the shoes so described are of British or other foreign origin. (3649)

Kay Preparations Co., Inc., 511 Fifth Ave., New York, has entered into a stipulation to cease and desist from certain representations in connection with the sale of cosmetics designated "Formula 301" and "Formula 301A," the latter formerly known as "Kay Special Sulphur Skin Soap." (3650)

Modern Cosmetics, Inc., 176 West Adams St., Chicago, has entered into a stipulation to cease and desist from representing that its cosmetic preparation designated "Modern Eyes Mascara" is the fastest selling brand of mascara and, when applied with the spiral brush which accompanies it, will coat all sides of the eyelashes rather than the under side only. (03109)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON, D. C. Vol. 11, No. 23, June 4, 1943

BOARD MEETING

Washington, D. C.

When this issue of NAB REPORTS went to press, the Board of Directors was in the midst of its opening session, Thursday afternoon, June 3. At the conclusion of the meeting a Special Bulletin will be issued to all member stations.

CHAIN BROADCASTINGS REGULATION AMENDED BY FCC

The chain broadcasting regulations will become effective as of June 15 the FCC has decided, having refused to make any change in its ruling in that regard. The Commission made public the following amended chain broadcasting regulations:

The Commission having under further consideration its order, entered in Docket No. 5060, as amended, promulgated regulations applicable to radio stations engaged in chain broadcasting.

IT IS ORDERED, That the Commission order, entered in Docket No. 5060, as amended, BE, AND THE SAME IS HEREBY, FURTHER AMENDED in the following particulars:

Section 3.103 of the regulations set forth in said order, as amended, is hereby further amended to read as follows:

> 3.103. *Term of affiliation*—No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which provides, by original term, provisions for renewal, or otherwise for the affiliation of the station with the network organization for a period longer than two years: *Provided*, That a contract, arrangement, or understanding for a period up to two years, may be entered into within six months prior to the commencement of such period.

The last paragraph of said order is hereby amended to read as follows:

> "It is further ordered, that these regulations shall become effective 12:01 a. m., Eastern War Time, June 15, 1943, unless otherwise required by court order: *Provided*, That the effective date of Regulation 3.106 with respect to any station may be extended from time to time in order to permit the orderly disposition of properties: *Provided further*, that the effective date of Regulation 3.106 shall be suspended indefinitely with respect to regional network organizations; and *Provided further*, that the effective date of Regulation 3.107 shall be suspended indefinitely and any further order of the Commission placing said Regulation 3.107 in effect shall provide for not less than six months' notice and for further extension of the effective date from time to time in order to permit the orderly disposition of properties."

OCR OK's FARM BATTERIES

WPB, on June 1, put into operation a program worked out by the Office of Civilian Requirements to provide farmers with supplies required to increase food production.

Radio batteries were included in the list of 66 items.

This is a case in which action to provide farmers with radio batteries preceded by many weeks the inauguration of a broader farm program. Increased production of farm radio batteries began last March after NAB conferred with the Office of Civilian Supply and Consumers Durable Goods.

Push Production to Limit

Consumers Durable Goods, where implementation of the farm radio battery program is placed, stated yesterday that it is diligently watching the situation to make sure that all battery manufacturers produced farm batteries to the very limit of capacity, commensurate with the needs of the military.

Reasons for maximum production are known and appreciated by all manufacturers.

CODE COMMITTEE TO MEET IN NEW YORK

(Released by NAB News Bureau)

The Code Compliance Committee will meet at the Roosevelt Hotel in New York, Wednesday and Thursday, June 16 and 17. Principal item on the agenda is consideration of questions raised by the Radio Committee of the Na-

(Continued on page 260)

IMPORTANT NOTICE!

CHANGE OF MAIL ADDRESS

In compliance with the recent system of zoning established by the Post Office, covering deliveries in metropolitan centers, all mail to NAB should hereafter be addressed as follows:

National Association of Broadcasters
1760 N Street, N. W.
Washington 6, D. C.

The numeral 6 is enlarged herein so as not to escape your notice.

Compliance with this suggestion will assure prompt handling of mail.

If you are located in a city which has been zoned by the Post Office, please notify NAB of your zone number.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Arthur C. Stringer, *Director of Promotion.*

CODE COMMITTEE TO MEET IN NEW YORK

(Continued from page 259)

tional Council on Freedom from Censorship with reference to Labor on the air.

The Radio Committee, made up of Thomas R. Karskadon, chairman, Morris S. Novik, Paul F. Lazarsfeld and Norman Thomas, will meet with the Code Committee to discuss these questions: 1) Should trade unions have the right to buy time for entertainment programs with incidental reference to auspices? 2) Should trade unions have the right to buy time to explain the philosophy and purposes of trade union organization, and with the right to solicit membership? 3) What additional facilities should be extended to labor spokesmen in connection with programs on sustaining time? 4) How can a viewpoint more acceptable to labor interests be included in general commercial entertainment features? 5) How can trade unions take greater advantage of the radio as a medium for getting their claims and interests before the public?

The Code Committee for 1943-44: William B. Quarton, WMT, chairman; Neville Miller, NAB, ex officio; Grant F. Ashbacker, WKBZ; William S. Hedges, NBC; Felix Hinkle, WHBC; Herbert R. Kendrick, WJLS; Eugene O'Fallon, KFEL; Arden X. Pangborn, KEX; Jan Schimek, CBS; Lee B. Wailes, KYW, and Russell P. Place, NAB, secretary.

WJW HEARING SET

In connection with the recent KOA Supreme Court decision the FCC has set the case of WJW, Akron, Ohio, for hearing on its application for modification of construction permit. The hearing is to be held June 30 before Commissioner Durr. In connection with its formal order the Commission states that the hearing will be on the following issues:

1. To determine the extent of any interference which would result from the simultaneous operation of Station WJW as proposed in its application for modification of construction permit (B2-MP-1662) and Station KOA, Denver, Colorado;

2. To determine the areas and populations which would be expected to lose primary or secondary service particularly from Station KOA should Station WJW operate as proposed and what other broadcast services (primary or secondary) are available to these areas and populations;

3. To determine the areas and populations which would be expected to gain primary service should Station WJW operate as proposed and what other broadcast service is available to these areas and populations;

4. To determine the areas and populations now receiving primary service from WJW which may be expected to lose such service should this application be granted and what other broadcast service is available to these areas and populations;

5. To determine the extent of any interference which would result from the simultaneous operation of Stations WJW as proposed in its application for modification of construction permit (B2-MP-1662), KOA, Denver, Colorado, and WHDH, Boston, Massachusetts, as proposed in its application for construction permit (B1-P-2201);

6. To determine the areas and populations which may be expected to lose primary or secondary service particularly from Station KOA as a result of the proposed operation of Stations WJW and WHDH, and what other services are available to these areas and populations;

7. To determine whether Station WJW should be authorized to operate unlimited time on the frequency of 850 kc. as proposed;

8. To determine whether in view of the evidence adduced under the foregoing issues, public interest, convenience or necessity would be served through the granting of this application;

IT IS FURTHER ORDERED, That the hearing in the above-entitled matter be consolidated with the hearing on the application of Matheson Radio Company, Inc. (WHDH), Docket No. 5453.

Labor

48-HOUR WEEK

The War Manpower Commission has added nine cities to its critical labor shortage list where a 48-hour week is obligatory unless an exemption (complete or partial) is obtained.

The nine cities:

Akron, Ohio; Chambersburg, Pa.; Pine Bluff, Ark.; Salt Lake City, Utah; San Francisco, Cal.; Sturgeon Bay, Wis.; Trenton, N. J.; Wilmington, Del., and Jacksonville, Fla.

In cities on the critical area list, radio stations must put all employees on a 48-hour week (with time and one-half for overtime for those covered by the Wage and Hour Act) unless the Area WMC Director sanctions a shorter work week for all or part of the employees.

The NAB has forms for the use of those stations seeking exemptions. Newly affected stations are also advised to read the *NAB Reports*, pp. 67, 68, 118.

NEWSPAPER JOB CLASSIFICATION

The Wage and Hour Division has issued a pamphlet classifying newspaper jobs as to Wage and Hour coverage. Since some of the jobs are similar to those of radio newsmen, stations may be interested. Copies are obtainable at the NAB or at your nearest Wage and Hour office.

INDIVIDUAL SALARY ADJUSTMENTS

The War Labor Board by General Order No. 31 has amended its General Orders No. 5 and No. 9 dealing with individual salary adjustments which need no Board approval. Since most salary adjustments in radio stations, other than those covered by union contracts, are made on an individual basis, this new order is of great importance to the industry.

Individual increases can be given without Board approval if they are made as a result of:

(a) Individual promotions or reclassifications,

(b) Individual merit increases within established rate ranges,

(c) Operation of established plan of wage increases based upon length of service within established rate ranges,

(d) Increased productivity under piece work or incentive plans,

(e) Operation of an apprentice or a trainee system.

Paragraph (a) as applied to a radio station would mean that an announcer, for instance, could be promoted to a program director and receive an increase without Board approval. It *does not mean* that an announcer, without any change in duties, can be "promoted" or "reclassified" with just a change in title and be given an increase without Board approval.

Paragraphs (b) and (c) hinge upon the establishment of definite salary increase plans, in writing and followed without deviation. Such plans may provide for an automatic increase based on length of service or for merit increases at specified intervals (usually not more than every six months) with a minimum and maximum for each classification.

Stations would do well to consider the advisability of instituting such a plan. It can be instituted and adjustments made under it without any Board approval if the top figure in the plan does not exceed the top figure paid today. However, if institution of a plan means extension of the current rate range, WLB approval of the plan must be obtained.

Any station desiring the assistance of NAB in setting up an individual salary schedule should communicate with the Director of Labor Relations.

Engineering

FCC-NAB TECHNICIAN SURVEY

The FCC and NAB are jointly exploring the possibility of uncovering available technical personnel from the FCC list of licensed operators not presently employed in the communications field. It will be remembered that Chairman James Lawrence Fly first mentioned this activity at the NAB War Conference in Chicago. Since that time, the Economic Unit of the FCC and NAB staff members have conferred for the purpose of determining sampling techniques.

The FCC is now mailing a double postal card to licensed operators. A few simple questions concerning the eligibility of the licensee for employment is on the return portion of the card. The NAB questionnaire places particular emphasis on the requirements of the broadcast industry and is mailed together with a self-addressed stamped envelope for return.

The FCC mailing list has been divided in order to avoid duplication. After returns have been received from both surveys, another joint conference will be held in order to compare results and to determine the final method of surveying the remaining portion of the FCC operator lists. Already NAB has received several applications for placement in the broadcast industry as a direct result of this new recruiting method.

These surveys are for the purpose of bringing new technical personnel into the communications field.

WHK-WCLE ENGINEERS START RADIO SCHOOL

Cleveland broadcasters and other radio interests will look for at least a part of their licensed technical personnel in the months ahead to the recently organized Broadcast Technical Institute.

While Broadcast Technical Institute is operated under the supervision of the engineering staff of WHK-WCLE, United Broadcasting Company has no direct concern or interest in the Institute.

A fee of $48 is charged for the sixteen weeks primary course. Intermediate and advanced courses will be available for those who already have a fundamental knowledge of radio.

Fifty students met for the first class on May 26 in WHK-WCLE studios where all classes will be held—3 evenings per week.

Instructors have been recruited from WHK-WCLE engineering staff. Many have had experience in teaching "Fundamentals of Radio," the ESMWT course prepared and promoted by NAB.

FINAL CALL FOR PHOTOS

Seventeen more member stations have forwarded photographs of women technicians and appropriate copy for inclusion in the forthcoming NAB brochure on technical womanpower. They are:

WGAR—Cleveland; WFAA-KGKO—Dallas; WDAY—Fargo; WTIC—Hartford; WKBH—LaCrosse; WAVE—Louisville; WGRC—Louisville-New Albany; WLVA—Lynchburg; WHBQ—Memphis; WRAL—Raleigh; WRVA—Richmond; WSYR—Syracuse; KTUL—Tulsa; WDZ—Tuscola; KXEL—Waterloo; WKBN—Youngstown.

Deadline for receiving material is June 7.

SUPPLEMENTAL GAS FOR TRUCKS IN EASTERN SHORTAGE AREA

A priority system has been established for the Eastern gasoline shortage area to assure the continuance of essential automotive transportation, the Office of Defense Transportation announced Sunday.

The system, based on a list of essential services which includes Radio Broadcasting, will be used in granting supplemental gasoline allotments to commercial motor vehicles in the shortage area.

Additional gasoline will be allotted only for essential commercial services which could not be continued under the 40 per cent gasoline ration "stretch-out" announced by ODT last week.

WGAR GOES 'ALL OUT' FOR ITS PERSONNEL IN THE NATION'S ARMED FORCES

Many stations are engaged in numerous activities associated with their men and women in the Armed Forces and station managers are interested in keeping these fine and worthy endeavors in high gear and in amplifying and extending them.

In the spirit of cooperation, NAB is asking for reports from stations as to what they are doing in this line and one of the first and most complete has come from Carl George, director of operations at WGAR.

Enclosed with his report, Carl sent NAB two copies of the WGAR monthly service bulletin, "Home News", which is sent to the station's people in the services.

This bulletin is a thorough job, almost magazine-complete in its scope. It has everything from WGAR staff news to a crossword puzzle and from news about Cleveland to reprints of letters from the boys and girls in uniform. It also has real photographs of staff members at work in the studios, to give a real, homey touch. The front cover is attractively mimeoscoped in seasonal style.

That's not all—but let Carl tell you in his own words:

> "Aside from the monthly bulletin, we encourage our people to write to as many of the men in service as they can. When they leave us, we always have a luncheon and give them some kind of remembrance which is purchased from a fund which we have established for this purpose. We collect 40 cents each month from each staff member to avoid having to solicit our organization

each time someone leaves. A committee supervises the payments from this fund, so there is seldom any hesitation to buy a little remembrance for a man in one of the armed services.

"We have a bulletin board on which most of the letters we receive from our men are posted. Last Christmas, we sent each of our men a Christmas package which contained shaving necessities, fruit cake, candy, books, records, stationery, etc. We got some wonderful letters back telling how a whole gang of fellows gathered round the Christmas tree to help open the package, and how all of them envied the fellow who had been associated with an organization which remembered its employees.

"At Christmas last year, we invited the wives and children of each of our Honor Roll men to our annual staff Christmas party, and gave them an afternoon of movies, games, gifts, etc. These men's wives know that our doors are always open here to help them when any problem comes up which they have not anticipated. If there is an accident in the family, or some unfortunate circumstance develops, we want them to let us know right away and we will do anything we can to help them out, whether it be in a financial way or taking time off to talk to their insurance man or lawyer, or other contact."

Such is WGAR's contribution to the morale of its people in the services. NAB wants more stories like this for inclusion in NAB REPORTS and for a permanent file. Send along your station's story on what it is doing for its people in uniform to Willard Egolf, assistant to the president, NAB.

As another example of how radio people are contacting the people in service, "On The Beam," written and published by the student members of the Central Radio Workshop of the Radio Council (WBEZ) of the Chicago Public Schools, is mentioned. This newsy, entertaining little mimeographed pamphlet is sent to former members of the workshop now in the Armed Forces. George Jennings, acting director of the council, is supervisor of the publication and Hilly Rose is editor.

NEVILLE MILLER ELECTED TRUSTEE OF PRINCETON

(Released by NAB News Bureau)

Neville Miller was elected alumni trustee at large of Princeton University at the recent National Alumni Association's annual meeting held in connection with Princeton's 197th commencement. Miller formerly was assistant to Princeton president Harold W. Dodds.

ANDRE MAUROIS PAYS TRIBUTE TO RADIO IN ARTICLE

(Andre Maurois, famous French writer and biographer, in the June, 1943, Reader's Digest, *in an article entitled "Why I Love America", reprinted from* Common Sense *magazine, paid the following tribute to American broadcasting)*

> "I never fail to be impressed by the American talent for self-government, and by your ability to thrash out a problem in debate. America was born in a town meeting; today through its enormous networks it has become one immense town hall. It sometimes seems to me that the whole nation turns every night into a gigantic radio forum. 'For God's sake, let us hear both sides of the question', cried Thomas Jefferson, while the Constitution was being framed. Today *all* sides of the question are being canvassed by fervent champions. This unceasing discussion creates a highly charged current of public opinion, so vigorous and healthy that encrustations of error are scoured away. . . ."

REPLACEMENT SCHEDULES

Announcing that available manpower of military age will permit only about 1,500,000 industrial deferments at the end of this year, Chairman Paul V. McNutt of the War Manpower Commission on Tuesday urged employers of the approximately 3,000,000 men now deferred for occupational reasons to cooperate for their orderly induction by promptly filing out manning tables and replacement schedules.

When an employer files a manning table and a replacement schedule, Chairman McNutt pointed out, he gives the War Manpower Commission a picture of his personal requirements that is helpful to its entire program, together with a time table by which the Selective Service Bureau can plan its inductions. The manning table, he said, presents the over all picture, while the replacement schedule implements orderly induction.

Stressing the need for prompt filing of manning tables and replacement schedules, Chairman McNutt also stated that the estimate of 1,500,000 men who can be deferred in industry as of next December 31 takes into consideration those who will become 18 before that date and also men with dependents who had been classified in former Class 3-B.

Three Million 2A or 2B

"On May 1," he said, "there were aproximately 1,000,000 Selective Service registrants 18 to 38 years old in Class 2-A, as necessary men in essential civilian activities, or in Class 2-B, as key men in war production other than agriculture. There also were around 2,000,000 men with dependents who are engaged in essential activities many of whom will be reclassified into Class 2-A or Class 2-B from former Class 3-B. In addition, there will be deferments during the remainder of the year of registrants who become 18 each month, such as students who are completing scientific or professional courses.

"On the other hand, on May 1 our pool of physically fit men between 18 and 38, including those becoming 18 each month until the end of the year, was about 6,000,000, of whom around 900,000 must be deferred during the year as necessary men in agriculture. This leaves 5,100,000 from whom approximately 2,700,000 must be inducted into the armed forces by the end of this year, if their goal of around 11,000,000 men is to be reached. There then remains about 2,400,000 of whom it is estimated approximately 900,000 will be men deferred for dependency reasons, leaving 1,500,000 as the maximum number of men who can be deferred for occupational reasons, other than agricultural at the end of this year."

6,000 Employers Cooperating

Already, Chairman McNutt said, approximately 6,000 employers throughout the United States are cooperating with the War Manpower Commission through manning tables and replacement schedules. However, he emphasized that the foregoing statistics make it urgent that employers, and particularly those who are engaged in activities essential to the war effort, get in touch with their WMC Regional or Area Directors and arrange to provide this data.

A manning table is a plant or industry analysis made up from a complete and detailed survey of the personnel requirements of an employer. It is filed with the WMC director of the region or area in which the plant or activity is located.

> **A replacement schedule lists employees liable for military service with regard to their Selective Service status and states definitely when each can be replaced. Normally this schedule is based upon data developed in preparing a manning table, but a State Service Director may accept a replacement schedule for immediate operation without a manning table.**

When accepted by a state Selective Service director, a replacement schedule is used to guide local boards having jursidiction over the individual registrants so that they may be called for induction with a minimum of interference to the war effort. Each schedule is in effect, unless revised, for six months. At the end of each six months period, the employer must file a new schedule projecting the replacement of registrants into the next succeeding six months period.

DOROTHY LEWIS IS NOW A GRANDMOTHER

(Released by NAB News Bureau)

Having traveled 80,000 miles, visited hundreds of cities in 47 states and Canada, and not having missed or been late to an appointment or conference in the last three years, Dorothy Lewis, NAB coordinator of listener activity, was on time this week as her first grandchild was born in Ithaca, N. Y. Dorothy arrived in Ithaca May 16 and a few hours later Thomas Lewis Gage was born to her daughter.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARING

The following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, June 7th. It is subject to change.

Monday, June 7

Further Hearing

WJRM—Allegheny Broadcasting Corp., Elkins, W. Va.—Modification of C. P., under C. P.; **1240 kc.,** 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WCCO—Columbia Broadcasting System, Minneapolis, Minn.—Adopted orders granting petition for rehearing directed against the grant of special service authorization to station WNYC for increase in nighttime operation on **830 kc.;** set aside the grant to WNYC, and designated application for special service authorization (B1-SSA-52) for hearing on issues to be specified, WCCO to be made a party to the hearing, and denied petition of Clear Channel Group for rehearing and intervention directed against the WNYC grant.

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Adopted orders granting petition for rehearing directed against action of the Commission April 14, 1942, granting without hearing the application of KSJB, Jamestown Broadcasting Co., Inc., Jamestown, N. Dak., for modification of license to change frequency from **1400** to **600 kc.,** and power from 250 watts day and night to 100 watts night, 250 watts day, unlimited time; set aside the grant to KSJB, and designated application for hearing upon specified issues, WMT to be made a party to the hearing. On its own motion the Commission granted a special service authorization to KSJB so as to permit operation of that station on **600 kc.** with 100 watts night, 250 watts day, pending hearing and determination by the Commission on KSJB's application for modification of license.

WAML—The New Laurel Radio Station, Inc., Laurel, Miss.—Granted application for renewal of license on a regular basis (B3-R-709).

WJMA—Earl M. Key, Covington, Va.—Granted request to change call letters of station from WJMA to WKEY.

DESIGNATED FOR HEARING

WPAT—Frank Falkner and Rex Schepp (Transferors), Donald Flamm (Transferee), North Jersey Broadcasting Co., Inc. (Licensee), Paterson, N. J.—Designated for hearing application for consent to transfer of control of North Jersey Broadcasting Co., Inc., licensee of station WPAT, from Frank Falkner and Rex Schepp to Donald Flamm (B1-TC-318).

MISCELLANEOUS

KGNC—Plains Radio Broadcasting Co., Amarillo, Texas.—Granted motion to dismiss without prejudice application for modification of license to operate on **860 kc.,** 500 watts night, 5 KW day, unlimited time. (Docket No. 6493)

Incorporated Village of Rockville Center, N. Y.—Granted motion to dismiss without prejudice application for construction permits for new police radio system. (Docket No. 6515)

WJRM—Allegheny Broadcasting Corp., Elkins, W. Va.—Granted motion for continuance of hearing in re application for modification of construction permit to extend construction and completion dates; hearing continued to June 28. (Docket No. 6488)

KFMB—The First National Trust and Savings Bank of San Diego, Executor of the last Will and testament of Warren B. Worcester, deceased, Transferor; and The First National Trust and Savings Bank of San Diego, as Trustee under Declaration of Trust for Warren B. Worcester, Deceased, Transferee, San Diego, Calif.; KFMB, Worcester Broadcasting Corp., San Diego, Calif.—Granted motion for authority to amend application and remove from hearing docket the application for voluntary transfer of control of Worcester Broadcasting Corp., and application for renewal of license.

WWL—Loyola University, New Orleans, La.—Granted amended petition to intervene in the hearing on application of KGNC, Plains Radio Broadcasting Co., Amarillo, Texas, for modification of license to operate on **860 kc.,** 500 watts night, 5 KW day, unlimited time.

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Granted license to cover construction permit as modified, for changes in directional antenna for night use, and increase in power (B2-L-1765); granted authority to determine operating power by direct measurement of antenna power (B2-Z-1520).

WHAZ—Renssalaer Polytechnic Institute, Troy, N. Y.—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-1521).

KGBK—Helen Townsley, area of Great Bend, Kans.—Granted further extension of relay broadcast station license upon a temporary basis only, pending determination upon application for renewal of license, in no event later than July 1, 1943 (B4-SRY-240).

WAEA—W. A. Patterson, area of Chattanooga, Tenn.—Granted further extension of relay broadcasting station license upon a temporary basis only, pending determination upon application for renewal of license, in no event later than July 1, 1943 (B3-SRY-132).

The Baltimore Radio Show, Inc.; WEGI, area of Baltimore, Md.; WEGJ, area of Baltimore, Md.—Cancelled relay broadcast station licenses in accordance with written request (B1-RRE-143; B1-RRE-144).

APPLICATIONS FILED AT FCC

830 Kilocycles

WNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—Authority to determine operating power by direct measurement of antenna power for auxiliary transmitter.

1300 Kilocycles

WOOD—King-Trendle Broadcasting Corp., Grand Rapids, Mich. —Construction permit to move formerly licensed 500-watt main transmitter from Walker Township, Grand Rapids, Michigan, to on Town Road between Division Street and Eastern Avenue, South of Grand Rapids, Michigan (site of new main transmitter), and use same as an auxiliary transmitter with power of 500 watts, employing directional antenna night.

1400 Kilocycles

WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Construction permit to install a new transmitter.

FM APPLICATION

W47R—WHEC, Inc., Rochester, N. Y.—License to cover construction permit (B1-PH-96) for a new high frequency (FM) broadcast station.

TELEVISION APPLICATION

NEW—The Journal Company (The Milwaukee Journal), Milwaukee, Wisc.—Construction permit for new experimental television relay broadcast station to be operated on frequency **300000-312000 kc.**, 25 watts power, A5 emission. (Formerly W9XCV)

MISCELLANEOUS APPLICATIONS

WBEZ—Board of Education, City of Chicago, Chicago, Ill.—Construction permit for reinstatement of construction permit (B4-PED-22, as modified) for new non-commercial educational broadcast station.

NEW—Stanley G. Boynton, Detroit, Mich.—Authority to transmit programs to CKLW, Windsor, Ontario, Canada, from Highland Park Baptist Church, Highland Park, Michigan, each Sunday evening from 8 to 8:45 p. m., EST.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Carter Products, Inc., 53 Park Place, New York, selling and distributing a medicinal preparation designated "Carter's Little Liver Pills," and Street & Finney, New York, advertising agency preparing, editing and placing all advertising material for the corporate respondent, are charged in a complaint with false advertising and misrepresentation. The respondents are further charged with making disparaging statements and representations concerning the drug calomel and other laxative preparations. (4970)

Clark's Drugs & Sundries, Clark's Drugs, and Clark's, 426 South Spring St., Los Angeles, selling and distributing drugs and sundries, including male and female sex hormone preparations, is charged in a complaint with false advertising and misrepresentation. (4968)

Gladstone Brothers, 110 Fifth Ave., New York, and also doing business as Aaron Leonard Company, at the same address, are charged in complaint with misrepresentation in the sale of clothing, in violation of the Wool Products Labeling Act of 1939 and the Federal Trade Commission Act. (4969)

Helena Volay Cosmetics, Needles, Calif., selling and distributing a cosmetic preparation designated Helena Volay Face Oil, and Chicago Union Advertising Agency, Inc., 20 West Jackson Blvd., Chicago, are charged in complaint with misrepresentation. (4967)

U. S. Rubber Company, et al.—Two leading manufacturers of rubber and canvas footwear, United States Rubber Co., New York City, and Hood Rubber Co., Inc., Watertown, Massachusetts, are charged in separate complaints with violation of the Robinson-Patman Act by discriminating in price between different purchasers of their products. (4972-4971)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Flamingo Sales Co., Hollywood, Calif., engaged in the sale of a nail lacquer designated "Seal-Cote," stipulated that it will cease and desist from disseminating any advertisement which represents that use of the preparation will cause nails to grow longer, will aid their natural growth, or will correct or prevent splitting or breaking of the nails. (3652)

Hicks Rubber Co., trading as Star Rubber Co., Waco, Tex., and Milt Goldbacher, Brown Mills, N. J., sales agent of the corporation, have entered into a stipulation to cease and desist from certain representations in connection with the sale of automobile tires. They agree to discontinue the use of any comparative statement or other representation, the effect of which tends to convey the belief that the service to be obtained from their tires is in excess of the service they actually will render, that the cord contained therein is any tougher or stronger than is actually a fact or that the rubber on the sidewalls or tread is any deeper or thicker than it actually is. (3651)

Paebar Co., Inc., and Alan F. Pater, 220 West 42nd St., N. Y., have entered into a stipulation to cease and desist from certain misrepresentations in connection with the sale of books, including a so-called year book of public opinion called "We, the People," a title known to the public as the name of a radio program sponsored by national advertisers. (3657)

Pitegoff Bros., Inc., 320 Van Buren St., Brooklyn, manufacturer of paint brushes sold under the brand name "Sumner," stipulated that it will cease and desist from use of the words "bristle and horse hair" as descriptive of the brushing part of its products and from use of such words to imply that the brushing part is composed wholly of the materials named. (3655)

A. Schreter & Sons, Inc., 16 South Eutaw St., Baltimore, distributor of men's neckwear, has entered into a stipulation to cease and desist from advertising, labeling, invoicing or selling any neckwear made in whole or in part of rayon without clearly disclosing the fact by use of the word "rayon"; and, when a product is composed in part of rayon and in part of other fibers or materials, from failing to disclose each constituent fiber in the order of its predominance by weight, beginning with the largest single constituent, in immediate connection with and in type equally conspicuous as the word "rayon." (3653)

Western Medical Corp.—A stipulation to cease and desist from certain misrepresentations in the mail-order sale and distribution of medicinal preparations offered as treatments for epilepsy has been entered into by Western Medical Corp., 415 West 39th St., Chicago. (3656)

Willens Co., Inc., trading as Patriotic Stamp Co., 2130 Gladys Ave., Chicago, stipulated that it will cease and desist from misrepresenting the quality and origin of certain pens and billfolds it offers as premiums in connection with the sale of its so-called patriotic stamps. (3654)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Conway Tailors, 434 Elm St., Cincinnati, has been ordered to cease and desist from the use of lottery methods in the sale of men's clothing. (4910)

John F. Eberhard, Walter J. Keavney and Edmund Diaz, executives and officials formerly connected with Cyclopedia Corporation of America, Professional Circulation Co., Inc., and Professional Sales Corporation, located at 11 West 42nd St., and 55 West 42nd St., New York, engaged in the sale of combination or club offers of scientific books and magazine subscriptions, have been ordered to cease and desist from misrepresentation in connection with the offering for sale or distribution of such merchandise. (4639)

Hecht Company, also trading as Hecht Bros., Baltimore, operating department stores in Baltimore, Washington and New York, has been ordered to cease and desist from misrepresentation in the sale of mattresses. (4840)

Modernistic Candies, Inc., and Sol S. Leaf and Harry Leaf, officers of the corporation, 1734 West Hubbard St., Chicago, have been ordered to cease and desist from the use of lottery methods in the sale and distribution of their merchandise. (4605)

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NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 24, June 11, 1943

WHITE-WHEELER BILL HEARINGS HELD UP UNTIL SEPTEMBER

Senator Wheeler has advised NAB that due to the impending Congressional recess July 1 and because of lengthy hearings current on railroad matters, the White-Wheeler bill hearings will not be held until after the Congressional recess. The senator offered September 1 as a probable date for the hearings.

Senator Wheeler's full statement follows:

"It was stated today, in view of the recess of the Congress expected to begin on July 1 or soon thereafter, and because of the anticipated continuance of pending hearings upon railroad legislation for two weeks or more, it seems unwise to proceed at this time with hearings upon the Radio Bill S. 814, introduced by myself and Senator White.

"I am therefore, after conference with Senator White and with his complete concurrence, postponing the radio hearings until the re-assembling of the Senate after the planned recess. It is my purpose to begin these hearings in the early days of September and to proceed with them uninterruptedly with the hope that the committee may speedily come to a definite conclusion as to the recommendations it should make to the Senate with respect to radio legislation."

SENATOR FERGUSON APPEALS FOR FREEDOM OF SPEECH

In an address over WJR, May 29, Senator Homer Ferguson (Rep. Mich.) made the following remarks concerning freedom of speech:

> **"Let us beware of those who would destroy or restrict freedom of speech and of the press.**
>
> **"Freedom of speech is more important to us than ever before because of the radio. To think as free men and women, we must be able to speak as free men and women. Our courts must guard this freedom of speech and not allow a decision to enlarge on what Congress has said by law.**
>
> **"Congress must be ever alert and will protect and defend the Constitution which provided for freedom of the press, and freedom of speech.**
>
> **"Mothers and fathers, you must insist on a Free Press and a Free Radio, or you will lose your liberty, for which your boys fight and die this very hour."**

NAB TO PARTICIPATE IN AFA WAR CONFERENCE

Panel discussions on "What the New FCC Regulations Mean to Advertisers" and "The Wartime Radio Audience" will highlight the meeting on radio, sponsored by NAB, Wednesday morning, June 30, at the Advertising Federation of America War Conference, Waldorf-Astoria Hotel, June 28-30.

Lewis H. Avery, director of broadcast advertising, NAB, will preside at the sessions, which will feature officials of radio stations, advertising agencies and networks. Participants will be announced in a future issue of the REPORTS.

HÉBERT DEMANDS ACTION

Rept. F. Edward Hébert [D-La.] yesterday urged Congress to "rewrite the Radio Act to define the Commissions' hours definitely."

In a speech [full text of which will be mailed to all stations early next week] Mr. Hébert declared that the Supreme Court decision [of May 10] "gave the FCC absolute authority to tell any radio station what it may and may not put on the air."

BROADCASTING IS A-1

A complete revision, on the basis of the degree of essentiality, has been made in the list of industries to be accorded preferential treatment in the eastern gasoline shortage area, the Office of Defense Transportation announced Monday. Essential industries are divided into four groups: AA-1 (Most Critical); A-1 (Very Critical); A-2 (Critical); and A-3 (Important). **Radio broadcasting is listed in A-1.**

As long as the supply of gasoline in the east remains critical, lesser amounts may be allocated to commercial vehicles operated by the lower rated industries than to the higher.

The present commercial vehicle ration period has been extended by 25 days and operators should now be "stretching out" their gasoline allotment through reduced operations to insure being able to operate during the additional period.

NEW SLANT ON RADIO CRITICISM

The following letter was sent by Neville Miller to Mary Haworth of the *Washington Post*, whose column, "Mary Haworth's Mail," recently has been devoted to letters criticizing daytime radio.

Note how the whole issue of public criticism of radio is brought into prominence by the Supreme Court decision of May 10.

Station managers are requested to air-mail to NAB headquarters, attention of Willard Egolf, any clippings of newspaper columns which feature the public discussion of radio, especially from a critical angle. Similar letters will be mailed to those columnists.

"Recently you have published letters from your readers which criticize the content and character of daytime radio programs. I have read these letters with interest and I can assure you that they have been read also by station managers and network officials wherever your paper has circulation. It is the first obligation of radio management to pay attention to the wishes of radio listeners. Upon that formula the American system of broadcasting has

(Continued on page 268)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Arthur C. Stringer, *Director of Promotion.*

NEW SLANT ON RADIO CRITICISM

(Continued from page 267)

been built into the greatest medium of communication the world has ever known.

The people who wrote those letters acted in good faith. They believe, as good Americans, that the expression of their views should result in changes being made. It has always been a privilege of citizenship to criticize the radio and ask for something different. Station managers have received thousands of letters and made thousands of changes in radio programs to meet the public demand.

I am wondering, however, if your readers realize the effect of the Supreme Court Decision of May 10th which places in the hands of the Federal Communications Commission, a body of seven men located in Washington, D. C., supreme authority to determine, whenever they wish, what shall and shall not be broadcast to the American people. They may say, at their discretion, what the people shall hear over the radio, whether it be news, drama, music, comedy or politics.

Under the law, as now interpreted by the Court, your effort to carry to radio management the genuine criticisms of American citizens, through the columns of your newspaper, is in a fair way to become an empty gesture, a relic of bygone days.

Unless the Congress enacts new legislation, the stage is set for the American public's loss of free radio."

Research

RESEARCH COMMITTEE MEETS

The NAB research committee met in Washington, Wednesday, June 9, 1943. Members present were: J. Harold Ryan, chairman, WSPD, Toledo; Edward F. Evans, WJZ, New York; G. Bennett Larson, WWDC, Washington; John C. McCormack, KTBS-KWKH, Shreveport; Barry T. Rumple, NBC, New York; Frank N. Stanton, CBS, New York; Jack Williams, WAYX, Waycross; and, Paul F. Peter, secretary of the committee. Guests attending were: John Churchill, CBS, New York; and, C. E. Arney, secretary-treasurer of NAB. Absent was: Roger W. Clipp, WFIL, Philadelphia.

The committee reviewed the Market Data Handbook for Broadcast Stations in its final paged form and determined policy in the matter of its distribution to members, advertising agencies and advertisers. It was decided that a complimentary copy will be sent to each NAB member and a selected list of advertisers and advertising agencies placing business or prospects for national advertising in radio. Additional copies are to be sold at printing cost which will probably be $1.50 per copy. The printing schedule of the book is delayed due to difficulties in obtaining paper stock. However, some assurance is given that mailing can start about July 15.

The NAB recommendation—"How to Determine Station Coverage" was reviewed and plans were made for discussions with the American Association of Advertising Agencies to obtain their final approval as to method and presentation format.

A long discussion was held on research plans of the association. The secretary was instructed to gather and analyze all survey material available which contributes to the store of information on radio during the war period. Also some exploratory work is to be done to assist the committee in reaching decision as to the advisability of fresh research on the subject.

Another meeting of the research committee will probably be held in the late summer or early fall.

REPORT OF BROADCASTERS QUESTIONNAIRES COMMITTEE

The broadcast sub-committee of the Advisory Committee on Government Questionnaires met June 8, 1943 in Washington. Those attending the meeting were: Roger W. Clipp, WFIL, Philadelphia; Edward F. Evans, WJZ, New York; John C. McCormack, KTBS-KWKH, Shreveport; Herbert Pettey, WHN, New York; Barry T. Rumple, NBC, New York; J. Harold Ryan, WSPD, Toledo; Jack Williams, WAYX, Waycross; John Churchill, CBS, New York, attending for Frank N. Stanton; and, Paul F. Peter, secretary of the committee. Guests attending the meeting were: David Cohn, Bureau of the Budget; Russell Schneider, secretary of the Advisory Committee; Neville Miller, president of NAB; and Newbold C. Going of Pittsburgh, secretary of another ACGQ sub-committee. Those absent were: Theodore C. Streibert, WOR, New York; and, G. Bennett Larson, WWDC, Washington.

Neville Miller opened the meeting with a greeting to the Committee and a talk outlining the developments which led to the appointment of the Broadcast Sub-committee. Miller introduced Russell Schneider who discussed the formation of the Advisory Committee on Government Questionnaires, its organization and functions. David Cohn, who is in the division of statistical standards, Bureau of the Budget, spoke on the problems of the Budget Bureau in examining questionnaires and forms. He explained the functions of the division of statistical standards and power given it in the Federal Reports Act of 1942 (Public Law 831, 77th Congress, approved, December 24, 1942). Subjects covered in his talk included a discussion of the call of the Budget Bureau to industry for counsel, the place of the broadcast sub-committee in the Advisory Committee set-up, and the assignments of the broadcast sub-committee.

Ryan Elected Chairman

Following Mr. Cohn's talk, Neville Miller, acting as temporary chairman, conducted an election in which J. Harold Ryan of WSPD was elected permanent chairman. The committee laid plans for its operation and an executive committee composed of Messrs. Larson, Pettey, and Peter was appointed. It was the thought of the committee that these members were most available to carry on discussions with the Budget Bureau and Washington government agencies and should, therefore, be empowered to act for the sub-committee between meetings of the entire group.

Mr. Cohn and Mr. Peter were called upon to review two broadcast sub-committee problems which, due to the pressure of time, were handled prior to the first meeting. Both, concerned survey requests, one from the Treasury Department and the other from the Federal Communications Commission.

The first of these, from the Treasury Department, involved a survey of all broadcast stations to determine the value of their contribution of broadcast time and talent devoted to aiding the Treasury in its Second War

Bond and Stamp Drive. This request to the Budget Bureau was denied and the information obtained through the cooperation of the Office of War Information and the NAB.

FCC Survey Approved

The FCC survey request involved a test questionnaire to be sent to 1,000 holders of first and second class radiotelephone licenses to determine the practicability of a complete survey in an attempt to obtain radio operators for the Armed Services and the Broadcast Industry. The Bureau of the Budget granted the request and NAB joined with the FCC in the test.

Messrs. Ryan, Cohn and Peter reviewed the current problem of the Committee—the FCC renewal application form for Standard Broadcast Stations—Number 303. The Committee then carefully examined the form, question by question, and submitted specific recommendations as to wording of questions, arrangement, and the burden of work involved in supplying answers to each by broadcast stations.

In addition to the renewal application form, the FCC had applied for approval of two engineering forms asking for quite complete engineering data. These are alternate forms, one to be completed by stations having directional antennas, the other to be used if the responding station utilizes a non-directional antenna. Howard Frazier, director of engineering of NAB, was called in to report the recommendation of the NAB engineering executive committee on the form and the broadcast sub-committee adopted the recommendation. The recommendation was one of approval of the form without change, provided its use will be confined to one-time execution by each station. Attention, however, was called to the fact that one item of engineering importance was not included in the questionnaire.

Preliminary Information Asked

The secretary cited a number of letters received from broadcast stations concerning FCC forms and the need for having some preliminary information as to the questions to be asked which involved bookkeeping or the keeping of records by the stations. An example discussed was that of the annual financial and employee data forms submitted by the FCC each year. In that connection, if the station does not have some preliminary information as to the questions to be asked, the station might encounter considerable work because the bookkeeping system employed may not readily produce the information desired. Station experience in the past has, in many cases, involved costly special studies.

Joseph L. Miller, labor relations director of NAB, was called in to speak of the industry need for labor statistics developed from the employee forms of the FCC. He appealed to the sub-committee to do what it could to assist in the matter of obtaining the information and having it made available quickly while the information is of real value to the industry.

The sub-committee decided that its executive committee should call upon the Commission to discuss these matters. Such conferences will anticipate the concern of the Budget Bureau with forms and questionnaires. However, Cohn expressed his approval of such procedure.

FCC

POST WAR PLAN NOT WORKING WELL, FLY SAYS

The post war committee plan is not working well, FCC Chairman James Lawrence Fly told a press conference early this week. He said there has been some divergence of opinion among the different branches of radio and the FCC is just sitting on the sidelines waiting for the radio industry to reach an agreement. Fly said that as far as the Commission is concerned it will cooperate in any feasible plan in undertaking the studies for post war service. The chairman said he feels it is a very essential thing to do.

SMALL MARKET STATIONS

The committee appointed to follow through on matters relating to small station operations in wartime is meeting in Washington. At the press time, the committee was yet in session. A full report of their deliberations and conclusions will be issued shortly.

Fly told the newsmen that the planning should not be done by the FCC though it should sit in on the committee, must not vote but must keep informed and render any service that it can. He said that the study must be industry controlled.

RULES AMENDED ON WAR EMERGENCY SERVICE

The FCC en banc has amended section 15.75 of its Rules Governing All Stations in the War Emergency Radio Service, to provide a two-hour test period on Mondays, Wednesdays and Sundays, and to eliminate the provision which restricts the Wednesday test period to the three-month period following the date on which the respective station license was first granted. This action was taken in order to facilitate the necessarily meticulous adjustment of equipment and antenna.

The amended section reads as follows:

> "Sec. 15.75 *Tests*—The licensees of civilian defense stations are permitted to make such tests as are necessary for the purpose of maintaining equipment, making adjustments to insure that the apparatus is in operating condition, training personnel, and perfecting methods of operating procedure, *Provided*, that such tests shall be conducted only during the following periods:

Time Zone	*Eastern*	*Central*	*Mountain*	*Pacific*
Mondays	10 p.m.-12 mid.	9-11 p.m.	8-10 p.m.	7-9 p.m.
Wednesdays	10-p.m.-12 mid.	9-11 p.m.	8-10 p.m.	7-9 p.m.
Sundays	5 p.m.- 7 p.m.	4- 6 p.m.	3- 5 p.m.	2-4 p.m.

All times given are local standard (war) time."

COMMISSIONER DURR WRITES ANOTHER LETTER

Requesting that the House Judiciary committee conduct hearings on his petition of May 13, which urged the disqualification of Rep. E. E. Cox (Dem. Ga.) as chairman of the select committee to investigate the Federal Communications Commission, Commissioner Clifford J. Durr made public a letter to Rep. Hatton W. Sumners (Dem. Texas), chairman of the judiciary committee of the House of Representatives. (Commissioner Durr's petition questioning the fitness of Representative Cox to conduct an inquiry into Commission activities, along with supporting documents, was filed with the Speaker of the House May 13 and referred to the House Judiciary Committee for consideration on May 14.)

Commissioner Durr addressed identical letters to each member of the House Judiciary Committee.

"On May 13, 1943, I filed with the Speaker of the House of Representatives a petition requesting that the House disqualify Congressman Cox as a member of the Select Committee to Investigate the Federal Communications Commission, because of his bias and personal interest. This petition was referred to the Judiciary Committee on May 14, 1943.

At the time the petition was filed I addressed a letter to each member of the Select Committee in which I called attention to certain procedures being followed by its staff which seemed to me to be highly improper, and expressed my unwillingness to testify before the Select Committee until such time as the House of Representatives, with full knowledge of the facts set forth in my petition and the supporting memorandum, should indicate its desires with reference to continuance of the investigation of the Federal Communications Commission by the Select Committee as now constituted. A copy of this letter is enclosed for your information.

There has been no substantial change in the Committee staff's procedure since the date of my petition, and examination of witnesses continues to take place behind closed doors with only Congressman Cox and members of the staff present.

I have the highest respect for Congress and its duly constituted committees and recognize that it is essential to the successful functioning of our form of government that Congress have full and complete information concerning all departments and agencies of the government. This is particularly important in time of war when the cloak of military secrecy may so easily be used to conceal activities about which Congress should be informed.

Feeling as strongly as I do about the importance of the investigatory power of Congress, I would regret being placed in a position which could be construed as one of hostility to the exercise of that power or as an indication that I have something to hide from Congress. However, I am equally strong in my reluctance to testify before the Select Committee as now constituted because I am convinced that its chairman and staff have purposes to serve which are inconsistent with a fair and impartial determination of the facts.

I believe that the facts set forth in my petition and the accompanying memorandum clearly show that Congressman Cox is not a suitable person to conduct an investigation of the Federal Communications Commission. I stand ready to prove these facts at any time, and I respectfully request that your Committee hold hearings on the petition at an early date at which I may be allowed to appear and present witnesses and documentary evidence."

EGOLF TO PRESIDE AT AFA WAR CONFERENCE

Willard D. Egolf, NAB assistant to the president and Advertising Federation of America vice-president, will preside over the conference of advertising clubs at the AFA War Conference, Waldorf-Astoria hotel, New York City, June 28-30.

This is an all-day council on local advertising club war activities which will occupy Tuesday, June 29. Egolf has served during the past year as chairman of the AFA committee on awards for club achievement.

Government and industry representatives who will speak to club representatives during this session are:

William B. Lewis, OWI; Chester LaRoche, chairman, War Advertising Council; Paul H. Bolton, chief, campaign section, ODT; Edwin A. Sheridan, special adviser to James M. Landis, OCD; Ralph Allum, associate director, War Advertising Council; and Frank Tripp, general manager, Gannett Newspapers, and chairman of the bureau of advertising, ANPA. Past club activities and closer tie-in with government campaigns will be emphasized.

NAB REPORTS TO NATIONAL ENTERTAINMENT CONFERENCE ON RADIO'S WAR SERVICE

Representing NAB, Walt Dennis, news bureau chief, attended the two-day National Conference of the Entertainment Industry for War Activities in New York, June 3-4, and reported on "What Radio Is Doing in the War."

Some 300 delegates, representing more than 35 organizations directly or indirectly connected with the entertainment field, met in three sessions at New York Times Hall and agreed on a two-fold program.

One aim is to assemble a national talent pool of actors, writers, cameramen, stagehands, radio talent both technical and performing, stagehands, composers, directors, producers, scenic artists, etc., out of which individuals could be "drafted" as needed and reimbursed from a central

We Want Local Station Promotion Material on Radio in the War!

NAB has a booth at the Advertising Federation of America War Advertising Conference, Waldorf-Astoria Hotel, New York City, June 28-30. A large display piece entitled "Radio in the War" is being prepared, picturing the information contained in the recent Special Information Bulletin sent out from NAB headquarters under the same title. Help us amplify this display. Send us at once your local brochures and promotion pieces covering your local activities for the war. Send at least a dozen copies of each piece, if possible, for give-away purposes. Address them to Arthur Stringer, director of promotion and circulation, NAB 1760 N Street, N. W., Washington 6, D. C. RUSH.

fund—all efforts to be voluntary so far as registration in the pool is concerned.

The other was to establish a national conference board with permanent control over the entertainment program. Staff work would be administered by a small, salaried unit in charge of routine.

The NAB participation received tribute from Jean Hersholt, who also reported on radio's place in the war entertainment and information picture. Dennis' report covered all phases of radio work, including technical, government, home front and shortwave overseas in the information and entertainment fields and the radar and other sonic fields of military action.

Neville Miller was named to a "continuations committee" to formulate and carry on the program until the conference board was chosen. Miller designated Dennis to act for him in the conference meetings and the NAB news chief was named to a subcommittee of seven persons to draw up plans to be submitted to the continuations committee Thursday, June 10.

"What Radio Is Doing in the War" is enclosed as a special bulletin with these REPORTS.

RADIO NEWS STYLE BOOK

A handy little "Radio News Style Book" for radio news editors and rewrite men has been published by the United Press Associations. Written by Phil Newsome, U.P. radio news manager, the booklet is not a textbook, but assumes the reader is already experienced in writing "newspaper" news and carries the material a step further to writing the news for radio. Copies may be obtained from any U.P. bureau for 75 cents.

Labor

Within the next week NAB will mail to all members a new publication of the labor relations department entitled "Decisions of the National Labor Relations Board Affecting Radio Broadcasting Stations."

Describing the booklet, Joseph L. Miller, director of labor relations, said:

"The National Labor Relations Board, charged with enforcement of the Wagner Act, issues two types of decisions:

"(1) Those involving determination of the 'appropriate unit' for collective bargaining, elections and certifications.

"(2) Those involving charges that employers have violated the 'unfair labor practice' provisions of the Act.

"Frequently NAB receives requests for copies of decisions of the first type. They are often invaluable when an issue arises as to an 'appropriate unit' for collective bargaining. Separate copies of these decisions are becoming rare. Radio broadcasting cases, along with those affecting other industries, are bound together in a series of volumes now numbering forty-eight, on sale by the government printing office. To meet the requests it receives, the NAB has collected the *texts* of all 'representation' cases affecting radio into part one of this volume. Part two contains a *list* of all radio broadcasting decisions involving alleged unfair labor practices."

ADVERTISING COUNCIL BECOMES 'WAR ADVERTISING COUNCIL'

To describe more accurately the nature of its work the Advertising Council will hereafter be known as the War Advertising Council, Chester J. LaRoche, Young & Rubicain, chairman, has announced.

In reviewing the first year's work of the council, LaRoche said that advertisers and media contributed better than $250,000,000 worth of time, space, etc., in the interest of public information. He said the job is getting bigger and that by the end of 1943 the annual contribution should be at the rate of half a billion dollars.

The council shortly will launch a concerted drive with the slogan "A War Message in Every Ad," LaRoche said.

LaRoche has been re-elected WAC chairman for the coming year. Other officers are: Harold B. Thomas, Centaur Co., and Paul B. West, ANA, vice chairmen; Mason Britton, McGraw-Hill Publishing Co., treasurer; Frederic R. Gamble, AAAA, secretary, and the following directors: A. L. Billingsley, Fuller & Smith & Ross; Thomas D'A Brophy, Kenyon & Eckhardt; A. O. Buckingham, Cluett, Peabody Co.; Richard Compton, Compton Advertising; Edwin S. Friendly, New York Sun, and Kerwin H. Funton, Outdoor Advertising, Inc.

Other directors are: Kolin Hager, WGY; Carleton Healy, Hiram Walker, Inc.; Paul Kesten, CBS; Charles G. Mortimer, Jr., General Foods Corp.; Stuart Peabody, Borden Company; William Reydel, Newell-Emmett Co.; H. W. Roden, Harold H. Clapp, Inc.; A. E. Winger, Crowell-Collier Publishing Co., and James W. Young, J. Walter Thompson Co.

LaRoche, West, Thomas, Britton and Gamble also are directors.

WEEI SOUND EFFECTS EXPERT IS 'NOISIEST BOSTON GIRL'

After several newspapers, including the *Christian Science Monitor*, have given her a build-up, the NAB REPORTS takes this opportunity to put in a word about radio's only girl sound effects manager—Marjorie Ochs of WEEI.

In addition to her noisy duties (*The Boston Herald* calls her the "noisiest girl in Boston") Marjorie is chief of the transcription department and sound consultant for the Arlington Civilian Defense Corps.

WEEI's sound effects expert is—ah—21, blue-eyed and weighs only 98 pounds. She got her first radio job by out-cussing a station manager who bumped into her in a hotel corridor and got her present job by bumping into WEEI's Lloyd G. del Castillo during a hobby-horse race in a Springfield, Mass., night spot.

Engineering

'MR' TUBES FOR CIVILIAN USE EXCLUSIVELY

To insure that radio tubes for home sets actually reach radio repairmen and home set owners, the War Production Board has amended limitation order L-265.

Tubes made from materials allocated to civilian production have frequently been purchased by the Armed Services on rated orders, thus depleting the supply available for home sets. Tube manufacturers have been requested to stamp civilian tubes "MR," meaning "maintenance and repair." The amendment prohibits domestic transfer of such tubes to orders of the Armed Services carrying preference ratings. Civilian orders which need no ratings are filed by manufacturers on certification that the tubes being purchased replace worn out tubes in home sets.

This order should tend to alleviate the present shortage of receiver tubes if MR tubes are produced in sufficient quantities. WPB cautioned that current production of civilian tubes is low and that requirements for some types are not being met by present production schedules.

G.E. ON POST-WAR RADIO

"Will secret war developments in radio and radar bring revolutionary changes in broadcast transmitters after the war?" is a question frequently heard. Concerning this question one manufacturer of broadcast equipment, General Electric Company, has this to say in a recent release.

"Our answer is, 'definitely no!' War developments undoubtedly will bring improvements in broadcast transmitters, FM, AM, and television, but we foresee no RADICAL changes that will prematurely render present equipment obsolete.

"What we do anticipate in the field of post-war broadcasting is the replacement by FM stations of many low-powered AM stations which are now handicapped by interference and inadequate signal strength. This probably will mean higher power and more clear channels for the remaining AM stations.

"We expect television broadcasting to develop rapidly after the war, along with FM radio broadcasting. Manufacturing experience gained in the production of electronic equipment for war will undoubtedly result in lower-priced television receivers after the war and this, plus public demand, should accelerate the expansion of television service.

"After the war, we expect to continue to build all types of transmitters—FM, AM, television—together with auxiliary equipment and such devices as the magnetic wire recorder which you may have seen at the Chicago meeting."

Post-war developments are of vital concern to all broadcasters. Expressions of opinion on this subject are invited from other manufacturers.

IRE IS OPPOSED TO KILGORE-PATMAN BILLS

The board of directors of the Institute of Radio Engineers has taken a position against the enactment of the Kilgore-Patman bills (S. 702 and H. R. 2100) for the socialization of engineering. At its meeting June 2 the board adopted a resolution condemning, as dangerous to the War, the proposed creation of a federal office of Scientific and Technical Mobilization to mobilize the scientific and technical resources of the nation.

"The enactment of these bills," the board said, "would establish a post-war bureaucracy inimical to the best interests of scientific and technical progress and thus also to these United States."

ELECTRICAL INDICATING INSTRUMENT STANDARDIZATION MAY UP OUTPUT BY 10%

The standardization of electrical indicating instruments used primarily in military radio and radar is encouraged by a WPB amendment to limitation order L-203. The amended order is expected to raise output 10%.

The amendment permits manufacturers to accept without preliminary WPB approval purchase orders for less than 500 instruments which conform to standards published by the American Standards Association or to specifications of the armed forces. Automatic approval also is given on orders for less than 500 instruments any dimension of which exceeds 3½ inches and on orders for any number of polarized van non-jeweled instruments, the most familiar of which is the ammeter on an automobile dashboard.

Instruments governed by L-203 are re-defined to exclude portable instruments which measure more than one electrical quantity. The definition thereby differentiates between "meters" administered under L-203 and "test equipment" covered by general scheduling order M-293. Before it was amended, L-203 gave automatic approval based upon end use in the war program to standard purchase orders. The effect was to require specific approval of orders calling for small numbers of instruments and to approve automatically those calling for large quantities. The amendment shifts control to large orders and to orders for non-standard instruments.

The control of orders for large quantities is expected to facilitate balancing of the flow of orders with productive capacity. On the other hand, the release of small orders from such supervision will make it easier to fill those that are urgently required, since these are generally for small amounts.

60 STATIONS LISTED BY NAB AS EMPLOYING WOMEN TECHNICIANS

At least 60 stations located in 29 states and Alaska employ women technicians.

These are statistics resulting from the count of material received to date for inclusion in the forthcoming NAB brochure on woman-power in radio technical fields.

Material from stations, received since last week's NAB REPORTS, is acknowledged with thanks from the following:

KINY—Juneau; KARK—Little Rock; KIEM—Eureka; WRUF—Gainesville; WMBR—Jacksonville; WRBL—Columbus; WMBI—Chicago; KICD—Spencer; WAVE—Louisville; WTAG—Worcester; KGNF—North Platt; WAGE—Syracuse; WWNC—Asheville; WBIG—Greensboro; WSJS—Winston-Salem; WHBC—Canton; WGAR—Cleveland; KOCY—Oklahoma City; KTOK—Oklahoma City; KWIL—Albany; KOOS—Marshfield; WNAX—Yankton; WKPT—Kingsport; KRIS—Corpus Christi; WBAP-KGKO—Fort Worth; WLVA—Lynchburg; WTAR—Norfolk; WCHS—Charleston; KFBC—Cheyenne.

State Legislation

FLORIDA:

S. 672 COPYRIGHTED MUSICAL COMPOSITIONS—Relating to public performing rights in copyrighted musical compositions and dramatico-musical compositions; defining same, and to regulate the licensing of same.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, June 14th. They are subject to change.

Monday, June 14

To Be Held in County Court House, Lufkin, Texas

KRBA—Ben T. Wilson, R. A. Corbett and Thomas W. Baker, Co-Partners, d/b as Red Lands Broadcasting Ass'n, Lufkin, Texas.—Renewal of license, **1340 kc.,** 250 watts, unlimited.

KRBA—Ben T. Wilson, R. A. Corbett and Thomas W. Baker, Co-Partners, d/b as Red Lands Broadcasting Ass'n, (Assignor).—Voluntary assignment of license, **1340 kc.,** 250 watts, unlimited.

Tuesday, June 15

KMTR—KMTR Radio Corporation, Los Angeles, Calif.—Renewal of license, **570 kc.**, 1 KW, unlimited.

Wednesday, June 16

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Renewal of license, **1150 kc.**, 500 watts, DA-night, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted license (B2-L-1767) to cover construction permit (B2-P-2547) as modified, provided licensee make such alterations in the antenna and ground system when materials become available as may be necessary to produce a minimum effective field of 175 mv/m, together with other engineering requirements. Also granted authority to determine operating power by direct measurement of antenna power. (B2-Z-1525)

WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted modification of license (B2-ML-1156) to change time when directional antenna is used to: from 5 p. m. to 9 a. m., CST, instead of local sunset to local sunrise.

WFCI—Pawtucket Broadcasting Co., Pawtucket, R. I.—Granted renewal of license for the regular period (B1-R-1119); Blue Network Company, Inc.—Granted extension of authority to transmit programs to Stations CFCF and CBL and Canadian Broadcasting Corp. (B1-FP-109)

ACTION IN DOCKET CASES

The Commission has adopted an order making final its Proposed Findings of Fact and Conclusions (B-178), extending for a period of six months from April 21, 1943, or until October 21, 1943, the outstanding temporary licenses for the operation of Stations WDSU, New Orleans, La., WMIS, Natchez, Miss., and WGRM, Greenwood, Miss.

MISCELLANEOUS

WSAZ—WSAZ, Inc.—Granted license to cover construction permit as modified for new transmitter, directional antenna for night use, change in frequency, hours and move of transmitter (B2-L-1590); granted authority to determine operating power by direct measurement of antenna power. (B2-Z-1327)

KXO—Valradio, Inc., El Centro, Calif.—Granted authority to determine operating power by direct measurement of antenna power. (B5-Z-1522)

WNAX—WNAX Broadcasting Co., Yankton, S. D.—Granted modification of construction permit as modified, for increase in power and directional antenna for night use, for extension of completion date from June 7 to September 7, 1943. (B4-MP-1713)

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted modification of construction permit as modified, for change in hours, installation of directional antenna for night use and move of transmitter, for extension of completion date from May 18 to November 18, 1943. (B4-MP-1711)

Beauford H. Jester, Trustee, et al., Waco, Texas.—Scheduled for oral argument on June 23, 1943, in re application for construction permit for a new standard broadcast station. (Docket No. 6218; B-176)

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Scheduled for oral argument on June 23, 1943, in re application for construction permit to make changes in directional antenna for nighttime use, to make changes in transmitting equipment, and to increase power from 500 watts to 1 KW. (Docket No. 6366; B-169)

KOA—National Broadcasting Co., Inc., Denver, Colo.—Denied petition of KOA for postponement of hearing and the motion of WJW, Inc., to dismiss petition for rehearing, upon the application of WHDH, Boston, for construction permit, and WJW, Akron, Ohio, for modification of construction permit, until cessation of hostilities.

W8XO—The Crosley Corp., Cincinnati, Ohio.—Denied petition for rehearing directed against the action of the Commission May 4, 1943, denying the Crosley petition to dismiss without prejudice its application for renewal of license for station W8XO.

APPLICATIONS FILED AT FCC

620 Kilocycles

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Modification of construction permit (B1-P-2868, as modified, which authorized increase in power, installation of new equipment and directional antenna for day and night use) for extension of completion date from 6-11-43 to 8-11-43.

1450 Kilocycles

KFMB—Worcester Broadcasting Corp., San Diego, Calif.—Voluntary transfer of control of licensee corporation from Warren B. Worcester, Deceased, to The First National Trust & Savings Bank of San Diego, as Trustee under Declaration of Trust for Warren B. Worcester. Amended: re trust agreement.

1490 Kilocycles

WKBV—Knox Radio Corporation, Richmond, Ind.—Transfer of control of licensee corporation from William O. Knox to Central Broadcasting Corporation (1000 shares). Amended: re stockholders of transferee corporation.

FM APPLICATION

W49D—John Lord Booth, Detroit, Mich.—License to cover construction permit (B2-PH-20, as modified, which authorized new high frequency broadcast station) in part.

TELEVISION APPLICATIONS

W2XCB—Columbia Broadcasting System, Inc., Area of New York, N. Y.—Modification of construction permit (B1-PVB-46, as modified, which authorized a new television relay station) for extension of completion date from 7-7-43 to 1-7-44.

W9XBK—Balaban & Katz Corp., Chicago, Ill.—License to cover construction permit (B4-PVB-94) for new experimental television broadcast station.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Anti-Hydro Waterproofing Co., 265 Badger Ave., Newark, N. J., is charged in a complaint with misrepresentation in the sale of compounds used for treating stone, brick and cement structures so as to make them more resistant to water. Two of the compounds involved are manufactured by the respondent and are designated "Anti-Hydro" and "Aridclear." The respondent sells other compounds known as "Aridtite" and "Amurseal," which are manufactured for it. (4975)

Belt Oil & Chemical Corp., 1265 Broadway, New York, and Overman & Co., a copartnership at 9 Rockefeller Plaza, New York, are charged in a complaint with falsely representing that the product they sell under the name "Rubber-Life" is capable of prolonging the life of automobile tires. (4973)

Ben Kalish, 330 Seventh Avenue, New York, manufacturer of furs and fur garments, is charged in a complaint with misrepresentation in connection with the sale of his products. (4974)

Kenite Laboratory, Inc., 83 Murray St., New York, is charged in a complaint with misrepresentation in the sale of a product called "Kek," recommended as a boiler cleaner and steam conditioner. (4976)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

National Association of Sanitary Milk Bottle Closure Manufacturers, Philadelphia, its officers and six member manufacturers have been ordered to cease and desist from entering into or carrying out any combinations or agreements to fix prices or to otherwise restrict competition in the sale of closure milk bottle caps direct to dairies or through jobbers.

Manufacturers named in the order are: American Seal-Kap Corp., Long Island City, N. Y.; Cowdrey Products Co., Inc., Fitchburg, Mass.; Mid-West Bottle Cap Co., Belvidere, Ill.; Sealright Co., Inc., Fulton, N. Y.; Smith-Lee Co., Inc., Oneida, N. Y., and Standard Cap & Seal Corp., Chicago.

Respondent officers of the Association are: Stanley Dennis, chairman; George J. Lincoln, Jr., manager; and Daniel A. Mackin, Harvey M. Smith and Jarvis Williams, Jr., members of the executive committee. (4565)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Cleanette Products Co., French and Winter Sts., N. W., Cleveland, Ohio, and National Solvent Corp., 3751 Jennings Road, Cleveland, Ohio, have entered into a stipulation to cease and desist from certain misrepresentations in connection with the sale of a cleaning preparation designated "Cleanette." The preparation is alleged to be a petroleum distillate of a naphtha compound prepared for Frantz by National Solvent Corp. (3663)

Crawford Mfg. Co., Inc., et al.—Three corporations and two copartnerships engaged in the sale and distribution of canvas goods have entered into stipulations to discontinue misbranding tarpaulins as to size.

The respective agreements to cease and desist were entered into by Crawford Manufacturing Co., Inc., 3rd and Decatur Sts., Richmond, Va.; Crawford-Austin Manufacturing Co., 3rd and Jackson Sts., Waco, Tex.; V. M. Goldberg, R. P. Goldberg, B. P. Goldberg, F. D. Goldberg, and W. H. Goldberg, copartners, trading as Hoosier Tarpaulin & Canvas Goods Co., 1302 W. Washington St., Indianapolis; Fulton Bag & Cotton Mills, Atlanta, Ga.; and A. T. Clifton and A. L. Clifton, copartners trading as Clifton Manufacturing Co., Waco, Tex. (3658-3662, inc.)

Gly-Cas Medicine Co., 537 Johnson Block, Muncie, Ind., engaged in selling a laxative designated "Gly-Cas," stipulated that she will cease and desist from disseminating any advertisements which fail to reveal that the products should not be used when abdominal pains, nausea or other symptoms of appendicitis are present, provided, however, that such advertisements need only contain the statement, "CAUTION: USE ONLY AS DIRECTED," if and when the directions for use on the label or in the labeling contain a warning statement to the same effect. (03113)

Peter Grey's Laboratories and as Peter Grey, Inc., 2029 13th Ave., Oakland, Calif., engaged in the sale and distribution of phonograph needles designated "Kacti," stipulated that it will cease and desist from the use of any representation that its phonograph needles will cause records to last forever, cause records to improve each month of their use, or cause a restoration of records whose sound-vibration mechanism has become damaged through the use of metallic or other needles. (3664)

Harvest House, 50 West 17th St., New York, selling and distributing a book designated "Complete Guide for the Deafened," has entered into a stipulation in which it agrees to cease representing that the book contains directions of such nature that merely by following them the sense of hearing will be improved, saved or restored; or that it contains directions of such nature that they can be followed without assistance or direction by a person in the treatment of defective voice or speech. (03112)

Hershey Mfg. Co., 135 South La Salle St., Chicago, selling and distributing an electrically driven device for use on the hair and scalp, designated "Vita-brush," and George J. Kirkgasser and Leslie A. Drew, trading as Kirkgasser-Drew, 400 North Michigan Ave., Chicago, advertising agents who disseminated advertisements for Hershey Mfg. Co., have stipulated to cease and desist representing that the device will check or prevent falling hair or baldness; that its use will restore life to dead hair; that it will serve to prevent or ward off dandruff; that it is the secret of healthy hair or the answer to hair worries; that it will be of value in the treatment of headaches which have a circulatory origin; or that it possesses any value in the treatment or prevention of head colds or congestion, will relieve nervous insomnia, insure a good night's sleep, or cause the hair to grow thicker. (03111)

United Textile & Silk Co., 509 Fifth Ave., New York, engaged in the sale of men's ready-made shirts, has stipulated to cease and desist from the use of the words "custom made" to describe its products, and to discontinue making any representation which may tend to convey the belief that such shirts are custom made, made to order or to measure, or that they are other than ready-made shirts. (3665)

FTC COMPLAINT DISMISSED

The Federal Trade Commission has dismissed without prejudice its complaint against Pacific Coast Paper Mills, Inc., Bellingham, Wash., which had been charged with misrepresentation in connection with the sale of toilet tissues and paper napkins.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 25, June 18, 1943

Music

REFER PETRILLO RECORD BAN TO CONCILIATION SERVICE

The electrical transcription companies have referred to the conciliation service of the Department of Labor James C. Petrillo's demand that the electrical transcription companies prevent use of both commercial and library transcriptions by stations which were not deemed, by the A. F. of M., to be hiring a quota of union musicians satisfactory to the union. The statements to the press of the transcription companies and the NAB are printed as part of this bulletin.

Petrillo's demand is one which has implications of the first importance. If the manufacturers of machines are to be made responsible by labor unions for preventing their use by anyone who does not maintain a quota of unneeded hand labor, our American progress, which has been based on science and invention, will be permanently frustrated. It goes without saying that the NAB approves the reference of this demand by the transcription companies to the agency set up by our government for handling such disputes.

If conciliation does not result promptly in clearing up the matter (and there has thus far been no indication that it will), it is to be hoped there will be a prompt certification of the dispute to the War Labor Board so that union musicians can be returned to work in the national interest.

TRANSCRIPTION GROUP STATEMENT

A. Walter Socolow, 580 Fifth Avenue, Bryant 9-7966, Attorney, speaking on behalf of the following companies:

ASSOCIATED MUSIC PUBLISHERS, INC.
EMPIRE BROADCASTING CORPORATION
LANG-WORTH FEATURE PROGRAMS, INC.
C. P. MacGREGOR
RADIO RECORDING DIVISION OF NATIONAL BROADCASTING COMPANY, INC.
STANDARD RADIO
WORLD BROADCASTING SYSTEM, INC.

"Dr. John R. Steelman, director of the conciliation service of the Department of Labor, has been requested to mediate the American Federation of Musicians' strike against music transcription companies. (These companies produce electrical transcriptions which are recordings made specially for broadcasting and are completely different from ordinary phonograph records sold to the public.)

"The strike was called by James C. Petrillo, President of the Musicians' Union, on August 1st last, but the union did not submit any demands until February, 1943, and then only at the request of a special Senate committee headed by Senator D. Worth Clark of Idaho. Dr. Steelman designated a member of his staff, James William Fitzpatrick, of New York City, an expert in theatrical matters, as his representative to mediate this strike.

"The union first asked the transcription companies to pay into the union treasury an unspecified percentage of their total gross receipts in addition to the musicians' regular wage scale, which demand was rejected. Negotiations continued until May 11th, when the union made a new demand that the electrical transcription companies agree not to furnish transcriptions to broadcasting stations which the union in its sole discretion branded as "unfair". This demand was rejected by the employers because it is impossible for them to control the use of their transcriptions by advertisers and radio stations and the fulfillment of the demands would give the union veto power over the use of transcriptions, resulting in secondary boycotts against the broadcasters.

"The transcription companies point out that the union wants to prevent the use of transcriptions unless it can force the hiring of an additional quota of musicians by the stations. Electrical transcriptions are used by all stations and constitute an economic necessity to many of the independent and smaller broadcasting stations in the country to enable them to offer programs of high quality in their service of the public interest. Commercial transcriptions are recorded programs and furnish the stations with advertising revenue. Library transcriptions are recordings of music by outstanding artists syndicated amongst radio stations throughout the country.

"The breakdown of negotiations with the union made it imperative for the transcription companies to refer their dispute to the Federal Government for prompt disposition in the hope that governmental intervention would bring about a resumption of their service to the hundreds of broadcasting stations which are dependent upon transcriptions as the source of supply for music to which their audiences are entitled and have become accustomed."

NEVILLE MILLER'S STATEMENT

Neville Miller, president of the National Association of Broadcasters, today issued the following statement with respect to the action of the electrical transcription companies in referring the latest demands of James C. Petrillo to the conciliation service of the Department of Labor:

"Mr. Petrillo's latest demand upon the manufacturers of electrical transcriptions is the most startling in a long series of unjustified demands. In seeking to require the manufacturer of a long established and necessary invention to forbid its use by anyone who does not employ an artificial allotment of union members, Mr. Petrillo is attempting to establish a principle which conflicts with all progress and invention.

"The electrical transcription renders an indispensable service in bringing entertainment to radio listeners, especially listeners to local broadcasting stations not affiliated with networks. The National Association of Broadcasters, therefore, welcomes the action of the electrical transcription companies in referring Mr. Petrillo's demands to the conciliation service of the Department of Labor.

"Mr. Petrillo's claim would, of course, be equally unwarranted if, for instance, it called upon the manufacturers of ready made clothing to require their customers to hire a quota of custom tailors, or demanded that the

(Continued on page 276)

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NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Arthur C. Stringer, *Director of Promotion.*

NEVILLE MILLER'S STATEMENT

(Continued from page 275)

telephone company require businesses which use telephones to maintain a quota of messengers, or was applied to any other business or group of union members. It is worth pointing out, nevertheless, that electrical transcriptions, which are used exclusively by broadcasting stations, do not interfere with the employment of musicians by broadcasters. Musicians earn from radio approximately twenty million dollars a year, more than any other class of employees, and broadcasters pay to musicians an average wage of $67.90 a week for an average work-week of approximately twenty hours. Moreover, there is virtually no unemployment in Mr. Petrillo's union and Mr. Petrillo, himself, has admitted that there is such a shortage of musicians that his union cannot fill even the normal needs of broadcasting stations.

"The broadcasting industry, so vitally necessary to wartime communications and morale, has not, due to Mr. Petrillo's action, been able to obtain freshly recorded music since last August. Mr. Petrillo has, therefore, deprived radio listeners of the legitimate benefits of a well established invention at a time when musical entertainment is most needed both by our armed forces and our civilian population, and he is trying to compel broadcasters to hire men they do not need at a time when serious manpower shortages exist in war industry."

Broadcast Advertising

SMALL STATIONS COMMITTEE GIVES OWI SOME ADVICE

(Released by NAB News Bureau)

"Radio stations in general and small market stations in particular have given more free time and talent, in proportion to their available facilities, than any other medium in furtherance of war information campaigns," Marshall H. Pengra, KRNR, chairman of the NAB small market stations committee, declared following a two-day meeting at the Mayflower Hotel.

"We feel that it is time," Pengra added, "for the Office of War Information to cease its discrimination against radio and for private industry to bear its fair share of distributing essential information to the public on a paid advertising basis."

Radio stations repeatedly have carried campaigns urging the public "don't telephone," "don't ride on busses," "buy coal new," "eat more oranges, lemons and tangerines," "turn in your bottle caps," "save tin cans," "take your shotguns and rifles to Western Auto Stores," etc., Pengra pointed out. At the same time, private industries that stood to benefit most from these campaigns have used large quantities of paid space in other media, he said.

NAB Loses Two Staff Veterans

Two veteran members of the NAB administrative staff have left as of today to enter the armed services.

Everett E. Revercomb, auditor, who came to NAB in September, 1935, and who was the staff's senior member in point of length of service, has received a commission as ensign in the Naval Communications Division.

Russell P. Place, NAB counsel since November, 1939, enters the Office of Strategic Services.

No replacements have been obtained to date.

The committee, while recognizing that all these objectives are a part of the "all-out" war effort, expressed the belief that OWI should make certain that the private industries involved in future campaigns shall have made reasonable and widespread use of radio station facilities on a paid basis before the government requests free time.

Manpower Situation Is Acute

Before attending the meeting, committee members had queried other small station managers in their areas and urged them to report on their problems. Without exception, both committee members and station men queried, agreed that the manpower situation is most acute at the small market stations, principally because the three or four key personnel often "double in brass" to the extent of holding down several jobs simultaneously.

Committeeman William B. Smullin, KIEM, urged a resolution requesting the War Manpower Commission to recognize the vital war service of small stations by permitting that such stations be allowed to keep key personnel to continue operation without interruption.

Smullin said many small stations have had more than 100 percent personnel turnover within the last year to the armed forces. He declared that small stations long have served as preparatory schools for larger stations and network personnel, but added that the source of new material had dried up under operation of Selective Service. Every small station of which the committee has knowledge is now employing women technicians and announcers as well as in other office capacities.

Urge OWI "Investigate"

Aware that OWI and other agencies and departments of the government have and are continuing to prepare newspaper advertisements in mat form, utilizing well-known artists and typographers, the committee called on the government and emphasized this discrimination against radio by pointing out that the announcements and programs prepared by OWI were not available for sponsorship by local or other advertisers. The committee urged OWI to investigate this situation and take necessary steps quickly to make such government messages available for sale to advertisers anxious to contribute to programs of war information.

As an exception to this indictment of government agencies and departments for discrimination against radio, the Department of the Interior was commended in an expression of sincere thanks by the committee for preparation of announcements and programs in connection with the "buy coal now campaign", which asked fuel merchants to sponsor paid radio time.

Following an extended discussion of the Bankhead bill (S. 1073), which would establish an advertising fund of about $30,000,000 for newspapers in support of war bond and stamp sales and for other purposes, the committee objected to use of government funds for paid advertising and deplored this further evidence of discrimination against radio. The committee felt that should the bill pass, funds proposed should be distributed among all mass communications media in proportion to use of such media by private industry. Moreover, the committee suggested appointment of an advisory committee to work with the Secretary of the Treasury in allocation of advertising funds.

Three Basic Difficulties Cited

It recommends that such committee consist of a representative of each of the leading media associations, such as NAB, bureau of advertising of ANPA, Outdoor Advertising Association of America, Inc., etc.

After examining the many problems reported by the small market stations, the committee reported three basic difficulties existing: 1. Lack of new revenue, 2. Lack of manpower, and 3. Full exploitation of small market potentials. On the first point the committee has authorized a study of the possibility of group selling of all small market stations. In this study the committee tentatively is grouping all stations in communities of 50,000 or less population. The second point must be worked out in relation with the WMC. Thirdly, the committee concluded that all small market stations should work harder to keep their programming keyed to their community tempo and to avoid any reduction of program standards. It urged small stations to utilize the services of NAB more fully than they have in the past and to investigate all fixed operating costs in order that they may serve the public more effectively.

Other committee members attending in addition to those named were: James R. Curtis, KFRO; Robert T. Mason, WMRN; and Lewis H. Avery, NAB, secretary of the committee. Government and military officials were guests at the second day luncheon session.

(Please note change of committee name from "small stations problems steering" to name as in story.)

C. E. HOOPER WILL SPEAK AT AFA WAR CONFERENCE

A definite acceptance has been received from C. E. Hooper, of "Hooperatings" fame, to deliver a talk at the radio meeting, to be held in conjunction with the AFA War Conference at the Waldorf-Astoria in New York on Wednesday, June 30, 1943. Hooper will discuss "How People Listen During Wartime," using charts and graphs, delineating trends in listening during the 18 months of war.

Much of the factual information in the talk will be of especial interest to radio station operators, advertising agencies and advertisers. It will point a trend in which broadcasters can take real pride and one which they should take every means at their command to protect. The increased importance of broadcasting as a means of mass communication will be demonstrated graphically.

Education

SUMMER BRINGS NEWS OF RADIO WORKSHOPS

NBC-Northwestern University

June 21–July 31

Second annual summer radio institute to be offered by NBC and Northwestern University will be held on the university campus and at NBC's Chicago studios with emphasis on training women as well as men for replacement on small station staffs, where the broadcasting manpower shortage is most acute.

Albert Crews, institute director and chairman of the Northwestern school of speech radio department, heads the faculty, which is composed of six NBC staff members and two university faculty members.

Crews will teach continuity and advanced dramatic writing, while Lois Crews, also of the school of speech, will instruct in announcing together with William Kephart, chief of the NBC central division announcing staff.

Other NBC instructors and their courses are: Arthur Jacobson, radio acting; Martin Magner, problems in radio acting; Charles C. Urquhart, directing techniques; Judith Waller (institute co-director), public service programs, and Beverly F. Fredendall, control room techniques.

Six seminars will be held in connection with the institute and the following speakers will address them: Clarence L. Menser, NBC program vice-president; Philip H. Cohen, Office of War Information; John J. Louis, Needham, Louis and Brorby, Inc., vice-president; Herbert Hollister, KANS owner; Wynn Wright, NBC eastern production director, and Clifton Utley, news commentator.

Nine guest instructors will supplement Miss Waller's teaching in the public service program class sessions. They are: Joseph A. McDonald, NBC central division counsel; William Weddell, NBC central division sales; Sherman Dryer, University of Chicago radio director; Everett Mitchell, NBC farm commentator; William Ray, NBC central division news manager; Harriet Hester; Emmons C. Carlson, NBC central division advertising and sales promotion manager; John F. Ryan, NBC central division publicity manager, and A. W. Kaney, NBC central division stations relations manager.

New York University

July 6–Aug. 13

Robert J. Landry, CBS program writing director, has been appointed director of the annual New York University summer radio workshop, which will be devoted principally to problems of radio broadcasting in wartime.

The faculty will include: Earle L. McGill, CBS casting director; A. Murray Dyer, CBS script writer; Leon Goldstein, WMCA war program director; Luella Hoskins, workshop assistant director, and Burton Paulu, WLB manager.

Courses, to be supplemented by field trips to studios and lectures by outstanding radio personalities, will include: the American system of broadcasting, principles of direction, script writing, radio in wartime, radio in schools, planning and executing musical broadcasts, radio station news and publicity management and studio production.

Hofstra College
July 6-23

Max U. Bildersee, radio supervisor, bureau of radio and visual aids, New York state education department, will conduct a workshop in "Audio Education" at Hofstra college as part of the annual summer sessions at Hempstead, Long Island, N. Y. The course consists of "organization, preparation and administration of a program of audio-education in the elementary and secondary schools of the college's service area; coordination of community and public school facilities."

SPRINGFIELD RADIO COUNCIL ELECTS 1943-44 OFFICERS

The Pioneer Radio Council of Springfield, Mass., has named Mrs. Raymond E. Kilty, club woman, as president for the coming year. Other officers are: Margaret Taylor, teacher, first vice-president; Mrs. Frank O. Fehm, PTA member, second vice-president; Lindsay H. Chilson, YMCA secretary, treasurer; Mrs. Harry A. Oltach, musician, corresponding secretary, and Mrs. Ralph T. Williams, teacher and club woman, recording secretary.

MAJOR AMERICAN PROPAGANDA OUTLET TO BE CROSLEY WLWO

Transmitters with a total of 750,000 watts are being installed by the Crosley Corporation at Cincinnati to operate through WLWO as the most powerful instrument of propaganda in the world, Crosley officials have revealed.

Larger than the present Moscow station, the expanded WLWO will continue to channel material piped in from the overseas branch of the Office of War Information in New York. News is now given at 15-minute intervals in all major languages.

When other major transmitters now planned augment WLWO enough power will be generated by American short-wave stations to "knock a radio set off the shelf in Italy, Germany or Japan."

Operating under an experimental license permitting 500 kilowatts, WLWO smothered the Moscow station's offerings as close as 50 miles to the Russian capital, Crosley officials said.

CODE MEETING

The NAB code compliance committee meeting is in session in New York as this issue of the Reports goes to press. A complete report will be issued NAB members in a special bulletin next week.

KFPW RECEIVES ACCLAIM FOR SERVICE DURING FLOOD

In recognition of the part KFPW, Fort Smith, Ark., played in saving life and property during the recent Mississippi flood, General Manager J. E. Garner has received letters of appreciation from the Red Cross and the weather bureau of the U. S. Department of Commerce.

Wrote Tom Wolff, head, radio section, midwestern area, Red Cross, St. Louis:

"May I take this opportunity to express the appreciation of the Red Cross for the excellent job your station did on the flood. Normal Durfree, who directed relief operations there, told me that without the assistance of your station, without the CAP and the Army, the loss of life in the flood would have been 'unbelievable.' Nearly every evacuee I talked with had time to get off his land before the waters reached it because he had heard directions from your station.

"One worker told me the story of Arbuckle Island in which the people there were informed by your station when to expect food, clothing, etc. Another Red Cross worker told me of the splendid job you did in gathering clothing for the evacuees. At 10:00 o'clock in the morning your station announced that the Red Cross would need clothing. At 11:00 o'clock it was announced where the clothing could be taken. Immediately bundles of clothing began pouring in and before 1:00 p. m. evacuees were being issued complete clean outfits.

"The humanitarian job, the public service your station has done in this flood is one which deserves national recognition, one which, to my knowledge, is among the best in the entire history of radio."

Said A. E. Osborn, meteorologist, U. S. Department of Commerce, weather bureau, Fort Smith, Ark.: "Your facilities and your untiring work and wholehearted interest in flood warnings saved this community many thousands of dollars and possibly many lives."

KOA WAR PROMOTION PIECE

James R. MacPherson, KOA, Denver, has just released a piece which illustrates and describes how that station is fulfilling its wartime obligations.

The pamphlet is newspaper size and contains pictures, front and back. The inside is printed in red and black and contains reproductions of newspaper clippings and photos dealing with promotions, including: recruitment of nurses and nurses' aides for the Red Cross, Colorado's Second War Loan drive and the KOA music center for enlisted men.

FEDERAL COMMUNICATIONS COMMISSION

FLY SAYS NETWORK RULES REACH "HAPPY RESULT"

The rough spots of the new network regulations of the FCC have been ironed out and Chairman James Lawrence Fly predicted at his press conference last Monday that the new rules will operate smoothly. He expressed the regulations as reaching a "happy result."

Fly told the news men that the FCC does not contemplate any further network rules. He said, however, that the Commission will not oppose any healthy competition in the broadcast industry and no effort will be made to hamper any competition under the rules. He said that these regulations were not designed for a sporadic raid on the industry. He expressed surprise that there should be talk of any super-network set up. While he said there is nothing in the rules to prevent such a combination, he did not see how it could be worked out on any feasible operating basis.

Fly referred to the scare campaigns which have been carried on by the networks and he said it was impossible to appraise any court decision by picking out 10 words here or there. He said that the feeding out of information on the Supreme Court decision by the networks did nothing but cause confusion in the radio industry.

He said that while he has no doubt there are listeners in the United States to Axis broadcasts, they are few and they don't believe what they hear.

Fly told the conference that NBC had informed the Commission that it does not care to have any hearings in connection with the recent KOA Supreme Court decision.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARING

The following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, June 21st. It is subject to change.

Wednesday, June 23

Oral Argument Before the Commission

Report No. B-176:

NEW—Beauford H. Jester, et al., Waco, Texas.—C. P., 1230 kc., 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WHDL—WHDL, Inc., Olean, N. Y.—Granted modification of license (B1-ML-1159) to change location of main studio from the present address to the present transmitter building.

WGST—Georgia School of Technology, Atlanta, Ga.—Granted petition of applicant for extension of temporary license for a period of 30 days from June 21.

W81SP—Westinghouse Radio Stations, Inc., Springfield, Mass.—Granted license for new station (B1-LH-40) to use frequency 48100 kc. Licensee shall, when required materials are available, take immediate steps to comply fully with the rules and regulations and standards of the Commission.

DESIGNATED FOR HEARING

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Designated for hearing application for modification of license (B4-ML-1157) to increase night power from 1 to 5 KW.

MISCELLANEOUS

KMTR—KMTR Radio Corp., Los Angeles, Calif.—Adopted an order continuing until July 7, 1943, the hearing in re renewal of license of Station KMTR now set for June 15, 1943. (Docket No. 6437)

WCOP—Massachusetts Broadcasting Co., Boston, Mass.—Adopted an order continuing until July 14, 1943, the hearing in re renewal of license of Station WCOP now set for June 16, 1943. (Docket No. 6476)

WNYC—City of New York Municipal Broadcasting System, New York, N. Y.—Adopted an order granting petition for leave to amend the application of WNYC for special service authorization. (Docket No. 6518)

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Granted modification of construction permit as modified, which authorized increase in power, installation of new equipment and directional antenna for day and night use, for extension of completion date from June 11 to August 11, 1943. (B1-MP-1712)

The Commission approved Power of Attorney executed by John L. Booth appointing Meril A. Lindbloom and Hugh M. Gray as attorneys in fact, insofar as it relates to FM Station W49D licensed to John L. Booth, and Broadcast Station WJLB, Detroit, Mich., of which Booth is the president, a director, and owner of all the outstanding stock.

APPLICATIONS FILED AT FCC

770 Kilocycles

WJZ—Blue Network Company, Inc., New York, N. Y.—Construction permit to move main transmitter from No. 1 River Road, Bound Brook, N. J., to Lodi, N. J.

WJZ—Blue Network Company, Inc., New York, N. Y.—Construction permit to change transmitter location of auxiliary transmitter to Lodi, N. J. (same as proposed for main transmitter), install new transmitter and antenna, change power from 25 KW to 10 KW.

1000 Kilocycles

WINS—Hearst Radio, Inc., New York, N. Y.—Modification of construction permit (B1-P-3511, which authorized increase in power, change in hours of operation, installation of new transmitter and directional antenna for day and night use, and move of transmitter) for extension of completion date from 6-6-43 to 12-6-43.

WINS—Hearst Radio, Inc., New York, N. Y.—Modification of construction permit (B1-P-3512, which authorized increase in power, change in hours of operation, installation of new transmitter and directional antenna for day and night use, and move of transmitter) for extension of completion date from 6-6-43 to 12-6-43.

1150 Kilocycles

WAPO—W. A. Patterson, Chattanooga, Tenn.—Involuntary assignment of license to Joda Patterson, Executrix of the Estate of W. A. Patterson, Deceased.

WAPO—Joda Patterson, Executrix of the Estate of W. A. Patterson, Deceased, Chattanooga, Tenn.—Voluntary assignment of license to Joda Patterson, Ramon G. Patterson, and Louise Patterson Pursley, d/b as WAPO Broadcasting Service.

1230 Kilocycles

WCBT—J. Winfield Crew, Jr., Roanoke Rapids, N. C.—Voluntary assignment of license to WCBT, Inc.

1240 Kilocycles

WSLS—Roanoke Broadcasting Corp., Roanoke, Va.—Modification of license to change frequency from 1490 kc. to 1230 kc. Amended to change requested frequency from 1230 kc. to 1240 kc.

KWJB—Bartley T. Sims, tr. as Sims Broadcasting Co., South of Globe, Ariz.—Voluntary assignment of license to Gila Broadcasting Company.

1310 Kilocycles

WCAM—City of Camden, Camden, N. J.—Special service authorization to operate hours formerly used by WCAP pending repairs to WCAP's transmitter which was destroyed by fire.

MISCELLANEOUS

WAEA—W. A. Patterson, Area of Chattanooga, Tenn.—Involuntary assignment of license to Joda Patterson, Executrix of the Estate of W. A. Patterson Deceased.

WAEA—Joda Patterson, Executrix of the Estate of W. A. Patterson, Deceased, Area of Chattanooga, Tenn.—Voluntary assignment of license to Joda Patterson, Ramon G. Patterson, and Louise Patterson Pursley, d/b as WAPO Broadcasting Service.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an

opportunity to show cause why cease and desist orders should not be issued against them.

Browning King & Company, Inc., 227 North Broad St., Philadelphia, a Pennsylvania corporation engaged in the sale of men's clothing, and its officers, A. Benjamin Wilkes and Joseph Wilkes, are charged in a complaint with various misrepresentations which mislead the purchasing public into the belief that their business is connected with or operated by the original Browning King clothing firm, established in New York City in the early part of the nineteenth century, or its successor, Browning King & Company of New York, Inc. (4977)

Prime Mfg. Company—A complaint has been issued charging The Prime Manufacturing Co., 1669 South First St., Milwaukee, with misrepresentation in the sale of its Prime Electric Fence Controller, a device recommended for use in confining livestock. (4978)

CEASE AND DESIST ORDER

The Commission issued the following cease and desist order last week:

Fratelli Branca & Co., Inc., 12 Desbrosses St., New York, has been ordered to cease and desist from disseminating advertisements which misrepresent the therapeutic value of a medicinal preparation designated "Fernet-Branca" and which fail to reveal the harmful potentialities that may result from use of the product. (4828)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Bloomingdale Brothers, Inc., New York department store, have entered into a stipulation to cease and desist from use of the words "Persian lamb" or "Persian" as a designation for fur coats manufactured from the peltries of Shiraz lambs or from any peltries other than those of true Persian lambs; and from advertising, selling, branding or otherwise representing a fur as the product of a true species or breed of animals unless it actually has been obtained from a true species or breed. (3666)

Funk & Wagnalls Co., New York publishing firm, entered into a stipulation to cease and desist from exaggerating the efficiency of its "Languagephone" method of teaching foreign languages or the results to be obtained by the average student using the method. (3668)

Kumfy Products, Inc., 259 Strader Ave., Cincinnati, stipulated that, in the sale of crystal radio sets designated "Handy Radio," it will cease and desist from representing, through use of the term "Built-in Speaker," or in any other manner, that the set will provide sound sufficient in volume for an ordinary room as do built-in speakers in modern radios or that the reception it provides is in excess of what is actually the fact; that it will enable all standard broadcast programs to be tuned in easily or accurately, or to be received from distant stations or from all local stations; that it will operate or function everywhere; or that it is of any designated size contrary to facts. (3667)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 26, June 25, 1943

PETRILLO COMES OUT OF HIDING

James C. Petrillo dropped out of the clouds into his New York office on Wednesday after he had ducked a U. S. Labor Department conciliator for nearly two weeks.

He announced that his attorneys would be glad to see the conciliator (James W. Fitzpatrick) on Thursday.

The conciliator is attempting to settle the dispute between the A. F. of M. and the transcription companies. If unsuccessful, he will likely recommend certification of the dispute to the National War Labor Board for disposition.

Certification within a few hours was slated when Petrillo suddenly appeared. The *New York Times* carried the following account of a press conference he held:

James C. Petrillo, the head man of the musicians' union who used to play a trumpet, took up character acting yesterday afternoon. With words and gestures he pooh-poohed John L. Lewis as "a guy" calling strikes "every two weeks" and not having anything to show for it.

Mr. Petrillo's dramaturgic outburst took place in his office at 570 Lexington Avenue and was occasioned by a charge by the makers of radio transcriptions that he was "ducking" a Department of Labor conciliator assigned to mediate the ten-month-old dispute over the manufacture of disks.

Attired in a blue shirt on which his initials were inscribed, Mr. Petrillo disposed of the charge by announcing that his attorneys would consult with the conciliator, James W. Fitzpatrick, today.

Then Mr. Petrillo, whom the record makers and broadcasters have frequently called a "dictator," rose from his desk. He raised his moderately bushy eyebrows, humped his shoulders, drew in his chin and crossed his arms.

"We don't pull any John Lewis stuff here," he said, with an appropriate growl. "When we call a strike, we call a strike. He calls a strike every two weeks and where's he got. He's busy trying to be President, the Secretary of Labor or something."

Mr. Petrillo quickly warmed to his role. He envisioned Mr. Lewis attending a labor convention, noting with some emphasis that the leader of the United Mine Workers would be "in the gallery."

"When he wants to talk everybody can go out and get a drink of water because John walks very slowly to the platform," added Mr. Petrillo.

He next noted that Mr. Lewis was given to mild talk. By way of illustration he offered an imaginary quotation:

"Yes, sir. William Green is a rat. Philip Murray is a double rat. And that Petrillo he's a three-triple rat."

Labor

LABOR ON THE AIR

Outcome of the NAB Code Compliance Committee meeting in New York, June 16-17, with respect to the industry's attitude toward broadcasts of organized labor groups, is best expressed in the story released by the NAB News Bureau:

> "New York, June 17: Labor has ample opportunity for the use of broadcasting facilities in this country, it was stated today by Thomas R. Carskadon, Chairman of the Radio Committee of the Council on Freedom from Censorship, after a two-day session with the Code Compliance Committee of the National Association of Broadcasters. Concurring was Roger Baldwin, Director of the American Civil Liberties Union, who participated in the discussions.
>
> " 'The NAB Code, as now written, provides ample opportunity for labor and other organized groups to get on the air. No changes are recommended,' Carskadon said. 'The basic principles of broadcasting are adequate to insure labor's representation. The application of these principles presents the only difficulty, for it involves the definition of controversial subjects and acceptance of program material by local station managements.
>
> " 'Our Committee intends to advise labor and other organizations of their opportunities for broadcast privileges and how to take better advantage of them. At the same time we shall continue to cooperate with NAB, particularly through the Program Managers' Executive Committee, to improve understanding.' "

"Members of the Council's Radio Committee, in addition to Carskadon, are Dr. Paul Lazarsfeld, Head of the Office of Radio Research, Columbia University; Mr. Morris S. Novik, Manager of WNYC, and Norman Thomas. Others attending the discussions, in addition to Roger Baldwin, were Thomas Stix, talent agent; Morris L. Ernst, Attorney and Author, and Mrs. Harriet F. Pilpel, Attorney."

Additional clarification, from the standpoint of the radio industry, may be helpful to station management.

Radio does not regard labor as "controversial." In other words, the mere expressed wish of a labor union to have time on the air does not immediately invoke the "controversial issues" provision of the Code. Neither does it immediately invoke the "membership" provision. Labor may therefore be sold time under the same well-defined conditions that govern sale of time to others; namely:

1. **Controversial issues will not be presented.**
2. **Memberships will not be solicited.**
3. **Material for broadcast will meet station program standards.**

Determination of what satisfies 1, 2, and 3 resides with station management, the same as in all other cases, being dependent on local conditions.

When a labor union wishes to present a controversial issue on the air, then the "controversial issues" provision of the Code applies, which recommends that free time be provided both sides of the question, with due regard to the degree of public interest involved. This provision should be read in full as found in your copy of the Code Manual.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Arthur C. Stringer, *Director of Promotion.*

INDIVIDUAL PAY INCREASES

Stations have expressed so much interest in War Labor Board General Orders 5, 9 and 31, regarding individual pay increases, that we are printing the texts. Any station wishing to set up a salary "plan" might well communicate with the NAB Labor Relations Department.

TITLE 29—LABOR

CHAPTER VI—NATIONAL WAR LABOR BOARD

PART 803—GENERAL ORDERS

§ *803.5—General Order No. 5.* General Order No. 5 as adopted on October 14, 1942, is hereby amended to read as follows:

Subject to the requirements of General Order No. 31, wage adjustments may be made in wage rates of individual employees, without approval of the National War Labor Board, if they are incident to the application of the terms of a wage agreement which existed previous to or has been approved since October 3, 1942, or incident to an established or approved wage rate schedule covering the work assignments of employees and are made as a result of:

(a) individual promotions or reclassifications
(b) individual merit increases within established rate ranges
(c) operation of an established plan of wage increases based upon length of service within established rate ranges
(d) increased productivity under piece-work or incentive plans
(e) operation of an apprentice or trainee system

Wage adjustments made under this Order shall not result in any appreciable increase of the level of production costs and shall not furnish a basis either to increase prices or to resist otherwise justifiable reductions in prices.

(Adopted May 26, 1943)
(E. O. 9250, 7 F.R. 7871) 787

TITLE 29—LABOR

CHAPTER VI—NATIONAL WAR LABOR BOARD

PART 803—GENERAL ORDERS

§ *803.6—General Order No. 6.* General Order No. 6, as adopted on October 20, 1942, is hereby amended to read as follows:

(a) The hiring of an individual at a wage rate in excess of the rate previously established in the plant for employees of similar skill and productive ability within the classification in which the individual is employed is a "wage increase" within the meaning of Executive Order No. 9250.

(b) If a wage rate or range of rates for a job classification has not theretofore been established by the employer for the plant involved, the rate or rate range should bear the same relation to rates of ranges or rates for similar classifications in the area as the existing rates or rate ranges in the plant bear to comparable rates or rate ranges in the area: provided, however, that schedules covering new establishments or new departments within existing establishments must be submitted for approval as provided in General Order No. 31.

(Adopted May 26, 1943)
(E. O. 9250, 7 F.N. 7871) 787

TITLE 29—LABOR

CHAPTER VI—NATIONAL WAR LABOR BOARD

PART 803—GENERAL ORDERS

§ *803.9—General Order No. 9.* General Order No. 9, as adopted on October 30, 1942, hereby amended so that Section III shall read as follows:

III. *Salary Increases Which Do Not Require Board Approval*

Subject to the requirements of General Order No. 31, salary adjustments may be made in salary rates of individual employees over which the Board has jurisdiction without the approval of the Board, if they are incident to the application of the terms of a salary agreement which existed previous to or has been approved since October 27, 1942, or incident to an established or approved salary rate schedule and are made as a result of:

(a) individual promotions or reclassifications
(b) individual merit increases within established rate ranges
(c) operation of an established plan of salary increases based on length of service within established rate ranges
(d) increased productivity under incentive plans
(e) operation of an apprentice or trainee system, or
(f) such other reasons, or circumstances as may be prescribed in orders, rulings, or regulations, promulgated under the authority of these regulations.

Salary adjustments made under this order shall not result in any appreciable increase of the level of production costs and shall not furnish a basis either to increase prices or to resist otherwise justifiable reductions in prices.

(Adopted May 26, 1943)
(E. O. 9250, 7 F.R. 7871) 787

TITLE 29—LABOR

CHAPTER VI—NATIONAL WAR LABOR BOARD

PART 803—GENERAL ORDERS

§ *803.31—General Order No. 31.* The following regulations supplementary to General Orders 5, 6 and 9 relating to wage and salary schedules and to plans for making individual wage and salary adjustments under such schedules are hereby adopted.

I. *Established Schedules within the meaning of General Orders 5 and 9*

A. *Definitions and criteria*

1. *Specific criteria for all established schedules*
A "schedule" involves job-classification *rates* or *rate ranges* and a *plan* for making individual adjustments within and between such rates or rate ranges.

a. Job-classification rates or rate ranges in existence on May 31, 1943, do not require approval of the National War Labor Board.

(1) Rate ranges consist of clearly designated minimum and maximum rates in existence as of May 31, 1943, for jobs of similar skill and responsibility. (Such minimum and maximum rates are not necessarily the rates actually being paid on May 31, 1943, for particular job clas-

sifications. Thus, individual minimum or maximum or within grade rates may be "vacant" at any given time. Nor are the established minimum and maximum rates for any given job classification necessarily determined by the fact that for special reasons particular employees may be receiving less than the minimum or more than the maximum rate. Save as exceptional cases may be brought to the Board's attention, no rate range exists (a) where the employer customarily pays single rates for particular job classifications, or (b) where jobs are remunerated on a piece-rate method of wage payment.)

b. A *plan* for making individual adjustments within and between rate ranges which was in existence on May 31, 1943, does not require Board approval if

  (1) It is contained in a collective bargaining agreement in existence on May 31, 1943; or

  (2) It conforms to the employer's practice prior to October 27, 1942, as demonstrated by (a) a plan formally communicated to the employees; or (b) the employer's payroll records; or

  (3) It was specifically approved by the National War Labor Board or any of its authorized agents or agencies, or

  (4) It includes one or more of the following methods and conforms to the appropriate standards set forth under each:

    (a) *Merit increases* (These increases may be made only within rate ranges)

      i. These are individual wage or salary rate adjustments made as a reward for superior quantity and/or quality of work or service.

      ii. No employee may receive more than two merit increases during any calendar year.

      iii. Except in cases where there have been substantial fluctuations in employment, no more than 50 per cent of the average number of employees in a job classification may receive merit increases during any calendar year.

      iv. No merit increase may exceed 33⅓ per cent of the difference between the minimum and maximum rates of the appropriate range.

    (b) *Automatic length of service increases* (These increases may be made only within rate ranges)

      i. These are individual adjustments usually made automatically at the end of specified periods of satisfactory service.

      ii. Frequency of adjustment may not exceed four times in any calendar year.

      iii. Amount of adjustment may not exceed 25 per cent of the difference between the minimum and maximum rates of the appropriate range.

    (c) *Promotions or reclassifications* (These adjustments may be made between single-rate jobs as well as between jobs which bear rate ranges)

      i. These are individual adjustments which result from moving an employee into a different job classification.

      ii. When promoted or reclassified to a higher-rated job, an employee may receive a rate not in excess of 15 per cent above his rate on his former job or the minimum rate for the new job, whichever is higher; provided, however, that where an employee has special ability and experience, he may be paid a rate within the appropriate range corresponding to such ability and experience.

    (d) *Apprentice or trainee system* (Under these systems, adjustments may be made with respect to jobs which bear single rates as well as with respect to jobs which bear rate ranges.)

      i. These are individual rate adjustments resulting from improvement, over specified periods of time, in the productive abilities of apprentices or trainee who are employed under a bona-fide apprentice or trainee plan as defined below.

      ii. Apprenticeship plans—with respect to length of apprenticeship period; proportion of number of apprentices to number of journeymen; and relation of apprentice wage rate at various periods to journey men wage rate—should conform to the standards set forth in a collective bargaining agreement or in the regulations of federal or state agencies.

      iii. Learner or trainee plans—with respect to length of learning period; proportion of number of learners to number of experienced workmen in a given job classification; and relation of learner or beginner rate to the rate paid experienced workmen—should conform to the standards set forth in a collective bargaining agreement or in the regulations of federal or state agencies.

      iv. Nothing in this section precludes the re-examination or modification of existing apprentice or trainee programs in the interests of greater production for the war effort.

2. *General criteria for all established schedules*

  a. Each job classification must be clearly defined and described.

  b. Except where there has been a substantial fluctuation in employment, proportionate distribution of employees within and among rate ranges must remain substantially the same from quarter-year to quarter-year.

  c. No appreciable increase in the level of production costs may result from individual rate adjustments.

B. *Records*

Any employer who makes individual wage or salary rate adjustments pursuant to an established schedule must hereafter keep the following records available in his establishment(s) for a period of two years:

1. The rate or range of rates for each job classification.
2. The description of each job classification.
3. A statement of the plan of making adjustments within the rate ranges and between the rates or rate ranges.
4. The date when the schedule was established.
5. For each job classification in which merit increases have been made, the number of employees in each such job classification during the payroll period when adjustments were made.
6. With respect to each employee who received an adjustment:
   a. Name of employee
   b. Date on which employee was hired
   c. For each adjustment given to the employees:
      (1) Date of adjustment
      (2) Job classification prior to and after the adjustment
      (3) Rate of pay prior to and after the adjustment
      (4) Reason for adjustment

No particular order or form is prescribed for these records, provided that the information required is easily obtainable.

II. *New Schedules*

A. All wage or salary rate schedules which are not exempt from the requirement of Board approval under (I) above must be submitted for approval to the appropriate Regional War Labor Board. Pending final action by the Board, individual rate adjustments may be made in accordance with the criteria set forth under (I) above.

B. *Requirements for obtaining approval*

1. *Rate ranges* (where ranges are desired for the purpose of making individual merit or length-of-service increases)
   a. *Existing establishments*
      (1) The minimum rate for each job classification shall be fixed at (a) the minimum rate prevailing in the plant or establishment for each job classification or (b) at a level not exceeding the minimum of the bracket of sound and tested rates which prevails for similar job classifications in the same labor market, whichever is higher; provided, however, that in rare and unusual cases where the critical needs of war production require, a higher minimum rate may be set.
      (2) The spread between the minimum and maximum rates for each job classification shall wherever possible be in accordance with the standards prevailing in the industry and area.
   b. *New establishments or new departments in existing establishments*
      (1) Except in rare and unusual cases where the critical needs of war production require or except as may be necessary, in the case of new departments, to maintain internal balance of the rate structure, the minimum rate for each job classification shall be fixed at a level not exceeding the minimum rate of the bracket of sound and tested rates which prevails for similar job classifications in the same labor market.
      (2) The spread between the minimum and maximum rates for each job classification shall wherever possible be in accordance with the standards prevailing in the industry and area.
2. *Single rates* (where single rates are desired for making promotions or reclassifications or for making individual rate adjustments under apprentice or trainee plans)
   a. *Existing establishments*
      (1) A reclassification of single rates for existing establishments may, if designed to bring about a more harmonious and appropriate relationship of rates within an establishment, be approved where it will not appreciably affect the level of production costs or furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices.
   b. *New establishments or new departments in existing establishments*
      (1) Except in rare and unusual cases where the critical needs of war production require or except as may be necessary in the case of new departments, to maintain internal balance of the rate structure, the rate for each job classification shall be fixed at a level not exceeding the minimum rate of the bracket of sound and tested rates which prevails for similar job classifications in the same labor market.
3. *Plans for making adjustments between rates or within and between rates ranges* (existing establishments or new establishments and departments)

   A proposed plan for making individual adjustments within and between rate ranges should contain the following information with respect to one or more of the methods outlined below. The plan should also indicate to what extent the adjustments to be made thereunder will affect the proportionate distribution of employees within and among the rates or rate ranges, and to what extent production costs will be increased thereby. The plans so submitted need not necessarily conform to the criteria set forth in (I) above.

   a. *Merit increases*
      (1) The number of increases within the appropriate range to be given to any employee during the calendar year.
      (2) The percentage of the number of employees in each job classification who will receive increases during the calendar year.
      (3) The maximum amount (in terms of the percentage of the difference between the minimum and maximum rates of the range) of the individual increases to be given in each job classification.
   b. *Automatic length of service increases*
      (1) How frequently such increases are to given during the calendar year.
      (2) The maximum amount (in terms of the percentage of the difference between the minimum and maximum rates of the range) of the individual increases which are to be given in each job classification.
   c. *Promotions or reclassifications*
      (1) The rate to be paid upon promotion or reclassification to a higher-rated job (whether the minimum rate called for by the new job, or a rate in excess of such minimum).
      (2) If a rate in excess of the minimum called for by the new job is to be paid, the criteria that will determine the rate should be described (i.e., special skill and experience, other unusual qualifications, etc.).
   d. *Apprentice or trainee systems*
      (1) How does the plan conform to the standards set forth in appropriate collective

bargaining agreements or in appropriate regulations of federal or state agencies with respect to the following items: length of apprenticeship or learner period; proportion of number of apprentices or learners to number of experienced workmen in a given job classification; relation of apprentice or learner rate at various periods to the rate paid experienced workmen?

C. Any employer who makes individual wage or salary adjustments pursuant to an approved schedule must keep in his establishment(s) for a period of two years the records listed in (I).

III. Any employer who wishes to change one or more provisions of his established or approved wage or salary rate schedule may obtain consideration of such proposed change from the appropriate Regional War Labor Board without the necessity of having his entire schedule approved or re-approved.

IV. If there is a duly recognized or certified labor organization which represents any or all of the employees included in a proposed schedule or in a proposed change in an existing schedule, approval must be jointly requested by the employer and such labor organization. But if agreement on any point can not be reached, the parties may jointly submit the issues to the appropriate Regional War Labor Board for determination or may ask the Regional Board to refer the matter to the National War Labor Board for determination. Failing joint submissions, the matter will be treated as a dispute case.

V. Where an application includes more than one establishment, it shall set forth separately a schedule for each establishment, or for groups of similar establishments.

VI. Companies having establishments in more than one Region may apply for approval of schedules, where approval is necessary, in each of the Regions where the establishments are located or in the Region in which is located the company office at which the schedules are determined. In the latter case, the Regional Board may, if it considers that the application warrants national consideration, refer it to the National War Labor Board.

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STRIKE AT WTOP

Technicians at Station WTOP walked out without notice at noon June 19 and returned at 4:49 p. m. the same day.

The technicians are covered by a contract between CBS and the I.B.E.W. The contract provides for no strikes and for machinery, including arbitration, to settle grievances. A minor grievance led to the strike. After a three-hour conference, the union agreed to submit the dispute to an arbiter to be appointed by the War Labor Board.

Joseph L. Miller, NAB labor relations director, sat in on the conference.

Engineering

FIRST RETURNS ON FCC MANPOWER SURVEY

As part of its program to ease the present shortage of skilled technicians in the communications industry, the Federal Communications Commission today will mail to the War Manpower Commission and interested groups in the industry the first series of names of first- and second-class radiotelephone licensees who have reported themselves available for immediate employment in essential communications jobs. The list was prepared from responses to the commission's postcard survey of a sample of 1,000 of the nation's 20,000 licensed radiotelephone operators in these classifications.

To date over 550 holders of first- and second-class radiotelephone licenses have answered the FCC's query. Information obtained from the questionnaire related to the licensee's present employment, his draft status, whether or not he was using his license in his present job, and his availability for either full or part-time employment in the communications field.

The commission, of course, does not certify as to the experience or availability of any person listed, but merely sets forth the information recorded on the questionnaire. It is intended that further lists will be released from time to time as returns come in.

NAB REQUESTS CONTINUANCE OF FCC-NAB TECHNICIAN RECRUITING ACTIVITIES

In connection with the FCC survey Neville Miller has sent the following letter to Chairman Fly:

"Pursuant to my letter of May 12 I am informed that the test surveys addressed to the holders of radiotelephone licenses have produced results which seem to warrant a continuance of this activity.

"Mr. Dallas Smythe and his staff have been most cooperative in working with our engineering and research directors. The form used in the FCC test survey of one thousand operator licensees was well conceived and effective in producing a list of possible candidates for broadcast technical positions.

"The NAB survey of one hundred radiotelephone license holders brought in seventeen actual applications for employment in the broadcast industry on our regular registration forms. These forms furnish the personal information required by prospective employers.

"In a joint meeting on June 15, agreement was reached that both survey methods produced valuable results. However, the FCC technique is inexpensive and provides an excellent screening. The NAB method, costly because of first-class mail and personalized letters, should be sent to only those showing promise in the FCC survey.

"I therefore urge that this cooperative activity be continued on the basis outlined above as there is every indication that a substantial number of applications for employment will result. The shortage of broadcast station technical personnel is becoming increasingly acute as indicated by the increase of the number of requests from broadcast stations for replacement personnel now coming to NAB. We have been, for the last several months, registering qualified technical personnel and furnishing suitable applicants to all stations requesting assistance. The need at this point is for a larger list of applicants in order that the undertaking can be of maximum broadcast industry benefit."

UNIVERSITY OF WISCONSIN HAS LARGE ESMWT CLASSES

Approximately 330 persons will be enrolled by the University of Wisconsin in the NAB-ESMWT "Fundamentals of Radio."

This was made known by Edwin C. Allen, general manager, WIBA, Madison, Wis., who is industry representative in Wisconsin for the training program. Figures were prepared by H. E. Pulver, of the university, who is state coordinator.

Eighty students will be enrolled in five classes of Part II of the course; while 250 or more will make up ten classes in Part I of "Fundamentals of Radio."

Approximately 535 persons are enrolled in 19 classes of "Fundamentals of Radio" Part I, about to be completed. Twenty-five per cent of the students are women. This is almost double the number of women who were among 1,141 students who previously completed Part I.

There are also 205 men and women who are about to complete "Fundamentals of Radio" Part II. Seven per cent of these are women, whereas only two per cent were women of the 127 who completed course II some time ago.

Broadcast Advertising

DEPARTMENT STORES CAN MAKE RADIO PAY

Nearly 150 sales-minded station executives heard an intensely interesting talk, encouragingly titled: "Department Stores Can Make Radio Pay," at the Sales Managers meeting, held in conjunction with the NAB War Conference at the Palmer House in Chicago, Ill., on Wednesday evening, April 28, 1943. The speaker was John A. Garber, Advertising Manager of Strawbridge & Clothier, Philadelphia, Pa., one of the leading department stores of the United States.

Perhaps the importance of this talk can be best summed up in the comments of an able station executive, well-known for this heckling of department store speakers at previous meetings. He said: "That is the first talk I have ever heard by a department store executive on the use of broadcast advertising that made sense. Garber really knows what he is talking about. There is solid, substantial meat in what he said."

Even prior to the meeting, NAB had made arrangements to reprint the talk for distribution to all members. After hearing Garber, Sol Taishoff of *Broadcasting* magazine expressed a desire to reprint the talk in his publication. Garber then offered to amplify his remarks in certain respects. The revised version appeared in the May 31, 1943 issue of *Broadcasting* magazine, from which the enclosed reprint was prepared through the courtesy of that publication.

Believing, and hoping, that many of you are making daily use of "A Manual of Radio Advertising," the enclosed reprint has been prepared on 8½ x 11 inch paper, with three-hole punching, so that it can be incorporated in the Manual. If you can use additional copies, there are plenty of them available. A penny post card will bring as many as you want.

Retail Promotion Plan

The talk by John A. Garber is one more reason why every radio station should participate in the Retail Promotion Plan. As Garber stated, department stores are more interested than ever in the possibilities of broadcast advertising—they want to know how and where and when it can be profitably used. The answer to that question is the one major objective of the project now in full production.

Whether or not you are actively participating, you can help very materially in the development of the presentation if you will fill out and return the Statistical Questionnaire sent you recently, and if you will write a letter to Sheldon R. Coons, using the outline in the same mailing. Won't you please do that today to help in this industry-wide movement?

Standard Program Schedule Forms

The steadily increasing use of the Standard Program Schedule Form is a source of real pleasure to all who worked on the development of this material. This convenient, simplified program and announcement listing should be used by every radio station.

But, when you order or reorder, won't you please try to anticipate your needs? A check-up has revealed that express and freight shipments are appreciably slower than a year ago. Deliveries, that formerly took four days, now often take eight or ten days. While we try to maintain a minimum stock of 25,000 copies at all times, and ship immediately upon receipt of your order, unavoidable delays will sometimes occur. Please try to reorder before your supply is actually exhausted.

We Bow Our Bloody Head

Down around our ears for the past ten days has come a snowstorm of letters from member stations, enclosing copies of the letter from Jeffrey A. Abel, Radio Director of Henry J. Kaufman Advertising, Homer Building, Washington, D. C., offering one of the most brazen contingent deals we have ever seen. Just as soon as this copy goes to the printer, we'll clamp on our sun helmet, stalk down the street and do our best to convince Mr. Abel of the error of his ways.

Of course, these are the "dog days" in Washington, as the news commentators have latterly observed.

Non-Permanent Permanent

From Lou Sterling and Associates, North Hollywood, California, many member stations have received contingent contracts for a "Hollywood Permanent"—a home permanent wave produced by a new cold process. There—in the cold process—is the treatment this offer deserves. Leave it cold, except on a rate-card basis. Otherwise you'll be building some non-permanent business with a permanent.

Be Precipiate with This Colloidal

Several other member stations have sent in the letter from Hal A. Salzman Associates, 6 E. 45th Street, New York, N. Y., offering a contingent contract for SUL-RAY Colloidal Sulphur Mineral Baths. Be precipiate with the offer on that basis. Say: "yes, on a rate-card basis, with no strings attached." Then proceed to sell the facilities of your station on that basis. Salzman leaves the door open for such a solicitation in the third paragraph of his letter.

"SHARE THE RADIO" PLAN HITS MISSISSIPPI

At McComb, Mississippi, Station WSKB carries a show called the "Listening Post." Listeners are invited to share their radios with others. A poster is given away to be put in the front windows of homes to indicate members of the Listening Post Club. Discussion of programs follows.

WBIG ISSUES RATION BOOK COVERS

WBIG, Greensboro, North Carolina, is issuing covers for household ration books. They are red and blue on heavy green colored stock.

Major Edney Ridge, managing director, says they are extremely popular with the women shoppers.

State Legislation

FLORIDA:

S. 672 COPYRIGHTED MUSICAL COMPOSITIONS—Relating to public performing rights in copyrighted musical compositions and dramatico-musical compositions; defining same, and to regulate licensing of same. Vetoed June 14 by Governor Holland.

MILES LOSES FTC SUIT

Suit for a declaratory judgment by Miles Laboratories, Inc., of Elkhart, Ind., in which the corporation sought to have the court pass upon the jurisdiction of the Federal Trade Commission to issue a complaint charging the corporation with engaging in certain practices in violation of the Federal Trade Commission Act, has been dismissed by Justice Luhring, of the U. S. District Court for the District of Columbia, where the judgment was sought.

Miles Laboratories, Inc., is engaged in the manufacture and sale of "Dr. Miles' Nervine," "Dr. Miles' Nervine Tablets" and "Dr. Miles' Anti-Pain Pills," with annual sales in excess of $900,000. After an investigation the Commission notified the corporation that its packages, labels and labeling failed adequately to reveal the potential danger of its products and submitted a stipulation for its signature in which it would agree to cease and desist from disseminating any advertisements of the products which failed to reveal that excessive use of the Nervine remedies might cause mental derangement or skin eruptions, while excessive use of the Anti-Pain Pills might cause collapse or dependence upon the drug. The proposed stipulation gave the corporation the option to include such warnings and cautions on its labels, in which case the advertising need only contain the statement: "Caution: Use Only as Directed."

Miles Laboratories, Inc., refused to sign the proposed stipulation and filed suit in the District Court for a declaration that the Commission was acting outside the scope of its jurisdiction and had no authority to determine the legality of the language used on the labeling of the plaintiff's products or authority to force it to vary such language. It was alleged that the Commission intended to issue a complaint against the plaintiff, and that this would cause injury to the plaintiff's business and compel it to spend large sums of money in defense.

In his opinion, dismissing the case, Justice Luhring said in part:

"It is well settled that the Declaratory Judgment Act is not, in itself, a source of federal jurisdiction and did not enlarge the pre-existing jurisdiction of the federal courts.

"The question of the Commission's jurisdiction to proceed will be passed on by the Commission. The plaintiff may raise the question in the proceeding before the Commission and obtain a ruling. If the Commission erroneously assumes jurisdiction and issues an order to cease and desist, such an order and the proceedings upon which it is based are subject to review by and only by a Circuit Court of Appeals of the United States. The jurisdiction of that court 'to affirm, enforce, modify or set aside orders of the Commission shall be exclusive.'

"The plaintiff stresses the inconvenience and cost of requiring it to engage in the trial of a complaint before the Commission. Such an objection is not new and the courts have invariably held that inconvenience and expense of litigation is 'part of the social burden of living under Government.'"

NAM PRESIDENT CRITICIZES FCC-NETWORK COURT DECISION

In a speech before the Wartime Conference of the National Editorial Association at Cincinnati recently, Kenneth Crawford, president, National Association of Manufacturers, criticized the May 10th Supreme Court decision on the FCC-Network case by implying that when government enters private industry as in radio and the newspapers it marks the beginning of the end for freedom of speech and the press.

"Will it be a licensing system next for the newspapers of this country?" he asked, commenting on the fact that the Supreme Court had imposed conditions on individual broadcasting stations, including limitations of contracts, in return for federal licenses.

"With the end of freedom of the press there will come sooner or later the end of our free competitive system," he added.

GIRL SCOUTS SEND TO ALL HEADQUARTERS INFORMATION ON BROADCASTING RELATIONS

A report on the findings of the work study group on broadcasting by national organizations held at the recent Institute for Education by Radio at Ohio State University was sent to all headquarters branches by the Girl Scouts of America. The section as sent is reprinted below for your information.

Mrs. Dorothy Lewis, NAB coordinator of listener activities, was a participant in this work study panel.

The Institute for Education by Radio was established in 1930 at Ohio State University and has been held at Columbus each spring since then. Its purpose is to bring broadcasters—network officials and local station personnel—educators, and civic leaders together to discuss the problems of educational broadcasting, particularly techniques and policies. This year there were more than 700 radio people from all over the United States and Canada registered, and as a member of our Public Relations Division attended you may be interested in a very brief report on the findings of one Work Study Group on Broadcasting by National Organizations as this is of importance to the Girl Scouts as a youth-serving agency.

The chairman of this group was Tom Stewart of the American Junior Red Cross, and a few of the radio representatives of other organizations which participated were: Dr. Iago Daldston, New York Academy of Medicine; Jesse Butcher, National War Fund; Henriette Harrison, Y. M. C. A.; David Resnick, National Society for Prevention of Blindness; Leslie Stratton, Boy Scouts; and Lucille Clarke, Girl Scouts.

In order that you may know the consensus of opinion as to what should be the relationship between organizations and the radio industry, the following is a summary of the report which was prepared at the close of the meetings:

1. That it is the responsibility of all organizations to see that they do not use radio except to further the war effort at this time.

2. That it is a joint responsibility of the organization and the station management to judge the above.

3. That the purpose of all broadcasts by organizations should be—"to be of service to the public" and mention of the organization, its "commercial," should be of secondary consideration.

4. That only the best in radio material should go out over the air under the sponsorship of an organization.

5. The editorial policy of a radio program rests, as far as content is concerned, with the organization, subject to the approval of the station, but as far as quality is concerned it is up to the station to refuse time to an organization whose program does not meet the highest standards.

6. That in "asking for time" the organization should be sure it has something of equal value to offer the station in program or idea that will be of service to the listening public and that will aid in building an additional audience for the station.

7. That organizations of like aims—such as the youth serving agencies—should work on a cooperative basis, producing joint radio programs for instance, for in this way a better quality program will probably result from the pool of ideas and funds and the station will be assured of a larger potential audience and thus be more generous with its time.

8. That if the radio industry would show more interest in the over-all program and broadcasting activities of national organizations, many of these organizations would then more fully realize their responsibility and in consequence appropriate sufficient radio budgets to carry out these responsibilities.

912 STATIONS

There were no additions or deletions during the month of April, 1943. During May, one station having a construction permit only was deleted. A comparative table by months follows:

	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1
Operating	906	906	905	906	908	910	909	910	910	910	911	911	911
Construction	18	19	16	14	11	9	9	7	6	5	2	2	1
	924	925	921	920	919	919	918	917	916	915	913	913	912

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, June 28. They are subject to change.

Monday, June 28

WJRM—Allegheny Broadcasting Corp., Elkins, W. Va.—Modification of C. P., under C. P.; **1240 kc.**, 250 watts, unlimited.

Wednesday, June 30

WHDH—Matheson Radio Co., Inc., Boston, Mass.—C. P., **850 kc.**, 5 KW, unlimited, DA-night.

WJW, Incorporated, Akron, Ohio.—Modification of C. P., under C. P.; **850 kc.**, 5 KW, unlimited, DA-day and night.

Thursday, July 1

WOKO, Incorporated, Albany, N. Y.—Renewal of license (main and auxiliary), **1460 kc.**, main: 500 watts night, 1 KW day; auxiliary: 500 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

MISCELLANEOUS

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Granted license (B3-L-1763) to cover construction permit (B3-P-3520) to move main transmitter from RFD No. 1, Dixie Gardens, near Shreveport, to Harte Island Road, near Shreveport; also authority to determine operating power by direct measurement of antenna power (B3-Z-1518).

WHKY—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—Granted license (B3-L-1726) to cover construction permit (B3-P-3259) as modified, covering installation of new transmitter and DA for night use, increase in power to 5 KW-LS, and move transmitter; also authority to determine operating power by direct measurement of antenna power (B3-Z-1464).

KTW—The First Presbyterian Church of Seattle, Seattle, Wash.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-1515).

WALB—Herald Publishing Co., Albany, Ga.—Granted motion for extension of time to July 6, for correction of testimony of C. C. Tounsley, in re applications of WALB for renewal of license, construction permit, and voluntary assignment of license.

WALB—Herald Publishing Co., Albany, Ga.—Granted extension of time to July 17 for filing proposed findings of fact and conclusions in re above applications.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted petition to dismiss application (B2-P-3254) without prejudice.

WCOP—Mass. Broadcasting Corp., Boston, Mass.—Continued action on petition for order to take depositions to July 14.

APPLICATIONS FILED AT FCC

W3XWT—Allen B. DuMont Laboratories, Inc., Washington, D. C.—Modification of construction permit (B1-PVB-31, as modified, which authorized new experimental television station) for extension of commencement and completion dates from 12-26-42 and 6-26-43 to 6-26-43 and 12-26-43, respectively.

1350 Kilocycles

WORK—York Broadcasting Co., York, Pa.—License to cover construction permit (B2-P-3205, as modified) for installation of new directional antenna system for night use only.

WORK—York Broadcasting Co., York, Pa.—Authority to determine operating power by direct measurement of antenna power.

1240 Kilocycles

WJW—WJW, Incorporated, Akron, Ohio.—Modification of license to change name of licensee to The Akron Broadcasting Company.

850 Kilocycles

WJW—The Akron Broadcasting Co., Akron, Ohio.—Voluntary assignment of construction permit (B2-P-3263, as modified for new transmitter, change in frequency, increase in power, directional antenna day and night, and move), from The Akron Broadcasting Company to The WJW Company.

First Baptist Church, Pontiac, Mich.—Extension of authority to transmit programs from First Baptist Church at Pontiac, Michigan, to Radio Station CKLW, Windsor, Ontario, Canada, for period beginning 8-13-43.

960 Kilocycles

KMA—May Broadcasting Co., Shenandoah, Iowa.—License to cover construction permit (B4-P-2599, as modified) for installation of directional antenna for night use and increase in power.

KMA—May Broadcasting Co., Shenandoah, Iowa.—Authority to determine operating power by direct measurement of antenna power.

KRLH—Clarence Scharbauer, Midland, Texas.—Involuntary assignment of license to Millard Eidson, Independent Executor of the Estate of Clarence Scharbauer, Deceased. (Item 12, Part I; Items 15(a), 16, 17, 23 and 24, Part II.)

RENEWAL APPLICATIONS FOR STANDARD BROADCAST STATIONS RECEIVED

WJZM—William Kleeman, Clarksville, Tennessee.
WMGA—Frank R. Pidcock, Sr., Moultrie, Georgia.

RENEWAL APPLICATIONS FOR STANDARD BROADCAST STATIONS RESUBMITTED

KELD—Radio Enterprises, Incorporated, El Dorado, Arkansas.
WGRC—Northside Broadcasting Corporation, New Albany, Indiana.
WLLH—Merrimac Broadcasting Co., Inc., Lowell, Massachusetts. (main and synchr. ampl.)

RENEWAL APPLICATIONS FOR STANDARD BROADCAST STATIONS RETURNED

KTSW—Emporia Broadcasting Company, Inc., Emporia, Kansas.
WJZM—William Kleeman, Clarksville, Tennessee.

1150 Kilocycles

WTAW—Agricultural and Mechanical College of Texas, College Station, Texas.—Modificaton of license to change hours of operation from specified hours to daytime (requesting facilities of KTBC).

1240 Kilocycles

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebraska.—Authority to determine operating power by direct measurement of antenna power.

1490 Kilocycles

WTMC—Ocala Broadcasting Co., Inc., Ocala, Florida.—Construction permit to make changes in transmittng equipment and increase power from 100 watts to 250 watts.

1340 Kilocycles

KWFC—Clyde E. Wilson and Howard A. Shuman, d/b as Hot Springs Broadcasting Company, Hot Springs, Arkansas.—Involuntary assignment of license to Clyde E. Wilson.

RENEWAL APPLICATIONS FOR STANDARD BROADCAST STATIONS RECEIVED

WFOR—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.
KTSW—Emporia Broadcasting Company, Inc., Emporia, Kans.

RENEWAL APPLICATIONS FOR STANDARD BROADCAST STATIONS RETURNED

KBPS—Benson Polytechnic School, R. T. Stephens, Agent, Portland, Oregon.
WGRC—Northside Broadcasting Corporation, New Albany, Indiana.
WLLH—Merrimac Broadcasting Company, Inc., Lowell, Massachusetts.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Bernard Engineering Co.—Misrepresentation in the sale of a preparation designated "Wonder Solv Anti-Freeze," recommended for use in the cooling system of automobile and other combustion type engines, is alleged in a complaint issued by the Federal Trade Commission against Bernard Engineering Co., 709 Market St., Camden, N. J., and its president, Lionel Bernard, and William I. Miller, trading as Miller Manufacturing Co., 1100 32nd St., Camden, N. J. (4979)

Milwaukee Importing Co.—Pleading inability to supply customers with products ordered and paid for, because of alleged government restrictions, Henry P. Kinneke, trading as Milwaukee Importing Company, 2039 North 34th St., Milwaukee, Wis., is charged in a complaint issued by the Federal Trade Commission, with the use of unfair and deceptive acts and practices in commerce. (4980)

R. L. Swain Tobacco Co., Inc., Danville, Va., is charged in a complaint issued by the Federal Trade Commission with misrepresentation in the sale of Pinehurst Cigarettes by falsely advertising that they are "The Cigarette the Doctor Smokes" and are devoid of irritating properties. (4981)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Latta Cream—M. L. Kay and Humbert O'Camp, trading as Latta Cream, 505 Fifth Ave., New York, have been ordered by the Federal Trade Commission to discontinue certain misrepresentations concerning the effectiveness of a cosmetic designated as "Latta Cream." Since December, 1942, the business has been conducted under the sole proprietorship of the respondent Kay. (4925)

Alma's Home Made Candies—Alma Loughran and Lee R. Loughran, trading as Alma's Home Made Candies, 2737 West Madison St., Chicago, have been ordered by the Federal Trade Commission to cease and desist from selling or otherwise disposing of candy by means of a game of chance, gift enterprise or lottery scheme. (4409)

Domestic Diathermy—Max E. Heyman and Maude S. Jaret, trading as Domestic Diathermy Co., 251 West 57th St., New York, to cease and desist from disseminating advertisements which misrepresent the therapeutic properties of a device designated "Domestic Short-Wave Diathermy" and which fail to reveal that the device is not safe under certain conditions of use. (4942)

An order to cease and desist from misrepresentation in connection with the sale of **Dorothy Gray Cosmetics** has been issued by the Federal Trade Commission against Lehn & Fink Products Corp., and its subsidiary, Dorothy Gray, Ltd., both of Bloomfield, N. J. (3447)

FTC COMPLAINT

In a joint answer to a Federal Trade Commission complaint, **Carter Products, Inc.**, 53 Park Place, New York, distributor of a cosmetic and dedorant designated "Arrid," and Small & Seiffer, Inc., advertising agency at 24 West 40th St., New York, deny they have disseminated advertisements misrepresenting the properties and effectiveness of the preparation. Small & Seiffer, Inc., prepared and placed the advertising copy objected to in the Commission complaint. (4960)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 27, July 2, 1943

COX HEARINGS BEGIN

NAB has been notified that the Cox hearings on the investigation of the FCC begin today (July 2) in the caucus room of the old house office building. It has been reported from reliable sources that Dr. Robert Lee, of the FCC Foreign Broadcast Intelligence Service, will appear at the opening session.

NEW RADIO LEGISLATION URGED BY AFA

The Advertising Federation of America at its War Advertising Conference at the Waldorf-Astoria, New York City, Tuesday, June 29, passed the following resolution expressing "profound concern" over the Supreme Court-FCC Decision of May 10th and urging Congress to consider new legislation.

> **"The Advertising Federation of America notes with profound concern the recent supreme judicial interpretation that the Communications Act not only confers upon the Federal Communications Commission the power to supervise the traffic of radio broadcasting but also 'puts upon the Commission the burden of determining the composition of that traffic.'**
>
> **"The serious implications of the legislation thus interpreted go far beyond the field of radio. Freedom of the press, and in fact, freedom of all forms of communication are apparently placed in jeopardy. All advertising media and the content of advertising itself could be embraced in this line of reasoning.**
>
> **"We respectfully urge the members of Congress to weigh the need for new legislation to clarify and make secure the freedom of communications against the necessity of capricious regulation."**

OUTSTANDING WAR PROGRAM

Chester La Roche, Chairman of the War Advertising Council, advises that the Council in cooperation with the Office of War Information has made tentative plans for a nationwide network broadcast to the business men over the facilities and through the courtesy of the National Broadcasting Company. One Hundred thirty-eight stations will carry the program.

As presently planned the broadcast will, according to Mr. La Roche, take place on July 14 at 1:30 p.m. Eastern War Time. The broadcast will tell the story of the part *all* citizens can play in total war, with particular emphasis on the leading role that business men can take through their advertising. This broadcast will make clear that business through its advertising can do much more to organize and unify our people.

The goal, according to the Council, is two-fold: One-third of all advertising devoted to public war information; and, a war message in every ad.

NBC will notify the broadcasting industry of the proposed program on July 6 at 1:15-1:30 p.m. EWT in a "closed circuit" broadcast. It is highly desirable that NBC station managers invite other broadcasters in the community to listen in to this closed circuit talk in order that complete coordination of the July 14 program may be achieved.

STATEMENT OF NEVILLE MILLER ON H. R. 2968 BEFORE SENATE COMMITTEE

OWI Is Supported

My name is Neville Miller. I am President of the National Association of Broadcasters, which is the trade association of the broadcasting industry, with offices in Washington, D. C. The Association is a non-profit membership corporation, organized twenty years ago, with approximately 540 members representing all classes of stations and networks.

I have communicated with our Board of Directors, and, based on their replies and other information, I can state that broadcasters are practically unanimously of the opinion that the Radio Bureau of the Office of War Information has done an exceedingly good job in program coordination and clearance activities and has produced a condition which is vastly superior to the chaotic condition which existed prior to the commencement of these activities.

Broadcasters and advertisers early offered their cooperation to the government and over the last several years have contributed radio time valued at millions of dollars to assist in campaigns and other activities in connection with the war program. It early became evident that to make the most effective use of the radio time available it was necessary that some agency be empowered to coordinate the requests and needs of the various government agencies and to determine the relative importance of the various campaigns and other activities.

The Radio Bureau of the Office of War Information assumed that task and by the creation of the Program Allocation Plan and in other ways has rendered a service of the greatest value to the government, to advertising sponsors, to broadcasters and to the listening audience. We have worked in close cooperation with the Radio Bureau, and I am glad to state that in our opinion this work of coordination and program clearance has been carried on in an able, intelligent and satisfactory manner.

Broadcasters are unanimously of the opinion that this work has been very helpful and express the hope that funds for its continuation will be provided. They believe that failure to continue this work would produce a chaotic

(Continued on page 292)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Arthur C. Stringer, *Director of Promotion.*

STATEMENT OF NEVILLE MILLER ON H. R. 2968 BEFORE SENATE COMMITTEE

(Continued from page 291)

condition similar to the one which existed prior to the creation of the Radio Bureau, and the result would be very detrimental to the war program.

BROADCASTING INDUSTRY HONORED BY U. S. FLAG ASSOCIATION

The Cross of Honor of the United States Flag Association and an accompanying scroll were presented to the American Broadcasting Industry at a luncheon meeting at the National Press Club, June 28, 1943, Washington, D. C., by Walter D. Fuller, president, Curtis Publishing Co., and executive chairman of the association.

Neville Miller, NAB president, received the awards on behalf of the industry.

> *(A reproduction of the scroll, which bears a picture of the medal on it, is being reproduced in form suitable for framing and will be sent to all stations next week.)*

The awards were made in recognition of "distinguished service" during the observance of Flag Week during which 100 million dollars worth of war bonds were sold.

Citation accompanying the awards reads:

> **"In recognition of distinguished service by this agency of public information, education and entertainment whose high ethical standards and conduct give to the American people further reason to be proud of the efficacy of our Constitutional guarantee of freedom of speech as exercised by a private industry under our democratic system of free enterprise. The contribution of America's radio broadcasting stations to the success of the Flag Week War Bond Campaign of 1943 is an additional compliment to their magnificent record of unselfish service to the ideals and institutions symbolized by the Flag of the United States."**

PAYNE NOMINATION WITHDRAWN

President Roosevelt on Wednesday nominated George Henry Payne to succeed himself on the Federal Communications Commission, for a period of 7 years, effective June 30. On Thursday, the President withdrew that nomination and no explanation is made for its withdrawal.

NAB FILES BRIEF IN TECHNICIAN CASE

(Released by NAB News Bureau)

NAB has urged the San Francisco regional War Labor Board to reject an arbiter's award which stated that the job of a radio technician was the same no matter where he worked.

Award was made by George Cheney of the U. S. Conciliation Service, sitting as an arbiter in a wage dispute between station KPAS, Pasadena, California, and the International Brotherhood of Electrical Workers, local 40. It was subject to review under executive orders 9250 and 9328 by the War Labor Board.

The NAB brief was filed at a board hearing in Los Angeles. The text follows:

In the Matter of Arbitration
between
Pacific Coast Broadcasting Company of Pasadena, California,
and
Studio Electricians, Sound and Broadcast Technicians Local No. 40, of Hollywood, California, affiliated with the International Brotherhood of Electrical Workers

Case No. 10-3726

BRIEF
of
The National Association of Broadcasters

1. The National Association of Broadcasters is a trade association representing 500 of the country's 900 radio broadcasting stations. Its membership comprises a cross section of the industry, including networks, large stations, medium sized stations, and small stations. Station KPAS is not a member of the Association. The NAB's interest in the proceeding is due to principles important to all smaller radio broadcasting stations. The NAB is interested in any wage adjustment at station KPAS only as it might affect these principles.

2. The arbiter apparently based his award on the difference between the salaries paid at Station KPAS and those paid at the larger stations in the Los Angeles area, claiming that this difference constituted an inequality and/or gross inequity under the terms of Executive Order 9250. Although Executive Order 9328 eliminated inequalities and/or gross inequities as a basis for wage or salary increases (6, Wage and Hour Reporter, 353), the NAB maintains that even under Executive Order 9250 a differential between the wages paid at a smaller station and those paid at larger stations did not and does not constitute an inequality and/or gross inequity.

3. Latest available statistics from the Federal Communications Commission (for the week of October 12, 1941) show that the average compensation of operating technicians throughout the United States in 67 clear channel stations was $61.06; in 315 regional stations, $43.31; in 435 local stations, $29.13. These differentials between large and medium, and medium and small stations have been a part of radio broadcasting's wage structure since the industry's birth. They are in some measure due to the differences in ability to pay on the part of the employer (the larger stations, by and large, being the more prosperous). But they are mainly due to the differences in the services rendered by the technicians and by the differences in requirements.

When the arbiter said that, "evidence discloses that the work of regular technicians is substantially the same in all stations", and that, "these intra-industry differentials cannot be rationalized on any basis whatever," he displayed only a superficial knowledge of the work of the craft. Saying that the work of a technician in a small station was the same as that of a technician in a large station would be the same as saying that the work of a streetcar motorman was the same as that of the engineer on the Pennsylvania's electrified "Congressional Limited" because both operated an electrically driven conveyance.

For many years it has been the practice of larger stations to recruit their technical personnel from smaller stations. Smaller stations have served as training schools for the larger. The usual radio technician, after a brief study course, gets a job in a smaller station to gain the experience he knows is necessary for work in a larger station. While at the smaller station he frequently continues outside study to supplement this experience. In many larger stations a degree in electrical engineering, as well as experience in a smaller station, is frequently required. The work in a smaller station is not so exacting. Frequency deviations, or even brief shut-downs, owing to technical failures, are not regarded as of nearly the same importance in a smaller station as in a larger one. In a smaller station technicians ordinarily are not required to be able to meet any technical problem which may arise, while in larger stations each technician on the staff is ordinarily supposed to be able to meet any emergency. In other words, although "radio technician" is used to describe certain duties in both large and small stations, the jobs are usually different and usually require different classification when salaries are fixed. For these and other similar reasons, the differentials between the salaries of technicians in various sizes of stations have grown up. They are part of the wage structure of the radio broadcasting industry.

The NAB is of the opinion that your Board would be exceeding its authority even under Executive Order 9250 if it should adopt the principles stated by the arbiter that, "to grant continued existence will most certainly injure morale and militate against the effective prosecution of the war by a most important industry." To the contrary a great many smaller stations are now operating at a deficit, while many others are on the verge of writing their balance with red ink.

Local advertising is off in many places. The Federal Communications Commission and the Office of War Information are concerned lest the end of this year finds a great many smaller stations, vital to the war effort, off the air because of financial difficulty. Establishing the principle that all technicians should be paid the same salary no matter where they work would hasten the financial collapse of many smaller stations.

4. It may be assumed that your Board in considering this award will now see whether it is in line with the wage bracket policy enunciated by the Director of Economic Stabilization under Executive Order 9328 (6, Wage and Hour Reporter, 441). If your Board does consider whether the salaries fixed by the arbiter are in line with this policy, the NAB is of the opinion that the salaries of technicians only in stations of similar size and condition * in the Los Angeles area should be considered in determining the brackets. The reasons for this are the same as those stated in paragraph 3 above Otherwise the so-called "bracket policy", if loosely applied, might be used to destroy the principles enunciated above. Figures for proper brackets could be obtained through the National Association of Broadcasters, the Southern California Broadcasters Association, or the Federal Communications Commission.

5. In his discussion of the case, the arbiter hinted that there might be some justification for basing the salaries of radio broadcast technicians on the wages of ordinary electricians. Although the arbiter discarded this principle in his "decision", the NAB wishes to point out that this principle is wholly fallacious. One of the principal factors in determining the hourly wages of journeyman electricians was the irregularity of employment. By and large, there is no irregularity of employment in radio broadcasting. The vast majority of technicians are employed on a weekly basis and work the year around. There is also little or no comparability between the work of a radio technician and an ordinary journeyman electrician.

Joseph L. Miller,
Director of Labor Relations,
National Association of Broadcasters.

Washington, D. C.
June 28, 1943.

TEST AIR RAID CONFUSION IN PHILADELPHIA'S 6 STATIONS AGAINST GIVING "ALL-CLEAR"

Recent discrepancies between the radio "all-clear" and the audible sirens, said to be the result of errors in the offices of the authorities, charged with furnishing the information to radio stations, have caused six Philadelphia stations to discontinue the "all-clear" signal.

Stations KYW, WCAU, WFIL, WIBG, WIP and WPEN are the stations involved. They issued the following joint statement:

"In order to eliminate confusion to the public caused by the failure of the military and the civilian defense authorities to furnish the radio stations with prompt and dependable contemporaneous advices for giving the "all-clear" signal at the termination of test blackouts in this area, the Philadelphia radio stations have notified the Army Service Commands and the Philadelphia Office of Civilian Defense that from now on the radio stations will not attempt to give the "all-clear" signal, but are willing to report the occurrence of the signal as a news item as soon as practicable after it has been heard."

The radio stations believe it is unfair both to themselves and to the public for the present unsatisfactory method to be continued. The stations believe that the public should, therefore, concentrate on the audible sirens for the "all-clear" instead of looking to the radio for it until the Army and Civilian Defense can get together and work out a plan that is practicable.

Statement by Director Landis

Regarding the Philadelphia situation OCD Director Landis stated to NAB yesterday:

"The authority for issuance of the "all-clear" signal and the timing of such signals rests entirely with the Army Service Command under Air Raid Protection Regulation No. 1, issued by Lieutenant General Hugh A. Drum, Commanding General, Eastern Defense Command and First Army. The Third Service Command, with headquarters in Baltimore, Maryland, has full jurisdiction over all air raid signals in tests conducted in Pennsylvania. New Jersey is under jurisdiction of the Second Service Command, with headquarters in New York. This is because only the military can determine with authority when a raid is imminent and when all danger has passed.

"Since this is true, Civilian Defense cannot accept responsibility for any failure to synchronize the various radio stations in connection with the announcement of an "all-clear." The problem the Army has in this connection is in some respects technically difficult, but I do not believe it would help matters for Civilian Defense to inject itself into the matter."

More Information from Broadcasters

Following receipt of the Landis statement, NAB located a Philadelphia station manager who has maintained an accurate and complete file on the long series of unfortunate incidents in connection with practice air raids. It develops that the June 23 series of incidents were the straws that broke the camel's back.

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* Such as network affiliation, power, volume of business and card rate.

How Public Was Confused

As an example of what happened during the last blackout, the Philadelphia informant said that two of the six stations that issued the joint statement, printed above, were not included in the 10:51 p. m. conference call. The four other stations were advised by call from the office of Major Elderdice that they should broadcast the all clear at 10:55 p. m. This was done by some stations. As it turned out these announcements were four minutes ahead of the downtown audible. Others, because of past experience, played safe and waited until the siren was heard in the downtown section at 10:59. Accordingly these signals coincided with the audible in the downtown section.

Adding to the confusion was the fact that the audible "all-clear" was given in the suburbs at 11:03, eight minutes after some radio listeners heard the "all-clear" on their radios at 10:55.

Such people acted in good faith, turned on their lights and immediately had arguments with block wardens, who, of course, did not hear the "all-clear" until 11:03. Accuracy of the broadcast "all-clear" was brought into question.

One station received a call from the Army at 11:00 p. m. stating that the "all-clear" was to be given at 10:55.

Adding more fuel to the fire, the Philadelphia broadcaster said, was a statement by the local OCD to Philadelphia papers that radio stations had sounded the "all-clear" too soon.

Confusion Must End

The Philadelphia story is only one of other similar stories.

But there need be no divided authority. Responsibility is indicated in FCC Restricted Order No. 2 now in the hands of broadcasters. However, if those in authority fail to make workable plans and then implement them properly, broadcasters are correct in attempting a remedy with vigorous protests. Such a serious condition should not be permitted to continue, because it is contrary to the public safety and to the winning of the war.

It is reported that a number of Philadelphia conferences with the Army, OCD and broadcasters have failed to produce a solution up to the present time.

PUBLIC RELATIONS COMMITTEE CHICAGO MEETING REPORT

(Released by NAB News Bureau)

"The public relations work of the radio industry is largely a responsibility of local stations in local communities," stated Edgar Bill, of WMBD, Peoria, Illinois, chairman of the NAB public relations committee, following a two-day meeting in Chicago at which the committee adopted a "grassroots" policy and outlined a complete field of operation to be incorporated into a working plan.

Acting in an advisory capacity to the industry, the committee adopted a resolution outlining the importance of news and requesting the NAB board of directors to appoint a radio news committee, consisting of station managers and news editors whose objective shall be the advancement of radio as a medium of news transmission.

The appointment of district public relations chairmen in the seventeen NAB districts, now under way by the board of directors, was discussed and applauded. Local station management will also be requested to place someone in charge of public relations for the station, if this has not already been done. All will cooperate with national headquarters.

It was pointed out that a co-ordinated unit of this type will enable headquarters to speak more readily for the industry as a whole on national issues and will be of great mutual benefit in shaping local activities.

Editorial 'Silence' Discussed

Discussion of the Supreme Court decision of May 10th and new legislation brought up the matter of radio's editorial silence. The committee decided that the best policy, in its opinion, was the aggressive promotion of public forums and individual speakers offering the right of reply. "This," said Bill, "while conforming to the Code, will still accomplish as much as a declared editorial policy, perhaps even more."

Members of the public relations committee attending the two day session, in addition to Bill, were: Lawrence W. McDowell, KFOX; Craig Lawrence, KSO; Leslie W. Joy, KYW; John Patt, WGAR; Edgar H. Twamley, WBEN; Dr. Frank Stanton, CBS; and Judith Waller, NBC, Chicago, appearing for Frank M. Russell, NBC, Washington. Representatives of NAB in attendance were C. E. Arney, Jr., secretary-treasurer; Willard D. Egolf, assistant to the president, and Walt Dennis, chief of the NAB news bureau. Kern Tips, KPRC, was unable to attend.

Another meeting of the committee was voted for early fall.

Broadcast Advertising

NEVILLE MILLER ADDRESSES AFA WAR ADVERTISING CONFERENCE

Egolf Re-elected Vice-President

With station men, Neville Miller and staff personnel present, NAB was well represented at the Advertising Federation of America War Advertising Conference, New York City, June 28-30.

Miller addressed delegates on the subject of the powers now residing with the FCC as result of the Supreme Court decision of May 10, 1943. (Full text of this address will be sent to members as a special bulletin within a few days.) Temper of the federation was expressed in a resolution indicating "profound concern" over the line of reasoning revealed in the decision and urging Congress to consider new legislation. Full text of the resolution appears elsewhere in this issue of the "Reports."

Willard D. Egolf, assistant to the president, NAB, was re-elected vice-president of the Federation Tuesday afternoon. Egolf presided over the Advertising Club Conference on War Activities, presenting Chester LaRoche, chairman of the War Advertising Council; Herman Wolf, War Production Drive; E. A. Sheridan, special OCD representative, and Paul Bolton, former ODT campaign sections chief.

Lewis H. Avery, director of the department of broadcast advertising, NAB, presided over the Wednesday session addressed by Miller. Avery also presented Fred H. Kenkel, C. E. Hooper, Inc., vice-president, who used charts and statistics gathered by his organization in showing "How We Listen to Radio in Wartime." 1943 reveals an all-time audience high. Avery closed the session by giving comparative figures on the distribution of the national advertiser's dollar in all media, showing radio's tremendous gains in the last ten years.

NAB Display

The NAB display at the AFA Conference, was devoted to "Radio in the War."

WGAR, Cleveland, WTAD, Quincy, WSYR, Syracuse, and WBAL, Baltimore, took advantage of the invitation, printed in NAB Reports of June 11, to display promotion pieces which tied in with the central theme of the display.

COLUMBIA PICTURES LAUDS RADIO ADVERTISING RESULTS

An eight-week radio campaign for Columbia Pictures' production of "The More the Merrier" on a budget of $100,000 was considered a prime factor by the picture company for the picture's rolling up of larger first week grosses than any other photoplay produced by that studio. Variety reported the above in its June 30 issue.

CBS AFFILIATES KNOCK 'HITCH-HIKE' ANNOUNCEMENTS

The following resolution was adopted at the First District CBS Affiliates' Meeting at the Hotel Statler, Boston, June 23, 1943:

WHEREAS the so-called hitch-hike and cow-catcher announcements presently used on network programs tend to lower the standards of good broadcasting, and,

WHEREAS, such announcements are considered to be a violation of the responsibility placed upon radio station licensees to operate in the "public interest, convenience and necessity," and,

WHEREAS, the use of such announcements was permitted without consent of their affiliates,

Now, therefore, be it resolved, that Franklin Doolittle, 1st District Representative of the CBS Advisory Committee, is instructed to convey to the proper officials of the Columbia Broadcasting System a request that immediate steps be taken to eliminate from network programs the use of hitch-hike, cow-catcher or other similar announcements as soon as may be practicable.

KFXJ RENDERS NOTABLE PUBLIC SERVICE

(Released by NAB News Bureau)

(The following account of the part Radio Station KFXJ and its manager, Rex Howell, played in the recent Grand Junction, Colorado, explosion story is passed on for your information and use as you see fit.)

At 2:00 A.M. Monday, June 28, two carloads of munitions caught fire in the Grand Junction, Colorado, railroad yards, touching off a series of explosions lasting more than two hours.

Shrapnel and shells rained over a wide area. City residents, unaware of the cause and taking fire equipment sirens as an air-raid alarm, were thrown into state of near panic. Police and the Offices of Civilian Defense headquarters were swamped with telephone calls and the telephone company reported a hopeless jam within a few minutes.

Rex Howell, manager of the city's radio station, KFXJ, warmed up his transmitter, contacted the military authorities and obtained permission to broadcast complete story of explosion and to afford facilities to police to explain the situation to the people.

Repeated explanations and bulletins were broadcast urging the people to remain under shelter and not to telephone unnecessarily. Within a few minutes after the first broadcasts the telephone company reported a 75 per cent drop in traffic.

Throughout the day and evening the station continued to air bulletins warning people to say away from danger areas and cautioned people against picking up unexploded shells for souvenirs, and advised listeners to report locations of all shells they found.

Military authorities and police in the area have publicly cited Howell and his station for outstanding public service. A note of interest is that United Press scored a clean beat on the story—KFXJ is a UP client.

NLRB ANSWERS QUESTIONS ON INDIVIDUAL PAY RAISES

The National War Labor Board this week answered some of the questions that have arisen about individual pay increases under General Order 31 (NAB REPORTS, p. 282).

The text of the clarifying order:

In order to dispose of any doubts with respect to the intent of General Order No. 31, the National War Labor Board states as follows:

(1) Job classification *rates* or rate *ranges* presuppose more than mere descriptive titles of positions. The job classification must be clearly defined and described as to content. When different skills and responsibilities are necessary, there must be different job classifications bearing their own rates or rate ranges. A mere descriptive job title and a poorly defined or extremely wide rate range is not a job classification rate range.

(2) Job classification *rates* of *rate ranges* must have been in existence properly on May 31, 1943. They must be those which were in existence prior to October 3, 1942, or those resulting from permitted adjustments subsequent to that date, or rates set for new jobs under either the former or the revised General Order No. 6. Improper adjustments of rates for job classifications or for individual employees are not a basis for determining a job classification rate or rate range.

(3) Where proper job classification rate ranges existed on May 31, 1943, but no plan, as defined in Subparagraphs 1, 2, or 3 of Section I-A-1-b, individual adjustments may be made within and between the job classification rate ranges in accordance with Subparagraph 4 without Board approval. But an employer may not substitute for an existing plan (as defined in subparagraphs 1, 2, or 3 of Section I-A-1-b) any new plan (including a plan embodying the methods set forth in Subparagraph 4 of Section I-A-1-b) without first obtaining Board approval.

(4) In adopting a plan of making individual adjustment in accordance with the criteria set worth in Subparagraph 4 of Section I-A-1-b, an employer may not use both merit increases and automatic length-of-service increases for individual adjustments with respect to a given job classification. This does not preclude Board approval of any plant which provides for both merit and automatic length-of-service adjustments.

(5) Modifications of existing plans of making individual adjustments (including apprentice or trainee programs) require Board approval.

(6) Where no proper job classification rates or rate ranges existed on May 31, 1943, individual adjustments may not be made without Board approval until a schedule, as defined, is approved by the Board.

OVERCHARGING ON BATTERIES BELIEVED NOT TOO WIDESPREAD

An AP story dated June 29, quotes OPA as reporting the receipt of "complaints that farmers in various sections are being charged $10 to $14 for farm radio battery packs which normally retailed for $5 to $7."

OPA asked farmers to report any overcharge to their nearest rationing board.

Because most farm radio battery packs are sold by well established dealers, well known throughout their community, or are obtained from the mail order houses, NAB believes that the "black market" instances are not numerous.

However, OPA is probably justified in issuing such a statement to guard purchasers against the possibility of overcharge. Any buyers who are asked to pay more than the ceiling price should certainly follow OPA's advice and report the fact to their nearest rationing board.

WBT GRADUATES 20 WOMEN

Grant Carey, WBT engineer-instructor, reports that more than twenty women have graduated from his classes in Radio Operations and Maintenance. The streamlined course is of two and one-half hours' duration, three nights per week, for thirteen weeks.

RADIO TECHNICAL PLANNING AGENCY

Authorized representatives of the Radio Manufacturers' Association and The Institute of Radio Engineers met on June 25, 1943, in Washington, to consider the organization of the proposed Radio Technical Planning Agency.

Encouraging progress was made and agreement was reached on the general principles underlying the plan.

It is expected that final agreement on the details of the proposed plan will shortly result, as indicated in the statement issued by Haraden Pratt, chairman of the I. R. E. Committee on the Radio Technical Planning Agency.

WCAU ENGINEER IS NAVY LIEUT.

Charles W. Robinson, WCAU master control engineer for the last seven years, has been commissioned a lieutenant in the U. S. Navy and has reported for indoctrination in the middle-west. Lieutenant Robinson is 38 years old, married and the father of two children. He is a graduate of the University of Pennsylvania and has served several "hitches" as a ship-going radio officer.

FEDERAL COMMUNICATIONS COMMISSION

FLY SAYS FCC HAS 'NO DESIRE' TO SUCCEED OWI

Domestic operations of OWI is doing a very essential job and doing it in a very splendid manner, FCC Chairman James Lawrence Fly told a news conference early this week.

He made this remark in connection with rumors to the effect that the FCC might take over some of these operations in connection with radio. Fly said that insofar as he knows the FCC does not have the slightest desire to enter into this work in any way. He said that it is his opinion that it would be an inappropriate line of work for the Commission.

Chairman Fly told the conference that this would be a particularly bad time for the FCC to enter into the picture when there are so many false and malicious rumors and statements about the Commission's undertaking to run the programs of the radio stations and he said he thinks that it should be made doubly clear that it has not done anything of that sort and does not plan anything of that sort, in view of the importance of not merely keeping radio free, but also of having everybody understand that it is completely free so far as the licensing power is concerned. Fly said he felt that such suggestions came from those who want to make trouble for the Commission and perhaps for the OWI. The Chairman said that he thinks that the suggestions came from somebody in the radio industry and "some of those parasites."

PAYNE RENOMINATED

President Roosevelt on Wednesday sent the name of George Henry Payne to the Senate to succeed himself as a mmber of the Federal Communications Commission. His name has been referred to the Senate Committee on Interstate Commerce. The reappointment is for a seven year term as of June 30.

DODD CHARGES DROPPED

The FCC held a full hearing on the administrative charges made against William E. Dodd, Jr. on May 19, 1943 and May 24, 1943, to the effect that he had made false, misleading or conflicting statements to government officials in the course of recent inquiries. On the basis of all of the pertinent documents, the records of other hearings and upon the testimony given in the hearing, the Commission found that none of the charges is substantiated. It accordingly directs that the said charges be dismissed.

FCC TO PERMIT OCD TO OPERATE WERS AS NEEDED

To provide for the rapid mobilization of the nation's protective facilities in meeting "emergencies endangering life, public safety, or important property," the FCC has amended Part 15 of its Rules, effective immediately, to permit Civilian Defense stations in the War Emergency Radio Service to operate in any emergency which might adversely affect the war effort.

Under the amended rules, Civilian Defense licensees in the WERS may now use their stations to provide essential communications over limited distances in the event of emergencies such as floods, explosions in munitions plants, hurricanes, fire and other emergency situations affecting the nation's security. Prior to this amendment, these stations were authorized to be on the air only "for essential communication relating to civilian defense and only during or immediately following actual air raids, impending air raids," and other enemy operations, or for purposes of testing and drill.

To implement the "mutual aid" program inaugurated by the Office of Civilian Defense, the amended rules also provide for the designation of one or more of the licensed WERS stations as "control units." So that fire-fighting and other facilities to be used in "mutual aid" programs may always be in readiness, Civilian Defense licensees in this service may use their station units, under the supervision of such "control units," during the first 15 minutes of each hour, for the exclusive purpose of handling essential communications preparatory to any anticipated emergency.

The use of Civilian Defense Stations in connection with "mutual aid" programs is under the jurisdiction of the station licensee and radio aide for the purpose of providing emergency communication relating directly to the activities of the United States Citizens Defense Corps or other officially recognized organizations.

It is anticipated that this change in the Rules will provide increased opportunities for amateur radio operators as well as other qualified radio operators, technical men, and engineers to contribute their time, energy and talent to the war effort. At the present time, there are in the War Emergency Radio Service 192 Civilian Defense, eight State Guard, and two Civil Air Patrol station licensees, as well as many more licensed operators. Each station licensee may use from two to 100 or more radio station units, whose operation is coordinated to form a comprehensive local communications system.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, July 5th. It is subject to change.

Wednesday, July 7

KMTR—KMTR Radio Corp., Los Angeles, Calif.—Renewal of license, **570 kc.**, 1 KW, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted construction permit (B4-P-3522) to move main studio and transmitter from New Albany, Ind., to Louisville, Ky.

WDAK—L. J. Duncan, Leila A. Duncan, Josephine A. Keith, Effie H. Allen, Aubrey Gay, d/b as Valley Broadcasting Co., West Point, Ga.—Granted construction permit (B3-P-3529) to move transmitter and studio from West Point, Ga., to Columbus, Ga.

WWDC—Capital Broadcasting Co., Washington, D. C.—Granted petition for waiver of Sections 2.53 and 13.61 of the Commission's Rules so as to permit operation of WWDC's synchronous amplifier by remote control from the main transmitter location for the duration of the war emergency.

WBNX—WBNX Broadcasting Co., Inc., New York, N. Y.—Granted renewal of license for regular period.

KSJB—Jamestown Broadcasting Co., Inc., Jamestown, N. Dak.—Adopted an Order granting petition for postponement of effective date of the Commission's Order of June 23, 1943, cancelling, effective June 26, the special service authorization issued on June 1 to Jamestown Broadcasting Co., Inc., to operate Station KSJB on **600 kc.**; changed effective date of the Order of cancellation from June 26 to July 7, 1943. (Docket No. 6519)

DOCKET CASE ACTION

The Commission has announced adoption of an Order granting the application of Port Arthur College (KPAC), Port Arthur, Texas (B-179), to increase power on 1250 kilocycles from 500 watts using directional antenna at night, to 1 kilowatt unlimited time, and to make changes in the directional antenna for nighttime operation, subject to the condition that no interference will be caused in contravention of the terms of the North American Regional Broadcasting Agreement.

MISCELLANEOUS

WOKO—WOKO, Inc., Albany, N. Y.—Denied petition to continue from July 1, 1943, hearing on application for renewal of license of Station WOKO. (Docket No. 6486)

KSJB—Jamestown Broadcasting Co., Inc., Jamestown, N. Dak.—Adopted Order, effective 12:01 a. m., June 26, 1943, cancelling the special service authorization issued KSJB on June 1, 1943. The special service authorization granted authority to KSJB to operate on **600 kc.** for the period pending hearing on and until determination by the Commission of application of KSJB for modification of license to decrease nighttime power and change frequency from **1400 kc.** to **600 kc.** It now appears that Station KSJB has retained in its possession the crystals for operation on **1400 kc.** and that, therefore, the grounds given by the Commission as to why in its opinion public interest, convenience or necessity would be served by a grant of the special service authorization no longer exist. (B4-ML-1115)

WINS—Hearst Radio, Inc., New York, N. Y.—Granted modification of construction permit which authorized increase in power, change in hours of operation, installation of new transmitter and directional antenna for day and night use, and move of transmitter, for extension of completion date from June 6 to December 6, 1943. (B1-MP-1714)

WINS—Hearst Radio, Inc., New York, N. Y.—Granted modification of construction permit which authorized increase in power, change in hours of operation, installation of new transmitter and directional antenna for day and night use, and move of transmitter, for extension of completion date from June 6 to December 6, 1943. (B1-MP-1715)

KGBK—Helen Townsley, area of Great Bend, Kans.—Granted further extension of license upon a temporary basis only, pending determination upon application for renewal of relay broadcast station license, in no event later than August 1, 1943. (B4-SRY-240)

WAEA—W. A. Patterson, area of Chattanooga, Tenn.—Granted further extension of license upon a temporary basis only, pending determination upon application for renewal of relay broadcast station license, in no event later than August 1, 1943. (B3-SRY-132)

Beauford H. Jester, Individually and as Trustee for W. W. Callan, DeWitt T. Hicks, Hilton W. Howell, Wilford W. Naman, Robert E. Levy, Ross M. Sams, and Davis Stribling.—Adopted an order granting petition for a continuance of the oral argument on the application for construction permit for new standard broadcast station; continued oral argument until October 6, 1943. (Docket No. 6218)

APPLICATIONS FILED AT FCC

810 Kilocycles

KOAM—The Pittsburg Broadcasting Co., Inc., Pittsburg, Kans.—Special service authorization to operate unlimited time, with power of 500 watts night, 1 KW day, for period ending 2-1-44.

930 Kilocycles

KTKN—Edwin A. Kraft, Ketchikan, Alaska.—Authority to install new automatic frequency control.

990 Kilocycles

WNOX—Scripps-Howard Radio, Inc., Knoxville, Tenn.—Construction permit to make changes in equipment.

1090 Kilocycles

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Special service authorization to install new transmitter and operate with power of 1 KW, for period ending 4-1-44.

1240 Kilocycles

KFXM—J. C. Lee & E. W. Lee (Lee Bros. Broadcasting Co.), San Bernardino, Calif.).—Authority to determine operating power by direct measurement of antenna power.

1490 Kilocycles

KYOS—Merced Broadcasting Co., Merced, Calif.—Authority to determine operating power by direct measurement of antenna power.

FM APPLICATION

W43B—The Yankee Network, Inc., Boston, Mass.—License to cover construction permit (B1-PH-51) for new high frequency (FM) broadcast station, *in part*.

TELEVISION APPLICATION

W6XYZ—Television Productions, Inc., Los Angeles, Calif.—License to cover construction permit (B5-PVB-33) as modified for new experimental television broadcast station.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Hillyard Optical Company.—Misrepresentation in the sale of eye glasses, lenses and frames is alleged in a complaint issued against Francis R. Hillyard, Sr., Bernard B. Hillyard, Francis R. Hillyard, Jr., and Frederick C. Hillyard, who operate optical stores in Washington, D. C., under the firm names Hillyard Optical Co., Hillyard's Optical Service, Dr. F. Hillyard & Son, and F. R. Hillyard & Son. John Giddings, who was an employee of the Hillyards prior to February 1, 1943, also is named a respondent in the complaint. (4984)

Preferred Havana Tobacco Co., which has its principal office at 257 Fourth Ave., New York, is charged in a complaint with falsely representing that the cigars it manufactures at its Tampa, Florida, factory are made in Cuba and imported into the United States. The respondent company trades under the names Bustillo Bros. & Diaz, Inc., Calixto Lopez & Co., Lopez Hermanos and Bances Y. Lopez. (4983)

H. D. Shipp Co., Inc., 12 S. Capitol Ave., Indianapolis, and its president, H. D. Shipp, are charged in a complaint with misrepresentation in the sale of a drinking glass designated "Sneaker," which is designed to eliminate the objectionable tastes of liquids drunk from it. (4986)

United Art Studios, 1615 G St., S. E., Washington, D. C., and Benjamin Kadet and Ada Kadet, trading as Kadet Art and Frame Company, 909 Fifth Avenue, Pittsburgh, have been ordered to cease and desist from the use of false and deceptive practices in the sale and distribution of photographic enlargements and frames produced by the Kadet Company and sold by the respondent Klein. (4924)

United States Forwarding System, Prudential Building, Buffalo, and Samuel Rosenthal, manager of the business, are charged in a complaint with misrepresentation in connection with the sale of postal card questionnaires used in obtaining information concerning alleged debtors of the firms and individuals who purchase the cards from the respondents. (4985)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Clear Springs Hatchery, McAlisterville, Pa., entered into a stipulation to cease and desist from the use in advertising matter of any statement or representation which tends to convey the belief that the chicks he sells are hatched from eggs produced at his hatchery when actually they are hatched from eggs obtained from supplying farmers or poultry raisers, or which tends to create the impression that breeder stock of the Hanson or any other U.S.R.O.P. strain has been placed in the flocks of all supplying farmers; that all chicks sold by his hatchery reflect the strain of U.S.R.O.P. poultry; or that chicks sold under any specific trade designation as, for example, "Clear Spring Hanson Strain Leghorn Big Type," are procured from J. A. Hanson or any other U.S.R.O.P. breeder. (3674)

National Academic Publications, 22 South St., Catherine Place, Atlantic City, N. J., engaged in the sale of yearbooks and school annuals, stipulated that he will discontinue representing that he operates a printing, engraving, lithographing or binding business or that he owns and operates or directly controls an establishment in which yearbooks or other publications are printed or produced. (3673)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Empire Peat Soil Sponge Company, 1781 Riverside Drive, New York, has stipulated to cease and desist from using the words "peat moss" or "moss peat" to designate any peat not derived from Sphagnum moss, or otherwise representing that any of the peat he sells is moss peat when it is not derived from Sphagnum moss. (4641)

Motion Picture Advertising Service Co., Inc., et al.—Five corporations engaged in the production and distribution of commercial motion picture films used by national advertisers, and two booking agencies and a trade association they organized, have been ordered to cease and desist from entering into, carrying out or continuing any planned common course of action or conspiracy which has the effect of unduly restraining trade or creating in the respondents a monopoly in the sale, lease, rental and distribution of such films.

Respondent distributors named in the order, who are said to control more than 90 percent of the business done in their industry, are Motion Picture Advertising Service Co., Inc., 1032 Carondelet St., New Orleans; United Film Ad Service, Inc., 2449 Charlotte St., Kansas City, Mo.; Ray-Bell Films, Inc., 2269 Ford Parkway, St. Paul; Alexander Film Co., Colorado Springs, Colo.; and A. V. Cauger Service, Inc., 109 Winner Rd., Independence, Mo. Their trade association is the respondent Association of Advertising Film Companies. (4736)

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NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 28, July 9, 1943

More Details on the War Advertising Council Broadcast

Preliminary information regarding the nation-wide broadcast under the auspices of the War Advertising Council and OWI was given in last week's NAB REPORTS (page 291). Chester La Roche, chairman of the War Advertising Council, advises that James F. Byrnes, director of war mobilization; Judge Marvin Jones, food administrator; Elmer Davis, OWI director; and Donald Nelson, WPB head, will appear in addition to La Roche himself on this outstanding program.

Time of the broadcast has been lengthened and will start at 1:15 p. m., eastern war time, over the complete facilities of the NBC, and will continue to 2:00 p. m., giving ample time for all speakers to present fully their views.

The purpose of this program is to enlist the cooperation of the important business elements in every community in aiding the war effort by judicious placement and use of advertising budgets. This subject is one of deep interest to all advertising media and particularly to radio broadcasters.

In many communities large luncheon meetings are being arranged so that the community business leaders may be gathered in one place to listen to the broadcast. These luncheons are the joint undertaking of all of the advertising media. In other communities leading business organizations are being urged to hold meetings of their key executives in board rooms to listen to the broadcast. Some radio stations advise that they have invited a list of outstanding business and community leaders to gather in the studio to hear the broadcast.

It is unnecessary to point out to all broadcasters the tremendous importance of this program. It marks the beginning of new phases of the War Advertising Council's activity. In fact it might be termed the culmination of much of the activity which has gone before. Broadcasting more than any other medium, is now in a position to cash in on this plea to business men and advertisers to assist in the campaign of advertising the war. We should make the most of the opportunity.

SENATOR WHEELER AGAIN SAYS HE WILL HOLD FCC HEARINGS

Senator Burton K. Wheeler, chairman of the Interstate Commerce Commission, reaffirmed his intention to give regulation of radio broadcasting by the Federal Communications Commission a "thorough airing" when members of Congress return from summer recess in an interview reported July 8 by the Associated Press.

Senator Wheeler made this statement in connection with comments he gave AP on Senator Robert Taft's speech (see Special Legislative Bulletin No. 8 enclosed with this issue of the REPORTS) in Congress July 8.

WAR LABOR BOARD HOLDS HEARING ON PETRILLO CASE

The National War Labor Board is holding a public hearing today (Friday) to determine whether the controversy between the music transcription companies and James Caeser Petrillo and his union is a labor dispute over which the Board should take jurisdiction.

On July 5, the Secretary of Labor certified the strike of the musicians to the Board. Four days earlier, the U. S. conciliation service of the Department of Labor, to whom the transcription companies had submitted the dispute, saw negotiations between them and Petrillo break down completely.

At that itme, Petrillo said his union would not make transcriptions any more at any price, observing that if the transcription companies gave his union their entire gross receipts of $4,000,000 a year, "it's still small peanuts to the Federation." He also said it was the broadcasting stations that he was after.

At the public hearing Friday, A. Walter Socolow, attorney for the transcription companies, will ask the Board to exercise its jurisdiction and order the striking musi-

(Continued on page 302)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Arthur C. Stringer, *Director of Promotion.*

WAR LABOR BOARD HOLDS HEARING ON PETRILLO CASE

(Continued from page 301)

cians back to work at once. It is reported that Petrillo is prepared to argue, in order that he may escape the jurisdiction of the National War Labor Board, that his ban does not constitute a strike. It will be recalled, however, that he has repeatedly maintained that his ban is a strike, and that his union, in fighting the Department of Justice's anti-trust suit last winter, successfully argued that the controversy was a typical labor dispute and thus not subject to the jurisdiction of the Federal Court. The Court upheld the union's contention, which was thereafter sustained by the United States Supreme Court.

After the National War Labor Board makes its decision in respect to the jurisdictional question, NAB will issue a Special Bulletin reviewing all recent developments and bringing the situation up to date.

COMMISSIONER CRAVENS DISSENTS

In an interview he granted a Washington *Times-Herald* reporter on July 6, 1943, Commissioner T. A. M. Cravens of the FCC is quoted as saying:

"I got in a row recently with some of the other Commissioners about some new regulations which I thought were interfering with the freedom of speech and private initiative. According to the Supreme Court vote on the matter, I was two-fifths right."

FTC ALLOWS MORE TIME ON ADVERTISING SURVEYS

The following statement was issued today by the Federal Trade Commission:

"At the direction of the Commission the Radio and Periodical Division has placed into operation a new schedule, wherein the usual typed copies of radio advertising script will be procured from individual radio stations, representing commercial announcements originating in their respective studios as individual broadcasters, at an average rate of twice yearly per station, starting with the opening of the new fiscal year on July 1, 1943.

"The actual calls for the commercial script covering station broadcasts in the interest of products moving in commerce, will continue to be issued for 15-day broadcast periods, as specified in advance notices sent out by the Federal Trade Commission, which allow adequate time for preparation of extra carbon copies as occasion may require. Also, the Commission will continue the issuance of its requests on a staggered monthly basis to groups of individual radio stations, selected both as to geographic location and proportionately as to transmittal power.

"The sampling of individual station commercial broadcasts covering the 15-day specified periods, should be considered as entirely separate from the weekly rendering by certain individual stations of commercial network announcements which may have originated in their respective studios, as originating key outlets of nation-wide and regional networks. Such commercial network script should be forwarded as in the past, on a weekly basis, to the Federal Trade Commission, through the head offices of the networks (or direct by the key stations, where centralized head offices are not maintained by certain cooperative regional network groups)."

Broadcast Advertising

DIETRICH DIRKS OF KTRI HEADS SALES MANAGERS COMMITTEE

Last Saturday, Neville Miller announced the appointment of Dietrich Dirks of KTRI-Sioux City, Ia., as Chairman of the Sales Managers and Sales Managers Executive committees. At the same time, he released the following names of the personnel of the Sales Managers Executive committee for the coming year:

C. K. Beaver, KARK, Little Rock, Ark.
Sam H. Bennett, KMBC, Kansas City, Mo.
Arthur Hull Hayes, CBS, New York, N. Y.
James V. McConnell, NBC, New York, N. Y.
John M. Outler, Jr., WSB, Atlanta, Ga.
W. B. Stuht, KOMO-KJR, Seattle, Wash.
John E. Surrick, WFIL, Philadelphia, Pa.

NEW COMMITTEE TO MEET IN NEW YORK JULY 14-15

The newly appointed Sales Managers Executive committee will hold its first meeting at the NAB New York office on Wednesday and Thursday, July 14 and 15, 1943. The meeting on the first day has been called for 10:30 A. M. and will be devoted to a discussion of industry sales problems arising in part from the war and its effects on advertising.

On the second day, the committee will hold a joint morning meeting with the Retail Promotion committee to see a preview of the widely-heralded Retail Promotion Plan.

WE NEED YOUR HELP

Much of the down-to-earth selling power of the Retail Promotion Plan depends upon an analysis of the present use of broadcast advertising by department stores and leading retail establishments. To help the Committee and Sheldon R. Coons to include the most complete analysis possible, won't you please do *two* things today:

1. **Fill out and return the Statistical Questionnaire on page two of the folder mailed you on May 27, 1943.**
2. **Write a letter immediately, telling in your own words and in your own way, some of your recent experiences with retail advertising.**

Your co-operation will be of genuine benefit in the preparation of the presentation.

COMMITTEE TO SEE PREVIEW OF RETAIL PROMOTION PLAN

Paul W. Morency of WTIC-Hartford, Chairman of the Retail Promotion committee, has called a two-day meeting of that group in New York on Thursday and Friday, July 15 and 16, 1943. The opening day will be devoted to a preview of the Retail Promotion Plan and to a discussion of the itinerary of the presentation that will be made from coast to coast.

"This is the most important meeting the committee has ever held," declared Mr. Morency in announcing the two-day session. "With sufficient funds assured to complete the project," he added, "we are now ready to review the work of the eminent counsel, Sheldon R. Coons, the specialists employed at the direction of the committee and the Jam Handy Organization which has been entrusted with the physical production of the presentation."

Although sufficient funds have been made available, Mr. Morency urged all stations which have not yet subscribed to this movement to do so at once, in order to insure showings of the presentation in as many communities as possible. At the same time, he urged all stations to fill out and return the Statistical Questionnaire and to write the letter requested by the committee in its mailing on May 27, 1943.

He has also invited the Sales Managers Executive committee to witness the preview of the Retail Promotion Plan on Thursday morning, July 15, 1943, since the project originated with a recommendation of that group to the Board of Directors following the NAB Convention in Cleveland in May, 1942.

Soon after the meeting, it is expected that the definite itinerary for the presentation will be announced to participating radio stations.

In addition to Chairman Morency, the personnel of the Retail Promotion Committee includes:

Robert E. Bausman, WISH, Indianapolis, Ind.
Gene L. Cagle, KFJZ, Fort Worth, Tex.
William Crawford, WOR, New York, N. Y.
Dietrich Dirks, KTRI, Sioux City, Ia.
John Esau, KTUL, Tulsa, Okla.
Kenneth K. Hackathorn, WHK-WCLE, Cleveland, O.
Arthur Hull Hayes, CBS, New York, N. Y.
Walter C. Johnson, WTIC, Hartford, Conn.
C. L. McCarthy, KQW, San Francisco, Calif.
James V. McConnell, NBC, New York, N. Y.
John M. Outler, Jr., WSB, Atlanta, Ga.
Oliver Runchey, KOL, Seattle, Wash.

Engineering

WPB PROMISES TUBES FOR THIRD QUARTER

A promise of radio tubes for civilian use was made to Honorable James F. Byrnes, director, Office of War Mobilization, by Ray C. Ellis, director, radio and radar division, War Production Board, on June 28, it was announced today by the NAB war committee.

The promise was given Director Byrnes after he had acted on the suggestion of Neville Miller to investigate the tube situation.

Since the seriousness of the tube situation is now officially recognized with relief promised by the government agency responsible for all tube production in the United States, opinion is widespread that Ellis will make good his promise.

The exchange of correspondence covering tubes appears below:

Letter to Director Byrnes from Neville Miller Dated June 17, 1943

"Lack of radio tubes for home sets has created an alarming problem. It has already seriously endangered the delivery of vital war messages from various government agencies and departments into the homes of citizens.

"It is our belief that the continued operation of mass communication throughout this nation is of the utmost importance and depends upon the immediate implementation of a balanced program which recognizes the needs of both the military and the civilian economy.

"National minimum requirements call for between two million and three million tubes per month. This is based on the maintenance of one set per radio home and excludes from consideration all automobile and portable receivers.

"Practically all dealer and jobber civilian tube stocks are exhausted. Only a limited quantity of tubes have reached civilians during the past eighteen months.

"The recently issued Order L-265 may control distribution. However, no directive is in effect to insure production of tubes in the quantity and of the type required to satisfy now critical needs. A program exists in WPB which should solve the tube problem if put into operation immediately.

FREE

"ABC of Radio"

Approximately 50,000 copies of the ABC of Radio remain at NAB Headquarters.

These should be distributed to schools, churches, educational and civic organizations, as well as interested private individuals.

NAB member stations who can make such use of the booklet will be supplied quantities desired upon request without charge.

Please try to file your request immediately.

"Concerning farm radio batteries, production and delivery to farmers for the quarter ending June 30th show improvement, but farm battery production continues insufficient to balance consumption, let alone overtake the accumulated deficit.

"It is my hope that in the national interest you will investigate these matters and take steps to insure the continued operation of civilian radio, without which no domestic government war program can succeed."

Letter to Director Byrnes from Ray C. Ellis Dated June 28, 1943

"Referring to your memorandum of June 18, 1943, regarding a letter of June 17, 1943, addressed to you by Mr. Neville Miller, President, National Association of Broadcasters, pertaining to radio receiving tubes.

"We recognize that there is a serious situation concerning radio receiving tubes for home receivers. We know that some tubes are being made available for civilian use and that material has been allocated and production has been authorized for civilian tubes, but due to the needs of the Military the production and distribution has not been effective in adequately providing for civilian radio needs.

"WPB Limitation Order L-265 should control distribution. Steps are now being taken to review all tube requirements, both civilian and military, and in the light of this review to work out schedules of production. This Division will see to it that the minimum civilian requirements are provided in the production during the third quarter.

"We recognize the need for the maintenance of civilian radio and we also appreciate that conservation is necessary to keep civilian radio requirements to a minimum in the light of Military radio requirements. This having been accomplished, we feel justified in insisting on the production of some civilian tubes.

"The Radio and Radar Division does not handle dry batteries for powering farm and portable radio receivers. We are turning your letter over to the Consumers Durable Goods Division, Mr. Dudley P. Felt, Director, in order that you may receive an answer concerning that portion of the National Association of Broadcasters letter dealing with batteries.

"We trust the foregoing information will be of assistance to you but if this office can be of any additional help, please feel free to call on us."

Mr. Ellis' letter was attached to Director Byrnes' reply to Mr. Miller.

STATION WHIO WORKS WITH HOME CITY WAR COMMITTEE

Officials of WHIO and the Dayton "Emergency Committee" are working together to increase the city's output of war goods. Additional war contracts are awaiting local industries as soon as it can be demonstrated to the local WMC area director, Marion Gregg, that capacity, manpower, and housing facilities exist for the purpose.

Appointment of the "emergency committee" was the first step in the campaign. This group immediately met with Robert Moody, WHIO general manager, Lester Spencer, assistant manager, and Bill Hamilton, production manager, all of WHIO. They agreed that the first job was to get housewives and other women, who had never before worked, into war production in the factories. To this end WHIO scheduled nine 5 minute programs weekly, urging the women to join the battle on the home front. Each broadcast originated in a Dayton war plant where women who are working the factories for the first time are interviewed by Mr. Hamilton.

While the programs are in progress the committee is engaged in easing the housing problem.

At the end of the first two weeks of combined effort, Gregg stated that he was already able to detect a large increase of housewives and other women who had responded to the call as result of the radio interview.

TO STATION MANAGERS:

If any of your capable and experienced former engineers or technicians, now in service, write you that they are not using their radio training, NAB may be able to help, providing such men desire to work in radio.

Send complete details of the man's former experience to Arthur Stringer, together with his present military address. He will bring the matter to the attention of the appropriate armed service.

Though two men were reassigned to radio this week, no promise of results are implied or intended by this offer. It is made solely in an effort to assist in the war effort.

ORCHIDS TO NAB FROM BSA

The following message was sent to Neville Miller by Elbert K. Fretwell, chief scout executive, Boy Scouts of America:

"At the thirty-third annual meeting of the National Council of the Boy Scouts of America held in this city on May 20, the delegates representing our five hundred and forty-one councils passed a resolution extending its greetings and appreciation to the many agencies and organizations which have cooperated and contributed to the effectiveness of the Boy Scouts of America during the past year.

"It gives me pleasure to convey on behalf of these delegates the appreciation and cordial good wishes of the Boy Scouts of America to you, representing the National Association of Broadcasters. All of us in Scouting feel that we could not accomplish our objects of character building and citizenship training without the intelligent support you and your associates so cheerfully give."

GIRL SCOUT LEADER REPORTS ON NATIONAL RADIO POLICY

Mrs. Lucille Clarke, head of the radio programs division of the Girl Scouts public relations division, wrote the following report after a recent trip which took in several NAB stations, to Dorothy Lewis, NAB coordinator of listener activities:

"First of all, I wish to say that without exception the station managers and other personnel with whom I talked were cordial to me and generous with their time. I think I'm not distorting the picture when I say also that after I had explained our official viewpoint on the use of radio by our members, they were pleased, and in some cases, surprised.

"Briefly, the points I touched on were: first, our desire to develop an intelligent and discriminating radio audience among the Girl Scouts, particularly by setting up local radio workshops through which the girls would have an opportunity to learn what makes radio tick. Second, our radio policy (emphasizing) quality not quantity broadcasts. Third, our need for assistance from the local radio station, as consultants for the workshop, and as the responsible agent who would audition all broadcasts before they went on the air. In this connection I said that we at National would back up any station which advised a Girl Scout group that it was not ready to put on a particular broadcast, but had better work on it further and come back later for another audition.

"I was very frank in telling these station men that I felt we were doing a public relations job for the (radio) industry. I explained that my reasons for undertaking this program were because I, and my organization, of course.

felt so strongly about radio being such a powerful medium for molding opinion that as a youth organization we were under obligation to see that it was used to the advantage of our members, and because radio is a vocation which should be opened up as one of the Girl Scout activity fields.

"I hope that when the occasion arises you will express my appreciation again for the cooperative attitude of your member stations."

DES MOINES RADIO COUNCIL IS FORMALLY ORGANIZED

The Des Moines Radio Council was formally organized in June at a meeting at which civic, club, government and broadcasting leaders from 40 Iowa cities attended. Mrs. Cyrus B. Hillis, appointed director of the council by Mrs. R. K. Stoddard, of Cedar Rapids, regional director of listener activities, NAB, presided.

Speakers presented were: Mrs. Stoddard; Ralph Evans, Davenport, public relations director of the Central Broadcasting Co. (WHO); Craig Lawrence, vice-president, Iowa Broadcasting Co.; Peral B. Broxam, Iowa City, WSUI program director, and W. I. Griffith, Ames, WOI manager.

Selected to form the council advisory council were:

Mrs. Bourke Hickenlooper, wife of Iowa's governor; Mrs. F. R. Kenison, Iowa PTA Congress president; Dr. Bruce E. Mahan, Iowa State University extension division director and radio committee chairman, National University Extension Association, Griffith; Mrs. S. E. Lincoln, Iowa PTA Congress; Newell McComb, Des Moines public schools superintendent; Mrs. Fred W. Weitz, editor, *Iowa Clubwoman*, IFWC organ; George Haskell, Iowa manpower commission; Jessie Parker, state superintendent of public instruction, and Forrest Spaulding, Des Moines librarian.

Others are: Mrs. E. D. Strong, president, Iowa League of Women Voters; Mrs. Gardner Cowles, Sr., Iowa Broadcasting Co.; Edwin Barrett, Drake University radio department superintendent, Evans; Agnes Samuelson, executive secretary, Iowa State Teachers Association; Mrs. Nyrton Skelley, Iowa American Legion Auxiliary department executive secretary; Dan O'Brien, Iowa American Legion commander; Rabbi Louis J. Cachdan, B'nai B'rith and Conference of Christians and Jews; Bishop Gerald T. Bergan; Bishop J. Ralph Magee; Mrs. Carl Weeks, Des Moines DAR radio chairman; Verner Haldene, community theater director, and Dr. Guy Wagner, Iowa PTA Congress radio chairman.

Committees and chairmen named were: allocation, Mrs. R. J. Laird; continuity, Mrs. W. P. Keasbye; talent and production, Mrs. Wesley C. Darby; survey and program evaluation, Mrs. Reuel H. Sylvester; promotion, Mrs. L. H. Bunce, and public relations, Mary Little.

CEDAR RAPIDS COUNCIL ELECTS

Mrs. J. C. Milner has been elected president of the Cedar Rapids Radio Council, of Cedar Rapids, Iowa. Mrs. Margaret Stoddard, regional director of listener activity for Iowa and chairman of the local Peabody awards committee, founded the Cedar Rapids council.

RADIO COUNCIL OF GREATER KANSAS CITY IS ORGANIZED

Representatives of 40 organizations, including broadcasting leaders, met in Kansas City, Mo., in June and formed the Radio Council of Greater Kansas City with Mrs. R. O. Baker, radio chairman of the local PTA, as president. A constitution and by-laws have been adopted.

Other officers are: vice-president, Mrs. J. H. Stales, State Federation of Womens Clubs; recording secretary-treasurer, Grace Franens, Kansas City University and Altrusa Club; corresponding secretary, Mariska Pugsley, Junior League, and executive board members, Edwin Browne, station KMBC; Dr. J. C. MacDonald, Council of Churches; Mrs. George P. Truitt, National New England Women, and Mrs. Charles Coplin, Council of Jewish Women.

Mrs. Truitt is chairman of the Peabody awards committee for the Kansas City area.

Rev. M. D. Garrett

NAB has received from one of its member stations, word of the activities of Rev. M. D. Garrett, styling himself an Evangelist. Should any station desire information regarding this person, NAB will be very glad to refer the request to the proper party.

FOREIGN PRONUNCIATIONS TIP FOR NEWS EDITORS

Jim Aull, news editor of KYW, has an angle on the foreign pronunciations problem which has worked out nicely in his shop.

Many months ago Aull began to work up a series of large panels, each panel representing a country. As foreign pronunciations information came in on his wire association machines, Jim would paste them up on the panel of the respective country in which the person or town whose name was involved existed.

As the war spread and the world became involved, proper foreign name pronunciations became a major broadcasting headache, but not at KYW's news room. All newscasters there have to do is check the panels and mark their copy accordingly.

Jim also pasted up pronunciations he and his staff culled out of dictionaries and from other sources when the press wires didn't come through.

Edward F. McKay

Edward F. McKay, legal assistant to Paul Walker, Federal Communications Commissioner, died here Sunday, after an illness of two weeks.

Mr. McKay was well known in newspaper and utility circles in Oklahoma where he formerly managed the Oklahoma Utilities Association. He had been assistant to Walker for five years.

912 Stations

There were no additions or deletions reported by the FCC during the month of June, 1943. A comparative table by months follows:

	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1
Operating	906	905	906	908	910	909	910	910	910	911	911	911	911
Construction ...	19	16	14	11	9	9	7	6	5	2	2	1	1
	925	921	920	919	919	918	917	916	915	913	913	912	912

FEDERAL COMMUNICATIONS COMMISSION

FLY WON'T TALK ABOUT PAYNE NOMINATION WITHDRAWAL; SAYS COX CHARGES TO BE MET

At a press conference on Tuesday FCC Chairman James Lawrence Fly said he had not requested the President to withdraw the nomination of George Henry Payne

Winners and Citations

The Billboards 6th Annual Radio Publicity Exhibit

United States

CLEAR CHANNEL STATIONS

First	Second	Third
WGN, Chicago	WOR, New York	WCKY, Cincinnati

Special Awards

WTIC, Hartford, Conn.—For public service (commercial station).

WNYC, New York—For public service (non-commercial station).

WJR, Detroit—Intelligent promotion of radio as an entertainment medium.

WLIB, Brooklyn—Outstanding programing in relation to labor problems.

WHAM, Rochester, N. Y.—Over-all war programing.

WWVA, Wheeling, W. Va.—Humanitarian service.

WBAL, Baltimore—Intelligent use of transcriptions in relation to the war.

REGIONAL STATIONS

First	Second	Third
KFEL, Denver	WKBN, Youngstown, O.	WFIL, Philadelphia

Special Awards

WMCA, New York—Over-all war programing.

WKNE, Keene, N. H.—Intelligent approach to specific local problem.

WOV, New York—Creating new public acceptance.

WPDQ, Jacksonville, Fla.—Outstanding trade-mark promotion.

WSGN, Birmingham—Over-all integration of publicity, programing and promotion.

KLZ, Denver—Comprehensive employment of publicity media.

KSAL, Salina, Kan.—Intelligent merchandising.

WPEN, Philadelphia—Vigorous public relations.

LOCAL STATIONS

First	Second	Third
WEMP, Milwaukee	WINX, Washington	WITH, Baltimore

Special Awards

WSKB, McComb, Miss.—The idea of the year.

WGKV, Charleston, W. Va.—The stunt of the year.

NETWORKS

Columbia Broadcasting System.

Special Awards

Mutual Broadcasting System—For outstanding trade relations.

Don Lee Broadcasting System—Best all-round regional network job.

Canada

First	Second	Third
CKOC, Hamilton, Ont.	CKBI, Prince Albert, Sask.	CJCA, Edmonton, Alta.

Special Awards

CJCA, Edmonton, Alta.—For exceptional social service programing.

CFGP, Grand Prairie, Alta.—Contribution to community life.

CKCK, Regina, Sask.—Effective dramatization of women's role in the war.

CKAC, Montreal—Outstanding bilingual programing.

AWARDS COMMITTEE

For Daily Newspapers:

Ben Gross Radio Editor New York Daily News	Harriet Van Horne Radio Editor New York World-Telegram	John K. Hutchens Radio Editor New York Times

For The Billboard:

Lou Frankel Radio Editor	Leonard Traube Editor	Joseph M. Koehler Associate Editor

to succeed himself as a member of the Commission. On Wednesday of last week the President nominated Payne to succeed himself and the following day he withdrew the nomination without explanation. There had been some talk that Fly had asked the President to make this withdrawal.

At the conference Chairman Fly said he had been called to the White House to discuss another communication matter with the President and that it was not until he arrived at the White House that he knew the name was to be withdrawn or the reason for it. While he did not specifically say so Fly intimated that he now knows the reason for the withdrawal but he would not discuss it. During the course of discussing this matter he called attention to the fact that Payne had voted in most cases as he voted and supported the same policies that he did.

Fly, in answer to a question, refused to say what attitude the Commission will take regarding Messrs. Watson and Dodd in recommending that they be reappointed. He called attention to the fact however that up to this time the Commission had upheld them, leaving the inference that the Commission would in the future.

The chairman told newsmen that the army and the Commission had got along very well since the war began in Communication matters and he expressed the belief that it was not the army who had given the service letters to the Cox committee. He deliberately said nothing about the navy.

Fly said he thought he knew who had given the letters to the Cox committee and that that matter would be developed in the future.

Answering a question, Fly stated that the Commission has never received a reply from Representative Sumner, chairman of the House judiciary committee, in which it was asked that Cox be removed from the chairmanship of the special committee investigating the FCC.

The chairman told the conference the Cox investigation has impeded the work of the Commission and has taken up a lot of time of the Commission and its employees. He also said the Commission has never been notified of any of the hearings of the Cox committee except recently when he personally was called before the committee on an hour's notice. He stated that the Commission will meet all of the Cox charges in a convincing way at the proper time.

FCC TO CONTINUE TECHNICIAN SURVEY

In answer to a letter to Chairman James Lawrence Fly sent by Neville Miller (REPORTS, June 25, 1943, page 285), the FCC has notified NAB it will continue its postcard test survey of radio telephone operators.

All operators indicating interest in a professional career or change of position will have their names forwarded to NAB by FCC and, in turn, NAB will send these persons regular application forms for enrollment in the NAB technician pool.

Howard Frazier, NAB director of engineering, reports more than 300 names of technicians on hand available for employment.

He also urged station managers who employ technicians obtained through the NAB pool to advise NAB so names may be cleared from our files, else NAB will continue to issue their names and this may lead to a person being hired "away" from a station which itself had obtained the person's name through the pool.

CARLSON AND ROBERTSON NEW FCC APPOINTEES

Appointment of RICHARD CARLSON as director of personnel and WILLIAM B. ROBERTSON as director of budget and planning was announced by the Federal Communications Commission. Both men have had a wide and varied experience in government service.

Carlson comes to the commission with 28 years' diversified administrative and personnel experience in industry and government. Before his appointment to the FCC, Carlson was technical director of the supervision improvement program of the U. S. Civil Service Commission. From 1939 to 1942 he served as director of personnel for the Civil Aeronautics Administration and from 1935 to 1937 directed the personnel activities of the Farm Credit Administration. He was for eight years director of the personnel research bureau of San Francisco, Calif., a private consulting service in industrial relations.

Born in Nebraska, March 27, 1893, Carlson attended the University of Nebraska and graduated from Heald College in San Francisco. His publications include numerous books and articles on employee training and personnel management.

* * * *

Born in Charlotte County, Virginia, August 17, 1900, Robertson grew up in West Virginia, attending grade school and high school in Charleston. He was graduated from Harvard College in 1923 and from the graduate school of business administration of New York University in 1928.

Robertson was employed by the Columbia Gas & Electric Corporation from early in 1924 until November 1, 1934, when he accepted a position as fiscal officer in charge of the finance division of the Federal Surplus Commodities Corporation, later becoming treasurer of that Corporation. He was connected with the Federal Surplus Commodities Corporation and affiliated bureaus of the Department of Agriculture until his transfer to the FCC.

FM RULES MODIFIED

Because the demands of the military have greatly decreased the supply of trained personnel available for broadcast station operation, the FCC en banc has adopted order No. 111-A which further relaxes Section 3.261 of its Rules with respect to minimum operating requirements of high frequency (FM) stations. Order 111-A continues the requirement that each FM station shall render at least 6 hours program service each day, except Sunday, between 6 a. m. and midnight, but suspends the requirement that two hours of this service shall be devoted to programs not duplicated simultaneously as primary service in the same area by any standard or any high frequency broadcast station.

It is noted, however, the Commission did not suspend that section of its Rule 3.261 which places upon each FM licensee the duty to develop, insofar as possible, a distinct and separate broadcast service from that otherwise available in the service area.

At the same time, the Commission announced that it will authorize technical changes in the operation of high frequency (FM), television and noncommercial educational broadcast stations during the war period, where desirable to conserve equipment, particularly vacuum tubes, or where necessary to permit continued operation of a station, provided such changes are consistent with the maintenance of a substantial public service. Under this arrangement, licensees may file with the FCC informal requests to reduce operating power or to make other changes in the operation of authorized equipment. In view of the difficulty of obtaining replacement tubes and equipment and the shortage of skilled personnel needed in effecting repairs, the Commission feels this simplified procedure will aid in maintaining continuous FM and television service during the war.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, July 12th. They are subject to change.

Monday, July 12

WNYC—City of New York Municipal Broadcasting System, New York, N. Y.—For special service authorization; **830 kc.**, 1 KW; 6:00 a. m. to 10:00 p. m.; Dir. Antenna.

Wednesday, July 14

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Renewal of license, **1150 kc.**, 500 watts, DA-night, unlimited.

Thursday, July 15

KSJB—Jamestown Broadcasting Co., Jamestown, N. Dak.—Modification of license, **600 kc.**, 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Adopted an order granting petition to reconsider and grant without hearing the application for renewal of license of Station WCOP; cancelled hearing set for July 14, 1943. (Docket No. 6476)

WEDC—Emil Denemark, Inc., Chicago, Ill.—Granted renewal of license on a regular basis. (B4-R-551)

Stanley G. Boynton, Detroit, Mich.—Granted authority to transmit religious programs from Highland Park Baptist Church of Detroit to Canadian Station CKLW, Windsor, Ontario, from 8:00 to 8:45 p. m., EWT, on Sundays only for 52-week period. Applicant has no interest in any domestic or foreign radio broadcast station. (B2-FP-110)

WEMP—Glenn D. Roberts, Melva F. Roberts, Wellwood Nesbit, Robert M. LaFollette, Jr., Evalyn H. Dolph, Hope D. Pettey, Leo T. Crowley and James E. Markham, d/b as Milwaukee Broadcasting Co., Milwaukee, Wis.—Granted renewal of license to Station WEMP (and auxiliary) on a regular basis. Applicant has been operating on a temporary license since June 1, 1943. (B4-R-868)

WKBV—Knox Radio Corp., Richmond, Ind.—Granted authority to transfer of control of Knox Radio Corp., licensee of Station WKBV, from William O. Knox (transferor) to Central Broadcasting Corp. (transferee), a newly organized corporation, for a total consideration of $30,000. (B4-TC-317)

MISCELLANEOUS

WEEU—Berks Broadcasting Co., Reading, Pa.—Dismissed without prejudice petition of WEEU to broaden issues and continue the hearing on application of Matheson Radio Co. (WHDH), Boston, Mass., for construction permit to operate on **850 kc.**, 5 KW, unlimited, directional antenna night. (Docket No. 5453)

WOKO—WOKO, Inc., Albany, N. Y.—Denied petition to amend and enlarge issues in re application for renewal of license. (Docket No. 6486)

Iowa Broadcasting Co., Cedar Rapids, Iowa—Denied motion to enlarge issues and to designate a Commissioner to conduct hearings in re application of Jamestown Broadcasting Co., Inc. (KSJB), Jamestown, N. Dak., for modification of license to change frequency to **600 kc.** on 250 watts, unlimited time. (Docket No. 6519) Exceptions noted by petitioner's attorney.

Worcester Telegram Publishing Co., Worcester, Mass.—Granted petition to amend application for new FM station and remove from hearing docket. (Docket No. 5980)

KFXM—J. C. and E. W. Lee, d/b as Lee Brothers Broadcasting Co., San Bernardino, Calif.—Granted motion for leave to take depositions in re application for modification of license. (Docket No. 6432)

KMTR—KMTR Radio Corp., Los Angeles, Calif.—On the Commission's own motion, continued the hearing now set for July 7 until July 28, 1943, in re application for renewal of license. (Docket No. 6437)

WNYC—City of New York Municipal Broadcasting System, New York City, N. Y.—Granted authority to determine operating power by direct measurement of antenna power for auxiliary transmitter. (B1-Z-1526)

APPLICATIONS FILED AT FCC

620 Kilocycles

WKAQ—Radio Corporation of Porto Rico, San Juan, P. R.—Modification of construction permit (B4-P-3489 as modified which authorized move of transmitter and studio) for extension of completion date from 7-26-43 to 1-26-44.

WKAQ—Radio Corporation of Porto Rico, San Juan, P. R.—Modification of construction permit (B-P-3501 as modified for move of auxiliary) for extension of completion date from 7-26-43 to 1-26-44.

FM APPLICATION

NEW—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Construction permit for a new high frequency broadcast station to be operated on **46100 kc.**, coverage 10,000 square miles, amended to change coverage to 4,465 square miles, make changes in transmitting equipment and changes in antenna system.

MISCELLANEOUS APPLICATIONS

NEW—Savannah Broadcasting Co., Area of Chatham County, Ga.—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820** and **37980 kc.**, 2 watts power, A3 emission, and to be used with Station WTOC.

NEW—World Wide Broadcasting Corp., Scituate, Mass.—Construction permit for a new international broadcast station to be operated on **6040, 9700, 11730, 15350, 17750** and **21460 kc.**, 50 KW power, unlimited hours of operation.

NEW—Mutual Broadcasting System, Inc., Chicago, Ill.—Extension of authority to transmit programs to CKLW, stations owned and operated by Canadian Broadcasting Corporation and stations licensed by the Canadian Minister of Transport for period ending 9-1-43.

WRUS—World Wide Broadcasting Corporation, Scituate, Mass.—Modification of construction permit (B1-PIB-33 for new international station) for change in frequencies to **6040, 9700, 11730, 15350, 17750** and **21460 kc.**, power 50 KW, and changes in equipment.

WLWK—The Crosley Corporation, Cincinnati, Ohio.—License to cover construction permit (B2-PIB-43) which authorized construction of a new international broadcast station.

WEOC—South Carolina Broadcasting Co., Inc., Area of Charleston, S. C.—Voluntary assignment of relay broadcast station license to John M. Rivers.

WEOY—South Carolina Broadcasting Co., Inc., Area of Charleston, S. C.—Voluntary assignment of relay broadcast station license to John M. Rivers.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Colorado Mattress Manufacturing Company et al.—Twenty-three manufacturers of mattresses, bed springs and related products, and Sealy, Inc., 316 Broadway, New York, a nonprofit corporation organized to promote the manufacturers' mutual interests, are charged in a complaint with maintaining a combination to restrain competition in the sale of that portion of their merchandise which they designate as Sealy Products.

The complaint alleges among other things that the respondents, by agreement, adhere to prices promulgated by Sealy, Inc., for Sealy Products.

Respondent manufacturers named in the complaint, who constitute all of the stockholders of Sealy, Inc., are:

Morris Stein and Morris Nierenberg, trading as Colorado Mattress Manufacturing Co., Denver; Willford R. and Sidney Southerland, trading as Dixie Mattress Co., Richmond, Va.; Eagle Mattress Co., Inc., Alleton, Mass.; Fort Pitt Bedding Co., Pittsburgh; Gordon Sleeprite Corp., Baltimore; J. L. and T. O. Metcalfe, trading as Graham Mattress Co., Bluefield, W. Va.; F. G. Hodges Bedding Co., Reading, Pa.; Long Island Mattress Co., Inc., Brooklyn; Samuel Hertz and Morris Lewis, trading as Made-Well Bedding Co., Passaic, N. J.; The Charles A. Maish Co., Cincinnati; Osiason, Inc., Fall River, Mass.; The Ohio Mattress Co., Cleveland; Arthur H. and Blanche C. Rasch, trading as Pettit Bedding Co., Portland, Oreg.; Rogers Manufacturing Co., Houston, Tex.; Schmitt & Henry Manufacturing Co., Des Moines; Sealy Mattress Co., Chicago; The Sealy Mattress Co., Dallas, Tex.; Sealy Mattress Company of Kansas City, Kansas City, Mo.; Sealy Mattress Company of Milwaukee, Milwaukee; Lucille Willens and Helen Solomon, trading as Sealy Mattress Company of Northern California, Oakland, Calif.; Seniel Ostrow, trading as Sealy Mattress Company of Southern California, Los Angeles; U. S. Bedding Co., Memphis, Tenn., and Zimmerman Manufacturing Co., East Point, Ga.

Also named as respondents are the executives of Sealy, Inc., including Jacob R. Haas, president, and John M. Brody, executive vice president. (4987)

Dean Studios, 118 North Fifteenth St., Omaha, and its officers are charged in a complaint with misrepresenting the quality, price and terms of sale of the colored photographic enlargements and frames they sell in interstate commerce. The respondents maintain a branch studio at 211 Seventh Street, Des Moines. (4991)

MacDougal Brothers—A complaint has been issued charging MacDougal Brothers, Avoca, N. Y., with falsely representing that potatoes grown in the State of New York, and which they sell in interstate commerce, are Maine potatoes. (4990)

Sorbtex Foundation, Inc., 210 East Franklin St., Richmond, Va., is charged in a complaint with misrepresenting the effectiveness of Sorbtex, a solution it advertises as being capable of improving the qualities and lengthening the life of towels and other fabrics. (4979)

Tracer System, and Earl H. Wilson, both of 330 South Wells St., Chicago, are charged in a complaint with employing false and deceptive practices in the operation of a scheme to obtain, by subterfuge, information concerning debtors. (4988)

CEASE AND DESIST ORDERS

No cease and desist orders were issued by the Commission last week.

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Hugo Gernsback, 25 West Broadway, New York, who, in addition to his business as a publisher, engaged in the sale of various electrical and mechanical devices, which included so-called ultraviolet sun lamps, under the trade name "Hudson Specialties Company," has stipulated to cease and desist from certain representations concerning the products. (3676)

Hale Drug Company, 112 South Main Street, Memphis, Tennessee; Krohn Sales Company, an Ohio corporation, each corporation having the same stockholders and officers; M. H. Krohn, Vice President; B. G. Krohn, Secretary-Treasurer, both directors of each corporation, and Milton E. Yales, an employee of the Krohn Sales Company who buys for its retail outlets and prepares advertising copy used by the Hale Drug Company, in connection with the offering for sale, sale or distribution of their merchandise, have stipulated to cease and desist from certain unfair methods of competition in connection with the sale and distribution of drugs, cosmetics and other articles of merchandise. (3677)

King Fig Plantation, 1095 Kansas St., San Francisco, selling and distributing fig trees under the trade name "King Fig," has stipulated to discontinue representing that his products are not affected by cold climatic conditions or that they will produce ripe fruit regardless of such climatic conditions; that they can be depended upon to produce perfect fruit in northern California, Oregon or Washington or consistently to produce ripe fruit in such an area; that the trees can be depended upon to produce ripe fruit within five months after planting or to bear ripe fruit twice a year; that they will produce ripe fruit where no other fig will ripen; are the only trees that produce ripe fruit in northern California, Oregon or Washington; that such an area is no fig land or that the tree is miraculous, marvelous or amazing, a freak of nature, a modern plant miracle or a horticultural phenomenon. (3675)

Osco Motors Corporation, 3627 North Lawrence Street, Philadelphia, Pa., engaged in converting automobile motors into marine engines and the sale of engine parts to be used as means to increase the horse-power of motors of the Ford V8 type, and George L. Callery, its vice president and secretary, also trading as Power Associates, have stipulated to cease and desist from representing as "simple" the "instructions" offered for use as means to accomplish an increase or transformation in the horse-power of a motor; and from use of the word "simple" in referring to such "instructions" so as to convey the belief or impression that, with the aid of such instructions, the power capacity of a motor can be increased or transformed easily or readily by one who does not have the necessary skill, or that the increase or transformation in motor power can be accomplished without the use of extra equipment and its attendant cost. (3678)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 29, July 16, 1943

"BUSINESS AT WAR"

Donald Nelson, Elmer Davis, Judge Fred M. Vinson, Marvin Jones and Chester LaRoche Appeal for Advertising's Support of War—Laud Radio

REQUEST WAR MESSAGE IN EVERY ADVERTISEMENT

In a special broadcast to the business leaders and advertising executives of every state, city and community in the nation, prominent government officials, speaking from Washington, D. C., over the facilities of the National Broadcasting Company, 1:15 to 2:00 P. M., EWT, Wednesday, July 14, praised the part business and advertising are playing in the war and pleaded for even greater support with "A War Message in Every Ad."

Preceded by a closed circuit talk on July 6, this broadcast was directed at specially called meetings of luncheon clubs, business groups of all kinds and thousands of individuals, to mobilize advertising as never before on the war front.

Scripts of both the closed circuit talk and the special broadcast are reproduced in full, as follows:

NBC Closed Circuit Talk, July 6, Opened by Frank Mullen, Vice-Pres., National Broadcasting Company

Mr. Mullen: We in radio have long been proud of our public service record. We have recognized that radio, as a democratic institution, can count its progress only in direct proportion to the service it renders to the people of the nation. Throughout the years, we have expanded our program structure in terms of entertainment, education and information. These are the ingredients in our public service formula.

In arranging this closed circuit hookup, the National Broadcasting Company is motivated by a desire to acquaint you with a new opportunity for public service. We have a special message for you today. It is a vital message, not only because it concerns a critical phase of the war effort, but also because it concerns everybody who hears these words, whether he be station manager, salesman, production man or announcer.

We have asked you to gather in this studio today to tell you about a special program that will be broadcast next week—at 1:30 P. M. EWT, Wednesday, July 14. This program may well prove to be a milestone in the organization of our home front. It will also be a milestone in the relationship between government and business. For both of these segments of our democratic system will join forces to help all the citizens on the home front understand better the meaning of total war.

(Continued on page 312)

COX COMMITTEE TO RESUME

The Cox FCC Investigating Committee plans to resume hearings beginning Monday, July 19, it was announced Wednesday. It is expected that the hearings will continue during the week but names of the witnesses to be heard have not been announced.

With this issue of the Reports you will find a Special Legislative Bulletin containing news of developments following the hearing of Friday, July 9, together with statements issued by Chairman Fly and the Cox Committee.

Notice!

The postal zone of the NAB is Washington, 6, D. C. Won't you please send a memo to your staff to advise them to use this zone number on all mail addressed to NAB? Also have them change any addressograph plates necessary. Thanks!

OREGON-WASHINGTON ASK REMEDIAL LEGISLATION

Resolution Passed at Joint Meeting of
Oregon Broadcasters Association and Washington Broadcasting Association
Held in Portland, Oregon
July 2, 1943

THE RADIO BROADCASTERS OF WASHINGTON AND OREGON

In joint session, have recognized a grave danger to the radio industry in existing legislation governing radio, and in its interpretation.

IT IS THE DESIRE OF THIS GROUP

that the Congress of the United States be urged to democratically review this legislation in light of free

(Continued on page 319)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Arthur C. Stringer, *Director of Promotion.*

"BUSINESS AT WAR"

(Continued from page 311)

American business, which has already performed production miracles, is rapidly undertaking its second great conversion job—the job of converting its advertising to war needs. The focal point of this contribution to the war program is the War Advertising Council. This was set up immediately after Pearl Harbor to act as liaison between government and business in the development of home front information campaigns. Time does not permit a complete resume of the achievements of this organization, which represents all phases of advertising activity—Advertisers, agencies and the four great media, radio, newspapers, magazines and outdoor. But standing beside me is the man who has been the motivating force in this farsighted activity. He is Chester J. LaRoche, chairman of the War Advertising Council, whose energy and leadership have contributed so much to the Council's success. Mr. LaRoche will give you the details of next week's broadcast and will explain why it is so essential for every advertiser and media representative to participate in this program. Mr. LaRoche:

NAB, through the cooperation of NBC, ordered master recordings made of the broadcast, *"Business at War."* Pressings are available of the complete 45 minute program at a total cost of only $3.00, express collect.

A complete set includes one double-face record and one single-face record, 16", 33 1/3 R.P.M.

$3.00 brings you the complete set, express collect, which you may use locally before civic clubs, for private auditions in your studios, etc. The recordings are not to be re-broadcast.

Order your set today!

CLOSED CIRCUIT TALK
July 6, 1943

Mr. Chester La Roche: Thank you, Frank Mullen, for your generous cooperation in making these facilities available and for your desire to make this a cooperative, united effort of all media, rather than of radio alone.

The purpose of this closed circuit broadcast is to ask those who are listening to *organize* meetings of advertisers—national and local—and agency executives, to listen to a nationwide live broadcast over 138 stations of this network at 1:30 Eastern War Time on Wednesday, July 14th.

The subject of the broadcast will be "The Role of Business in Furnishing the People with Essential War Information." The speakers from the government will be Elmer Davis, Judge Marvin Jones, Donald Nelson and Justice Byrnes.

This broadcast may well be a milestone in the relationship between business and government. Certainly it will represent one of the most important gatherings of business leaders since the outbreak of war.

Why has this July 14th broadcast been arranged?

It is clear that our armed forces can do their job. The momentum of their might increases daily. It is also increasingly clear that our Home Front is sagging. The *certainty* of victory and its *nearness* is threatened, unless we act promptly.

What are we to do? Are we helpless? Must we wait until Washington has settled every policy, has every detail worked out? *No.* Fortunately, there is a greater power than any in Washington. That is the resourcefulness, initiative and will of the people.

Of course, it is important what Washington does about subsidies, inflation and food. The laws and directives that are issued are vital. But no matter what our leaders do, unless the people *understand* and *act*, Democracy cannot go all out in total war. But given understanding, our Democracy can be more efficient than any political organization known.

Tell our people the scope of a problem—the result expected and why—and soon unusual, ingenious solutions come along and the best solution of one is passed along until it often becomes the common method of us all.

What will bring about this understanding?

The speeches of our leaders and the news columns will play their part. But the part advertising can play,—its great responsibility and opportunity,—is not so clearly understood.

Now advertising does not seek to do the complete information job on its own. It should be coordinated with the news. *Both* news and advertising must be used in planned information programs.

But it is the function of the news columns to report. It is the function of advertising to get action; to clarify and interpret; to make readable to masses of people how large social, economic and military problems scale down and touch their daily lives;—to repeat and repeat and inspire until desired actions are taken.

What an opportunity we have to arouse this nation to a mighty wrath, and to finish this war with *amazing speed* and the *minimum loss* of our lives.

Not to understand the part advertising can play in this war job is the equivalent of a military error.

Through the individual actions of many, and through the War Advertising Council, advertising has already done much.

The War Advertising Council is composed of the owners and principals of magazines, radio, outdoor, the country's advertising agencies, and national advertisers. It is sponsored and financed by the following organizations, whose representatives also serve on its board.

Association of National Advertisers
American Association of Advertising Agencies
National (Magazine) Publishers
American Newspaper Publishers
Outdoor Advertising Association
National Association of Broadcasters

It should be made very clear that the War Advertising Council represents no political party, no pressure group, no special interest, no selfish axe-grinders, and it is not concerned with increasing appropriations. Anyone who thinks it seeks to make money for this business is MILLIONS OF DOLLARS WRONG as what follows will show.

The Council renders all services to government *gratis.* With the exception of a staff of ten principals, the work is done by volunteer experts, who donate their time. The council asks nothing and wants nothing except a chance to serve the nation in a field it knows best.

It may be fairly said that the War Advertising Council has placed at the disposal of the Federal Government since the outset of the war the creative talents of the entire advertising field. The government wisely saw that the huge machine advertising had built to serve the ways of *peace* was best qualified to do the *war* information job. The government, in this case, decided not to raise billions and create departments to spend these billions, if the advertising industry would do the job. Let's see what Advertising has done.

Since the start of the war, the public has over-subscribed two great War Loans, has turned in so much scrap metal as to create a huge national stockpile, has planted 2 million Victory gardens, saved and turned over to munition plants 57 million pounds of fats and grease, has volunteered by the hundreds of thousands for part-time work as civilian defense workers, as ration board members, as auxiliary helpers on farms and in food processing plants.

These things have not just happened. They are the result of an enormous amount of hard, tough fact-finding, opinion study and planning. Let me cite a few examples of this planning.

The entire mechanism by which the nation is given war messages over commercial radio programs was worked out by the War Advertising Council in close cooperation with the Office of War Information.

Every line of Washington-released Advertising supporting the Second War Loan was prepared by the War Advertising Council, without its costing the taxpayers a penny either for the creation of the material or the space and time.

To give you a quick idea of how much advertising is already being contributed at no cost to the government, I think you should know that since April 27, 1942, 120 advertisers have contributed time on 202 coast-to-coast network programs every week. On these shows 115 messages are delivered weekly to an average audience of 300,000,000 listeners a week.

On 85 *spot* programs 38 messages are delivered to 9,000,000 listeners weekly.

70 advertisers have contributed, at various times, their *entire shows* to war information projects and without any mention of their own products.

In addition to this national effort, 891 stations broadcast 8,000 messages locally per day.

Combined with the networks' contribution of time and talent for shows, like the Army Hours, This Is Our Enemy, business has made a total *contribution* of $100,000,000 through radio to the government's Information Program.

National Magazines, too, have contributed generously. 444 of them have given one page a month to inspirational messages concerning total war. These 444 magazines will continue to contribute a page a month to the *new campaign* on *inflation* worked out with Justice Byrnes and Judge Vinson, starting in August. Those anti-inflation ads will reach a circulation of 90,000 monthly.

The Newspapers of the country not only helped organize the scrap drive, but have been instrumental in organizing local and national advertisers to contribute toward the Treasury advertising. As an example of the type of support the government is getting, on the recent Second War Loan Drive, the newspapers through their soliciting efforts, secured from advertisers the equivalent of 36,000 full-page ads which ran during a period of three weeks. This was the largest newspaper campaign in the history of our business.

In 1943 it is estimated that 63% of all outdoor posters will be devoted to wartime advertising. Outdoor will contribute 100,000 wall panels and 30,000 twenty-four sheets to the Third War Loan Drive which starts September 9th, at no cost for space to the government, and has a soliciting quota of 20,000 twenty-four sheets to be secured from business firms.

More than 450 advertising agencies have contributed $4,000,000 of the only thing they have to sell—time and skill.

National and local advertisers have devoted more than $100,000,000 in the past year in magazine and newspaper space to war themes. The drug industry alone devoted $2,000,000 to the sale of war bonds.

The total contribution of all advertising in the past twelve months was at least $250,000,000.

And now twice that amount is needed,—$500,000,000 or one-third of the total of all advertising; twice as much because the job this Fall is easily twice as big.

To help reach this goal, the War Advertising Council is launching a campaign which starts with asking your help to make the July 14th broadcast a well organized, resultful event.

The slogan of this campaign is "A War Message in Every Ad."

In order to make clear exactly what subjects advertising can deal with, our nation's leaders have agreed to participate in the special program on Wednesday, July 14th. These leaders will explain to business men the vital part their advertising can play in creating a better informed army of civilian fighters.

The keynote of next Wednesday's broadcast will be sounded by Justice Byrnes, Director of the Office of War Mobilization, who will tell the business men of this nation and the public at large how important the Home Front is to a successful and quicker completion of the war. Justice Byrnes will explain what the government's responsibilities are and what the people's responsibilities are. He is accustomed to speaking frankly and convincingly. I believe that he will adhere to this pattern next Wednesday.

Elmer Davis, Director of the Office of War Information, will discuss the many new problems that have arisen in connection with his office. He is both aware and appreciative of the help OWI has had from business.

Donald Nelson, Chairman of the War Production Board, whose support and suggestions helped organize the War Advertising Council, will give us the latest news on production, and his plans to keep our economy vital through production of needed things.

Marvin Jones, newly appointed War Administrator, will discuss the subject that directly affects more citizens than any other—food.

All these government spokesmen will make clear that they cannot do their jobs without understanding and help from the public. War advertising can bring that understanding.

What is war advertising? It is not brag advertising—not advertising which simply shows pictures of tanks, ships, planes. War advertising is advertising which interests people through information, understanding or persuasion to take certain action necessary to speedy winning of the war. It is this type of war advertising with which the July 14 broadcast will concern itself.

The July broadcast will obviously be more successful if in the listening audience there is a high percentage of *top management executives* as well as sales and advertising executives. For the most part advertising people are better acquainted with the role of advertising in wartime than are management people. But the story must be impressed upon both, if business is to discharge this public service.

For this reason, it is essential that every ounce of energy be exerted on the part of all media representatives to be certain that the top business men of the nation sit before the loud speakers at 1:30 P. M. Eastern War Time on Wednesday, July 14th.

I strongly urge everyone within the sound of my voice to constitute himself a committee of one to turn out the listenership that we must have if the objectives of this program are to be achieved.

The way to organize listening meetings is a matter for individual or company decision. In the smaller cities possibly the media will get together and arrange joint meetings of their own to which advertisers and agency men will be asked.

In the larger cities, *numbers* will make joint meetings difficult, so it is suggested that each media and each company work out its own method of separate meetings, preferably at luncheon time. There will be overlapping invitations, to be sure. But the advertiser is used to being approached by the different media for a share in his business, so he won't be confused or mind if he gets several invitations to lunch. In the West, the meetings can either be a *late* breakfast or an *early* luncheon. In all cases time should be allowed for discussion as to what follow-up action is suggested by the talks.

You, the members of the Radio Industry and all advertising men, carry a heavy responsibility to see it goes well. You have helped to create this great information machine. In effect, you are the West Pointers and Annapolis men of our information army. The importance and size of the audience of this broadcast is very largely in your hands. On its success depends the first organized attempt to create the fighting Home Front we must have to back up our invading armies.

"BUSINESS AT WAR"

WEDNESDAY, JULY 14, 1943

NATIONAL BROADCASTING COMPANY

1:15–2:00 P.M. EWT

ANNOUNCER: "Business At War" . . . the National Broadcasting Company, in association with the War Advertising Council, invites you to participate in one of the most important business meetings held since the beginning of the war. Gathered before radios and speakers in conference rooms all over the nation, in radio studios, and at special luncheon meetings, are the business leaders of America. In hundreds of communities management, sales, and advertising executives have met to hear this broadcast during which the leading government officials will speak to American business. Elmer Davis, Director of the Office of War Information will open the meeting and introduce the speakers . . . Mr. Davis.

DAVIS: The purpose of this broadcast meeting is to complete the mobilization of American advertising to help win this war. Each of the speakers to be heard on this program is in charge of one or more aspects of the home-front war effort that affect the lives of every citizen. Justice James F. Byrnes, Director of the Office of War Mobilization, who had hoped to be with us, is detained by unavoidable commitments; but you will hear from Judge Fred M. Vinson, the head of the Office of Economic Stabilization; from Donald Nelson, Chairman of the War Production Board; from Marvin Jones, War Food Administrator, and finally from Chester J. La Roche, Chairman of the War Advertising Council.

Now, these operations are very satisfactory beginnings; but the liberation of Europe, the Pacific Islands, and southeast Asia will not be briefly or easily accomplished. We can expect our offensive action to grow swifter and heavier, which means that we shall have to expend larger and larger amounts of material, and suffer heavier casualties. And that means that we need a better organized, more efficient home front.

Our Army and Navy have the tough part of the job, and they are doing all right. But it is up to the rest of us to help them just as much as we can. What the supporting cast of civilian fighters on the home front may do can either hasten the victory, or delay it; but the difference between an earlier and a later victory is worth working for just as hard as we can. Every twenty-four hours the government of the United States spends three hundred million dollars on the war. Shorten the war by one day, you save three hundred million dollars; also, almost certainly, you will save hundreds or thousands of American lives. Every man, woman and child in this country ought to be doing everything we can to shorten the road to victory.

To help attain this objective, some of our war leaders on the civilian front are today outlining some of the urgent problems they face. They are asking that business, through its advertising, help create the public understanding that is essential to whole-hearted cooperation by the people. We know from experience that if the people know what is expected of them, and why, and believe that it makes sense, they will rspond magnificently. But the job of bringing them essential war information, in a war so complex as this, is gigantic. It calls for the use of all the channels of communication—the news and editorial columns of newspapers and magazines; radio broadcasting—and the radio industry has done an immensely valuable job of transmitting war information to the public; the job needs also books, and posters; and it needs the technique that is the voice of American business—advertising.

The Office of War Information is fully aware and deeply appreciative of the help that business has already given us, by contributing advertising space and time for war messages. This would not have been possible without the help of the War Advertising Council—the voluntary, nonprofit organization representing all branches of advertising, which has served so ably and effectively since Pearl Harbor. We in the Office of War Information, who have worked with the Advertising Council ever since our organization was established, can testify to the work it has accomplished; for we have seen the results—results that can be measured.

In telling the people about every one of these home-front projects, the War Advertising Council, the Office of War Information, and the Federal agency or agencies involved have worked as a team; and this team work has resulted in advertising space and time contributions estimated at more than a quarter of a billion dollars during the past year. Yet all this, like our military offensive operations, is just a start. It is clear that our men on the fighting fronts can do their jobs; that is being made plain every day. What is not yet quite so clear is our ability to organize a home front which in energy, morale and fighting power is worthy to be compared with them. In the months ahead, the need for people to do and not to do certain things having a direct bearing on the war will multiply enormously. Every move by every citizen is a factor that will help determine the speed of the victory. The government leaders gathered at this microphone want to explain to the business men of the nation how urgent is this job of getting people to do what must be done, and how business can help enormously, by contributing even more space and time for war messages than heretofore.

Your government has adopted a policy on the use of advertising for war needs that seems to be sound and practicable. We have recognized the need for harnessing this great American force to do the job that all citizens, as well as the government that serves them all, want to get done. Two alternatives presented themselves: the government could either appropriate a huge advertising budget—hundreds of millions of dollars, perhaps a billion, would be necessary to do the job; *or* government could turn to the people who are experts in using the advertising mechanism that already exists, and ask them to assume this responsibility.

We decided against huge government advertising appropriations. We decided in favor of asking business to assume the responsibility of converting its advertising to war themes. And in view of the magnitude of the job ahead, we believe it is important that business should support the War Advertising Council's campaign—"A War Message in Every Ad"—of which you will hear more later.

Now here is Judge Fred M. Vinson, the new director of the Office of Economic Stabilization.

VINSON: On the home front, our deadliest and most insidious enemy is inflation. Inflation threatens the security of the people's savings. It is the mortal foe of every bank deposit, every insurance policy and every war bond.

To the average man and woman, inflation reveals itself in a soaring cost of living. You may rest assured that those associated with me and I will exercise all the powers which we possess to hold this line. If we allow prices and wages to rise, the cost of war will be materially increased. The resulting economic confusion and the bitter struggle among pressure groups which would follow from it, would reduce the effectiveness of our productive effort and cost needless thousands of American lives. Rising prices now mean falling prices later. Inflation in wartime means deflation after the war; and with deflation come panic, bankruptcy, unemployment and financial ruin. To speed the day of victory and to build a solid foundation for a prosperous peace, we must hold the line against inflation.

Here is the situation we face: Total war demands that we strain every nerve to produce the munitions of war. We can meet our production goals only by converting all our available resources to the production of military goods. In order to produce more of the things which the fighting forces need, we must produce less of the goods which we at home are accustomed to use. At the same time, we must put every available man and woman to useful work at longer hours.

The job of stopping inflation is almost unbelievably difficult. In all frankness I must tell you that, up to now, we have not entirely succeeded. Neither have we failed. Between May, 1941, and May, 1942, when the first General Maximum Price Regulation was imposed, the cost of living rose 12%. In the next twelve months, between May, 1942, and May, 1943, the cost of living rose only 7.8%. We did not lost as much ground during the second year as we lost during the first.

But we lost too much, and we cannot afford to lose more. Indeed, we must regain some of the ground we have lost, and that is the purpose of the so-called "rollback" program about which you have heard so much.

Most of the ground we have lost has been in the field of food costs, and we are fighting hard to hold this line. Simpler and more easily enforced ceilings have been placed upon food prices—ceilings which every housewife can understand. These new dollars and cent ceilings, along with the limited use of subsidies, should enable us more nearly to achieve our goal of stabilizing food prices at the level directed by the Congress last October.

In other fields, we have been more successful. Between May, 1942, and May, 1943, the level of rents was actually reduced by 1.7%. Clothing prices, during the same period, rose only 1.3%, despite the fact that during the previous year they had gone up 23%.

The battle is not won, but I believe that the tide is turning. To win, the Government must offer firm and vigorous leadership. You, the people, must also take firm and vigorous action. Those who are fighting inflation can act more firmly and more vigorously if they know that you are backing them in their fight against inflation.

In my job as Economic Stabilization Director, I must lead the fight against inflation. I cannot win without the energetic support of an informed public opinion. For our country's sake, I ask you business men who are listening to me now to make full use of Advertising—that powerful information machine which serves you so well in peacetime—to help secure for us the support which we now must have.

There is not a single battlefront in this struggle against inflation where the support, the understanding and the informed opinion of the American people are not more important than any law or regulation.

There are some who doubt the willingness of our people to accept the hardships and restrictions that total war requires. On this score I have no doubts. But I am not so certain that all of our people have yet been given sufficient information to understand the specific needs and the specific requirements of total war on the home front. I realize that it is difficult, at best, to determine how far a free Government can go in guiding the opinions and the habits of a free people. I realize also that there are many who honestly and sincerely disagree with the Government's anti-inflation policy.

But, regardless of what we do in Washington, it is essential that we have the understanding cooperation of you, the business leaders of this nation.

Perhaps I am a special pleader, but I shall run the risk of being called a special pleader to suggest that, in considering controversial economic questions, we must take special account of the other fellow's difficulties. To hold the cost of living, we must hold wages, prices and profits, and we must impose a heavier burden of taxation. Naturally, therefore, each of us is likely to be slightly more eager to hold down the other fellow's prices, wages or profits, and to raise the other fellow's taxes. Each of us will feel the squeeze of total war, each of us is only human, and each of us will be looking for the moat in the other fellow's eye. Yet, unless we all stand together, there will be little or nothing for any of us. If the American people understand exactly what we are doing and why we are doing it, I am convinced that they will stand together. Our people need to know why they should buy and hold war bonds, why they should pay higher taxes and save more money, why they should abominate black markets and chiselers, buy only what they need, at only ceiling prices, and only, in the case of rationed goods, with ration stamps, and why they should not demand higher prices, higher wages or greater profits.

In large measure, this is an advertising job. Advertising is not a charitable institution—it is the handmaiden of business. And there is no business in this nation so strong that inflation will not work havoc and ruin upon it.

That is why the War Advertising Council has seen the issue so clearly. Cooperating with that Council, almost 450 magazines are going to contribute a full-page advertisement every month. These advertisements will spread information as to what every American citizen can do to help hold the line. It will not cost the Federal Government a single cent.

I am also informed that the insurance companies of the nation are considering a similar major advertising effort. I hope that others will join in the procession. I am making a special plea that you business men everywhere work with the War Advertising Council and the Office of War Information to inform every individual in America how he can help fight inflation. As advertisers, each one of you can, like Paul Revere, warn that inflation is coming unless the American people take up arms against it.

DAVIS: Thank you, Judge Vinson. The Office of War Information is, of course doing all it can to help in this campaign, but the job is so enormous that it needs the help of everyone in a position, as advertisers are, to reach the public eye and ear. Judge Vinson, do you think the job of holding down the cost of living can be done successfully?

VINSON: It can, Mr. Davis—but we can't do the job without the help of every citizen. And we'll get that help to the degree that the people understand the importance of fighting rises in the cost of living, and how they can join in the fight. Advertising can give them that understanding.

DAVIS: Our next speaker is a man who is an expert on the relationship between government and business. He was one of the nation's leading management and merchandising executives when he came to Washington to tackle one of the biggest of all war jobs. As head of the War Production Board, he is perhaps in closer touch with business men than any other leader in Washington. From the outset Mr. Nelson recognized the tremendous importance of war information. He played an important role in the creation of the War Advertising Council.

Mr. Nelson. . . .

NELSON: One of the questions which every American should ask himself these days is this:

"How are we getting on with war production?"

It is about the answer to this question that I want to talk for a few minutes.

Let me make it clear at once that there is no one, quick, glib, easy answer. When talking about a program so complex and so vast as ours, oversimplification is full of hazards, and it is easy to select a few random figures and produce a series of different answers.

Here, for example, are two facts:

> First, we are still behind schedule in our production effort, and we face a really staggering job in the months immediately ahead if we are to meet those schedules.
>
> Second, production in May, as I reported, was not so good, and the preliminary figures for last month, though better, did not show enough improvement to satisfy me.

These are the kinds of facts which give daily, hourly concern to those of us in Washington who are engaged in the production effort. But now, let me give you two other facts that sound a little different:

First, we produced over 7,000 airplanes last month, according to preliminary figures, and that means about 270 every working day, or about ten very hour, around the clock. Compare this 7,000 plane figure for June with the production of 5,000 planes back in January, at the start of the year. The increase in the January-June period for planes is about 40 percent.

Second, our munitions and construction program for last month ran over the $6,000,000,000 mark, compared with an output of only $5,293,000,000 during the first month of the year. And remember that the construction part of this figure is declining according to plan. The munitions figure alone increased about 25 percent during the first half of the year.

Such figures, you see, when considered alone, are likely to give only part of the picture. For the real fact of the matter is that the picture is mixed—production has risen greatly this year; some important items are *on* schedule; other items are *behind* schedule. I might sum up with a paradox and say that, although American industry has done a job which in part is amazing, it is just not nearly amazing enough to suit me, or to suit the high goals we have set. We must do better—a lot better. I cannot say with too much vigor that we have not done enough.

It is true that some problems have been solved and are behind us, such as building the basic plants and factories for war production. But these problems give way to new ones, and we must still struggle over such tough problems as steel production, and airplane building, and petroleum questions, and the job of adequately engineering some of our newer devices of war. Perhaps it will serve to clarify the distinction between the rather creditable job we have done and the harder task that lies ahead if I remind you of what I said last week in an address I gave in Toronto. At that time, I said that the United Nations output this year will probably be nearly three times as high as total Axis production and that some of our production figures for certain important items are almost astronomical. But in that same speech, I went on to say—and I must emphasize it again today:

> "We can clearly see that the hardest part of our job remains ahead, both for our fighting men and for the producers of the home front . . . this is no time to speak of easing up in our efforts. . . . Our production schedules for this year and the next will tax us to the utmost."

All of you who are listening to these figures may wonder what they have to do with the subject of this especially arranged broadcast—advertising and the war. Well, the connection is simple, for advertising is one of the instruments that can be used to get more facts before the people and thereby help the people cooperate on the home front in getting the production job done.

Let me show you why this is true. The War Production Board does not produce airplanes with a magician's wand, nor by waving the big stick of legal power. We get planes, in the final analysis, by the cooperation of the men and women who make them. And the same thing is true all along the line. In case after case, war production succeeds because of the cooperation of *all* the people—not just the people on the production line, but also the people who quietly save tin cans and metal and who join car pools and who insulate their homes to make precious oil go farther and who save waste fats.

I need not list all the many campaigns in which the War Production Board is interested, but I must emphasize that the programs just mentioned, together with such other efforts as industrial safety and the correction of absenteeism, are all extremely important to the winning of the war.

Moreover, every one of these campaigns is a job that cannot be done merely by rules and regulations; every one is a task that can only be done on the basis of willing cooperation—a cooperation given willingly, because the facts have been made clear, and because the cooperators are well informed.

Since the fulfillment of our goals in these fields depends on a free flow of accurate and clear information, it is fitting during this special broadcast to point out that industry's own special medium—advertising—can benefit both the people and the Government by the inclusion of war messages. I have no hesitation in saying that, in my opinion, the well coordinated use of advertising to give the people more facts about the war will mean an earlier victory, faster solutions for our production problems, less bloodshed, and less red tape for industry.

It has already been demonstrated that the American people, once they know what is needed, and why, will do a tremendous job. Think back, for example, to the newspaper scrap salvage campaign, in which the War Advertising Council had a part, when more than 6,000,000 tons of metal were collected. Or recall that just last month, despite the rationing of meats, housewives turned in an estimated 8,000,000 pounds of waste fats and grease. These things came about not by accident, but because the people were informed of the need—and in my opinion no request that we make can be effective unless that request is made clear to the people who must answer the call.

So far on the information front, as in the case of war production, a mixed job has been done. And, frankly speaking, I think that there is also a much bigger job still to be done here in informing the people about the progress of the war and in letting them know *concretely*, how they can help. Industry has converted its tools and machines to war production—yes; but now there is an opportunity for industry to convert its *advertising* to the same goal.

I have a special interest in this kind of conversion—not only because of the immediate help it can give us in solving some of the problems I spoke of, but also because I have been interested in the War Advertising Council since it was created in those days when advertisers and advertising men and magazine and newspaper owners and others came together to make their facilities available to the war effort. Now, because of the continuing and growing problems we face, this kind of cooperation is more important than ever, and we all have an opportunity to make the cooperative effort more effective.

One final note: During the next twenty-four hours, by the middle of the tomorrow, this nation will turn out 270 more airplanes to hurl at the Axis. That is not enough. If everyone in America knew all the issues, knew exactly *what* to do and *how* and *when* to do it, and knew *why*, we might be making 300 or 350 planes a day. We could use them. And one quick way of boosting that production total higher and higher is to complete the conversion of advertising—by putting "A War Message In Every Ad."

DAVIS: One question, Mr. Nelson. Are your WPB problems such that they can best be handled in the so-called mass-media, which carry messages to the general public?

NELSON: Not at all. *Some* of our campaigns require the help of everybody—like car-sharing—but others, like conservation of cutting tools, and the absenteeism, and industrial safety, are particularly good for handling in the business press and trade journals.

DAVIS: Among all our war problems, none strikes home to the average citizen so intimately as does the question of food. Whereas many a war problem may seem remote and abstract, the subject of when, where, and how much do we eat is as personal as breathing. We have had 100 years of thinking in this country behind the point of view that our food supply was inexhaustible. Now, in our first total war, we find that there is a bottom to our food basket just as there is a bottom to everything else.

The men charged with the responsibility of shaping the country's food program is War Food Administrator Marvin Jones. No one knows better than Judge Jones that he faces an educational job of enormous scope, that he must adjust the food producing and eating habits of 130 million Americans to war conditions. Judge Jones, in his first radio broadcast since taking office, will tell you how he sees the picture.

JONES: Today we are announcing the allocations of canned fruits and vegetables for the coming 12 months. Because of increased war demands, civilians will get considerable less canned fruits and somewhat less canned vegetables than average. On Monday we announced allocations of dairy products. Civilians will get less than average of several products including butter, cheese and condensed milk.

Is this because farmers are turning out less? No, far from it! Farm Production is on the increase and new high records have been set in each of the past six years. But war is a very hearty eater. As it increases in size and overseas strength the armed forces require greater quantities of canned fruits and vegetables. Our armed forces and our allies require large amounts of dairy products. To make food fight most effectively civilians are limiting their consumption of foods like these so that these other claims may be met. We are going to try to push production even higher than in the past. The July crop report indicated that farmers have increased their crop acreage by 7 million acres more than in 1942. They have done this in the face of adverse Spring weather and shortages of labor and equipment. Yesterday, we announced a food production program for 1944 that calls for planting the largest acreage of crops ever put in by American farmers.

But great as is our accomplishment in production, we could not last year, we cannot this year or next year produce enough to supply all claimants with all the kinds of food they want. This year, our food stocks are called on to supply the people at home, our armed forces on 60 fighting fronts, our fighting Allies, and the liberated peoples. Still, of our total food supply, three-quarters will be consumed on our home front. All remaining claimants will get one-fourth of our output.

Every group would like to have more than can be apportioned to it. If we can provide more, we can help shorten the war. Therefore, the management of food is a wartime job of top importance. It is a front for all of us. Every one of America's 40 million families has a battle station on the food front.

For example, in peacetime the average American wastes some 380 pounds of food each year. Multiplied by 130 million, this represents almost 50 billion pounds of food thrown out into American garbage pails—enough to supply a large part of our Army and Navy and our Lend-Lease commitments as well. This waste is criminal in wartime and must stop.

As we study the wartime food problem we find there are four pillars upon which our program must be built. First, we must secure maximum production of the needed crops and livestock; second, we must conserve food and use it wisely; third, we must share—share with our armed forces and allies, share fairly among civilians; and fourth, we must change food buying and eating habits as required by wartime circumstances.

We must see to it that our citizens understand the facts about how our food is being used to fight this war. We must engender a new respect for food as a crucial weapon of war and establish a wartime code of food conduct so that every American—whether he be a farmer—producer—a processor or packer—a food distributor or consumer will help make our food fight by doing their best with what's available.

Helping citizens understand and adopt such a wartime code of food conduct is one job on which we are asking the assistance of business, through its advertising. This is one of the vital problems I hope you will think about, as you proceed with the work of putting "A War Message in Every Ad." If you will roll up your sleeves and become partners with us in this task, it is not too much to say you will be helping to shorten the war. For there is not just food at stake; there are the lives of tens of thousands of American fighting men.

DAVIS: We have heard Judge Marvin Jones, War Food Administrator. And before he leaves this microphone, I'd like him to answer one question for me. Judge, am I correct in summing up the points you have just made by saying that as the war progresses and we come closer to final victory, the more all of us may have to tighten our belts?

JONES: That is right, Mr. Davis, but if we can make the best possible use of our food at home and accept calmly and cheerfully the changes and inconveniences in our eating habits, we'll be helping food help win the war.

DAVIS: Our final speaker on this program comes not from government, but from business. He heads a voluntary non-profit organization that enjoys a semi-official status in Washington—the War Advertising Council. This group of earnest, public-spirited business men is one of which American business may well be proud. They have been serving the interest of the war unselfishly, almost before the echo of Pearl Harbor died away. I, for one, think the work of the War Advertising Council typifies in the best sense the teamwork between government and business with the common aim of winning the war. Here is Mr. Chester J. LaRoche, Chairman of the War Advertising Council.

CHESTER J. LAROCHE: As Mr. Davis and the previous speakers have recognized, we have, in this nation, channels of communication unmatched anywhere in the world. Through the combination of news and advertising—news to report, advertising to inform and persuade—we can reach the eyes, ears, and hearts of 130 million Americans. We can secure a degree of unity, understanding and fervor which can help us end more quickly the waste and slaughter of war.

The organization formed by business to harness the great power of advertising to the war is the War Advertising Council. The War Advertising Council is a peculiarly American organization. I know of no other country where such a group could be brought together, or so much combined power could be geared to an entirely unselfish purpose. The Council is composed of owners and principals of magazines, newspapers, radio, outdoor, printing and direct mail, the country's advertising agencies, and the great industrialists who use advertising.

I want to emphasize here that the War Advertising Council has no selfish axe to grind. It is a business group representing no political party, and no pressure groups. Anyone who thinks it seeks to make money for the advertising business is wrong—*millions of dollars* wrong—as the following facts will show:

The advertising agencies of the country—the people who have written the Washington-released advertising on war bonds, scrap, black markets, etc.—have contributed more than four million dollars worth of the only thing they have to sell—their time and skill. Radio advertisers and the radio industry have contributed $100,000,000 worth of time and talent during the past year to promote war messages. 440 magazines have been contributing at least one page of space a month for a campaign on total war. The newspapers of the country during the Second War Loan drive organized the contribution of 36,000 full pages of advertising, 25% of which they contributed themselves. 63 per cent of all outdoor posters are devoted to war messages. The car-card industry contributed 100,000 units of space monthly for war messages. In addition to their contribution on radio, national and local advertisers have contributed more than $100,000,000 worth of space in magazines and newspapers. The drug industry alone is devoting $2,000,000 for a special war bond drive.

The total contribution of the entire advertising field in the past 12 months was at least $250,000,000.

And now *twice* that amount, or $500,000,000 worth of space and time—is needed. Twice as much because the job ahead is twice as big. $500,000,000 is roughly one-third the total annual amount of all advertising expenditures.

Our goal for the coming year is therefore two-fold:

First, one-third of all advertising space devoted exclusively to war messages.

Second, a war message in *every* ad.

As an advertiser this means that *some* of your space should be devoted entirely to war messages, and *all* of your space should *contain* a war message.

In other words, because your ad devotes most of its space to a product is no reason why a war message cannot also be included. A lot of information can be packed into a few paragraphs.

Let me say right here that this proposal does not in any way conflict with the radio network allocation plan or the various other radio allocation plans of the Office of War Information. These need supplementing, not disrupting.

One-third of all space devoted *exclusively* to war advertising. And a war message in *every* ad. If these two goals are realized, the cumulative power behind war messages will penetrate into every community and every home in the land. Understanding will replace uncertainty. There will be no room for indifference and life-as-usual. No longer will one-half the population say about the other half, "They don't know there's a war on."

Nor is this a program for national advertisers alone. The biggest percentage of advertising is local advertising. Dislocations in life and living strike into every community. Our great national problems are merely the sum of hundreds of thousands of local problems.

This is why local advertising media and local business men should arrange pools of space or money large enough to cover the local war advertising needs for the next six months. Such cities as Houston, Cleveland, Louisville, Portland, Hartford have already done this. No community in this country can fairly say that it is doing its war job until its is similarly organized.

During these talks, you have heard many references to "war advertising." When we speak of war advertising, exactly what do we mean?

We do not mean advertising that simply shows pictures of planes or tanks or guns. Everybody knows we're at war—it is eighteen months since Pearl Harbor. Is war advertising that which tells how a company's products are helping win the war? Generally no. It certainly is not if it doesn't help get action by the people. In the midst of a struggle for survival, while American boys are dying by the thousands, blatant brag advertising is in questionable taste.

By war advertising we mean advertising which induces people, through information, understanding or persuasion, to take certain actions necessary to the speedy winning of the war.

War advertising follows agreed-upon themes. As every advertising man knows, best results are achieved when all advertising on a given subject adopts the same approach, tells more or less the same story, makes more or less the same appeals.

These official campaigns are all things that virtually anyone would agree need doing. They have nothing to do with *politics;* they have a lot to do with winning the war.

What are some of these official campaigns? In the months ahead we will be called upon to help recruit housewives by the millions to leave their kitchens for the jobs men left behind, we will have to persuade millions to help harvest the food, can and process it, see that it is shared; we will have to persuade Americans to eat nutritious foods, to shun black markets, to understand the overall food picture; we will have to recruit part-time volunteers by the hundreds of thousands for rationing boards, Civilian Defense Councils, Army ground observers or spotters; we will have to help get our people to buy more and more war bonds, to spend less; they will have to learn to conserve—to eat it up, wear it out, make it do. We will be called upon to quicken public responsibility to stay on jobs every working minute, to work harder, without grumbling. We will need to make the meaning of the war clearer, to curb disunity, to halt loose talk, to de-bunk rumors. These are the action messages which badly need consistent mass circulation.

The War Advertising Council and the Office of War Information are ready and eager to assist advertisers in the development of war theme advertising. Many of you will receive shortly a booklet entitled "A War Message in Every Ad" which will, we hope, enable you to make an immediate start on advertising that is really "converted for war." If you wish further information on any war campaign, get in touch either with OWI in Washington or the War Advertising Council, 60 East 42nd Street, New York City.

On the other side of the world, our invasions have now begun. During the hard months to come, American boys from your home town and mine will fight and die on foreign soil. As they endure suffering and hardships that put our petty inconveniences to shame, we who stay at home—if we have a spark of conscience—must form a solid front line behind them.

There must be an end to bickering, petty jealousies, suspicion of one group of Americans for another. At this time, of all times, we must have unity. That is why this group of war leaders have taken time from their busy lives to speak to you today. We can achieve that unity, provided only that our people understand clearly what must be done, and why.

What will an invading soldier see as he looks to his homeland? Will he see a nation aroused—effective in action? Upon what he sees depends in no small part his morale. And upon his morale, his fighting spirit, depends our way of life.

DAVIS: Thank you, Mr. LaRoche.

ANNOUNCER: (WASHINGTON—WRC) The National Broadcasting Company in association with the War Advertising Council has presented a special program broadcast as a meeting between American business and the United States Government. The speakers included Judge Fred M. Vinson, Director of the Office of Economic Stabilization; Donald Nelson, Chairman of the War Production Board; Marvin Jones, War Food Administrator; Elmer Davis, Director of the Office of War Information, and Chester J. LaRoche, Chairman of the War Advertising Council. This program came to you from Washington. This is the National Broadcasting Company.

OREGON-WASHINGTON ASK REMEDIAL LEGISLATION

(Continued from page 311)

enterprise and free speech and to propose and enact remedial legislation.

RADIO-TRANSCRIPTION BILL INTRODUCED

78TH CONGRESS, 1ST SESSION

S. 1332

IN THE SENATE OF THE UNITED STATES

JULY 8 (legislative day, MAY 24), 1943

Mr. TUNNELL introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To make unlawful certain practices relating to the making of records for radio transcription, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the date of enactment of this Act, it shall be unlawful for any person, for the purpose of preventing the manufacture or production of records for radio transcription, whether made of wood, wax, metal, or any other material, to counsel, persuade, direct, induce, threaten, or compel either singly or through conspiracies any employee or employees or prospective employee or employees from working to produce or manufacture such records for transcription. Further, it shall be unlawful for any person to threaten or compel radiobroadcasting stations or other broadcasters to refrain from the use of radio-transcription records because of objection to the manner in which such records were manufactured or produced, or because the same were not produced by particular persons or organizations. Any person convicted of a violation of any of the provisions of this Act shall be deemed guilty of a felony, and shall be punishable by fine of not more than $5,000 or imprisonment for not more than five years, or both fine and imprisonment in the discretion of the court.

Broadcast Advertising

SALES MANAGERS EXECUTIVE COMMITTEE MEETS IN NEW YORK

"The Community War Advertising Plan is one which every radio station should embrace and promote to the fullest extent," declared Dietrich Dirks of KTRI-Sioux City, Iowa, Chairman of the Sales Managers Committee, following a luncheon at the Hotel Roosevelt in New York on Thursday, July 14, 1943, at which the group and several invited guests listened to the forty-five minute broadcast by the War Advertising Council, Inc., over the National Broadcasting Company.

"This nationwide, localized campaign offers radio stations both an obligation and an opportunity," he added, pointing out that the program would provide vastly increased promotion of the government programs of war information as well as opening new sources of revenue to many radio stations.

Following the luncheon the committee passed a resolution unanimously commending and endorsing the Community War Advertising Plan and urging radio stations to co-operate with all other media in their communities in order to develop the project to the fullest possible extent.

The two-day meeting of the committee was called to order at 10:30 a. m. by Chairman Dirks with the following members present: C. K. Beaver, KARK, Little Rock, Ark.; Sam H. Bennett, KMBC, Kansas City, Mo.; Arthur Hull Hayes, CBS, New York; James V. McConnell, NBC, New York; John M. Outler, Jr.; WSB, Atlanta, Ga.; and John E. Surrick, WFIL, Philadelphia, Pa.

Because of the pressure of business, W. B. Stuht, KOMO-KJR, Seattle, Wash., was unable to come east for the meeting. Lewis H. Avery of NAB served as secretary of the committee.

At the outset of the meeting, the committee reviewed the recent releases of the department of broadcast advertising, expressed approval of the form and material and voiced the hope that circumstances will permit the issuance of frequent stories and case histories of the type recently sent to NAB member stations.

After a lengthy review of the proposed Sales Manual on Local Accounts (authorized at the committee meeting in New York on March 9, 1943), the committee instructed Avery to proceed with its preparation even though most small stations have shown a lack of interest in the publication.

Preceding a discussion of the proposed revision of the NAB-AAAA Recommended Standard Contract form to incorporate a continuing discount clause, William A. Fricke, Assistant Secretary of the AAAA, was invited to present the views of the agencies on the proposal. Fricke reported that the Time Buyers' Committee is unanimously in favor of such a provision and distributed copies of the text proposed by that group. He pointed out that advertising agencies believe the clause will help to keep advertisers on the air who are not in a position to sign a 52-week renewal upon the expiration of an initial 52-week contract.

Following a detailed discussion of the problem, the committee went on record as unanimously favoring the principle of the continuing discount, but rejecting all of the proposed texts. It instructed Avery to prepare a new version of the clause and to submit it to the committee as soon as possible.

In addition to Fricke, Miss Linnea Nelson of J. Walter Thompson Company and Charles Ayres of Ruthrauff & Ryan, Inc., were guests of the committee at luncheon and listened with the committee to the War Advertising Council broadcast.

Following luncheon, the committee reviewed the proposed releases of the department of broadcast advertising and endorsed the material to be covered in these releases as well as their method of presentation. It also urged Avery to study industries, which are not now prospects for broadcast advertising, but which may develop into important consumer advertisers after the war. He is to submit recommendations at the next meeting of the committee with a view toward the preparation of presentations to such industries on the advantages and uses of broadcast advertising.

In a discussion of five-minute commercial programs, stations were urged to remember the provisions of the NAB Code of Ethics relating to such programs and to abide by its self-imposed restrictions. Stations were also urged to restrict the number of announcements in participating programs to improve the showmanship and listenership of such broadcasts.

Recognizing the confusion that exists where an advertiser pays the one-minues rate but uses live copy, the committee urged NAB to make a study of the problem with the ultimate aim of preparing recommended industry standards.

The increasingly irritating problem of "cow-catcher" and "hitch-hike" announcements was discussed in some detail. Outler finally introduced a motion condemning the practice on both network and spot programs and announcements, and urging the NAB Board of Directors to investigate remedial action. The motion was seconded by Beaver and passed unanimously.

The meeting recessed at 5:00 p. m. to reassemble at 11:00 a. m. on Friday to see a preview of the Retail Promotion Plan. Full details of the Friday meeting will appear in the next issue of the NAB Reports.

DISTRICT PUBLIC RELATIONS CHAIRMAN APPOINTED

The following Public Relations Chairmen have been appointed by their District Directors, to work with the Public Relations Committee and Willard D. Egolf, Assistant to the President of NAB, in formulating and executing a plan for industry activity.

This is in line with the decision of the Public Relations Committee, meeting in Chicago, June 23-24, that responsibility for public relations rests primarily with local station management, coordinated through national headquarters and a Public Relations Chairman for each NAB District. Other appointments are expected in due course from District Directors.

District 1—Edward E. Hill, WTAG, Worcester, Mass.
District 7—Vernon H. Pribble, WTAM, Cleveland, Ohio.
District 8—Clarence Leich, WGBF-WEOA, Evansville, Ind.
District 13—Karl O. Wyler, KTSM, El Paso, Texas.
District 17—Harry Buckendahl, KALE, Portland, Ore.
District 2—Michael Hanna, WHCU, Ithaca, N. Y.

WHITE HOUSE PRESS MEETINGS NOW "PRESS AND RADIO"

The following exchange of correspondence occurred between Walt Dennis, NAB news bureau chief, and Stephen T. Early, secretary to President Roosevelt. The correspondence is self-explanatory. Station managers are asked to act on paragraph 5 of Dennis' letter by advising their news editors. Similar letters have been sent to James F. Byrnes, Edward R. Stettinius, Harold Ickes, Mrs. Roosevelt, Secretaries Hull, Stimson and Knox, Donald Nelson and Elmer Davis.

June 29, 1943.

Dear Mr. Early:

This is a small request in a time of big things, but having dealt with you as a newsman in several sections of the country on various occasions I know you will give it your usual generous consideration.

The conferences President Roosevelt holds with newspaper and radio reporters are generally referred to as "press" conferences. This does an injustice to what is now the greatest news medium in the world—radio.

I realize that the word "press" may be considered now to have a general meaning and not apply specifically to newspapers in connection with "press" conferences, but we offer an easy way out—

Substitute the word "news" and you have "news" conference.

The radio industry through our association is being urged to effect this changeover and to edit all copy for broadcasting to read "news" conference or "news" source, or "news" association, etc.

We ask your consideration on this matter and hope to have the favor of your approval so far as the White House official naming of "news" conferences is concerned.

July 1, 1943.

Dear Mr. Dennis:

This is in acknowledgment of your letter of June twenty-ninth. The suggestion that you make is entirely consistent and in principle I am quite willing to go along with you. Accordingly, we will hereafter at the White House designate the President's stated meetings with the news gatherers as "press and radio conferences."

A CASE STORY ON THE VALUE OF CHECKING FREE-TIME REQUESTS

To give you a suggestion on the advisability of trying to sell a person or organization commercial time when the request for free-time is based on appeal which, if granted, would result either directly or indirectly in financial profit for the person or organization, the NAB department of broadcast advertising offers the following case history:

The S. B. Penick company of New York City requested free time on a station to promote stimulation of production among farmers who produce the raw material from which the Penick company processes its products.

Basis of the appeal was to request farmers and their families to gather (which provide essential oils) and to advise the farmers of the market conditions.

As such stimulated production would indirectly result in more income for the Penick company, it was advised to buy a regular series of spot commercials through an advertising agency.

The company at once complied and is now testing with a campaign over a southern station.

Special Mailings Notice

This week you should have received the following special mailings: "The Beam," second issue; transcripts of the Cox Committee Hearings, session No. 2, and the Petrillo hearings. If you wish extra copies, please advise C. E. Arney, Jr., at NAB Washington headquarters.

KERN TIPS IS NAMED HOME COUNTY OCD DIRECTOR

Kern Tips, manager of KPRC, has been appointed civilian defense director of Harris county, Texas.

A veteran of OCD work in the county, Mr. Tips is an air raid warden. He was cited for the position of director in a statement issued by the mayors of the 12 cities and towns in the county and a county judge.

Mr. Tips will immediately bend his efforts to enlarging and expanding the staff and work of the county defense units, he advised the county leaders.

WAR TALKS AVAILABLE TO LOCAL RADIO STATIONS

American radio stations are now being offered free use of a large group of brief talks on various phases of the war effort. Through the facilities of the Writers' War Board, New York City, speeches have been written by some of America's foremost writers. These speeches which must be presented without any reference to the individuals who wrote them, run from 8 to 13 minutes in length and deal with such diverse war topics as: the nature of the enemy; the need for post-war planning; the civilian's place in the war effort; the origins of the war, etc.

ACCOUNTING COMMITTEE

The NAB accounting committee is in session at the Statler Hotel in Washington as this issue of the "Reports" goes to press. A full report of the meeting will be issued with next week's "Reports."

Any or all of them are available to radio stations for use on either sustaining or sponsored programs. No charge is made for their use and, although it is preferred that credit for their preparation by the Writers' War Board be given, it is not obligatory.

A full list of these speeches with a brief description of each can be obtained by addressing the committee on speeches and speakers, Writers' War Board, 122 East 42nd Street, New York 17, N. Y.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, July 19th They are subject to change.

Thursday, July 22

Further Hearing

WOKO—WOKO, Incorporated—Albany, N. Y.—Renewal of License (main and auxiliary), **1460 kc.**, Main: 500 W night, 1 KW day; Auxil.: 500 W, unlimited.

Friday, July 23

KSJB—Jamestown Broadcasting Co., Inc., Jamestown, N. Dak.—Modification of license, **600 kc.**, 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

—Baylor University and Carr P. Collins, Corpus Christi, Texas.—Granted construction permit (B3-P-3524) for a new station to operate on **1010 kc.** 50 KW directional antenna, from daytime to sunset at Little Rock, Ark.

KFMB—Worcester Broadcasting Corp., San Diego, Cal.—Approved amended application for consent to transfer control of the Worcester Broadcasting Corp. from the Estate of Warren B. Worcester, deceased, to the First National Trust and Savings Bank of San Diego, (B5-TC-315), and renewal of license application for a period of one year.

LICENSE RENEWALS

The following stations were granted renewal of licenses for the period ending August 1, 1945.

KFVS, Cape Girardeau, Mo.—KGFL, Roswell, New Mex.; KIUP, Durango, Colo.; KRLC, Lewiston, Idaho; KVRS, Rock Springs, Ky.; WBTH, Williamson, W. Va.; WDAS and auxiliary, Philadelphia; WHBQ, Memphis, Tenn.; WJLD, Bessemer, Ala.; WMIN, St. Paul, Minn.; WRRN, Warren, Ohio.

The following stations were granted renewals for the period ending June 1, 1945:

WDAK, West Point, Ga.; WGAA, Cedartown, Ga.; WGH, Newport News, Va.; WKEY, Covington, Va.

KICA—Hugh DeWitt Landis, Clovis, New Mexico.—Granted renewal of license for the period ending April 1, 1945.

MISCELLANEOUS

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-1527).

WMT—Iowa Broadcasting Co., Inc., Cedar Rapids, Iowa—Adopted an Order granting petition of Iowa Broadcasting Co., Inc., for a continuance of the hearing in re application of Jamestown Broadcasting Co., Inc., KSJB, Jamestown, N. D., for modification of license; hearing continued until July 23, 1943 (Docket No. 6519).

APPLICATIONS FILED AT FCC

1230 Kilocycles

KRLH—Millard Eidson, Independent Executor of the Estate of Clarence Scharbauer, Deceased, Midland, Texas.—Involuntary Assignment of License from Clarence Scharbauer to Millard Eidson, Independent Executor of the Estate of Clarence Scharbauer, Deceased.

1240 Kilocycles

WFVA—Fredericksburg Broadcasting Corp., Fredericksburg, Va.—Modification of license to change frequency from **1290 kc.** to **1240 kc.** change hours of operation from Daytime to Sharing Time with WBBL. Amended to change hours of operation to unlimited, except on Sunday when WBBL operates.

1280 Kilocycles

WDSU—WDSU, Inc., New Orleans, La.—Transfer of control of corporation from J. H. Uhalt to E. A. Stephens, H. G. Wall and Fred Weber (150 shares).

830 Kilocycles

WNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—Special service authorization to operate from 6 a. m. to 10 p. m. with power of 1 KW. Amended re directional antenna.

MISCELLANEOUS APPLICATIONS

NEW—National Broadcasting Co., Inc., Bound Brook, N. J.—Construction permit for a new International Broadcast Station to be operated on **6100, 9670, 11890, 15150, 15190, 17780,** and **21630 kc.,** 50 KW power, A3 emission.

NEW—National Broadcasting Co., Inc., Bound Brook, N. J.—Construction permit for a new International broadcast station with power of 50 KW, A3 emission.

NEW—National Broadcasting Co., Inc., Bound Brook, N. J.—Construction permit for a new International broadcast station with power of 50 KW, A3 emission.

NEW—National Broadcasting Co., Inc., Bound Brook, N. J.—Construction permit for a new International broadcast station with power of 50 KW, A3 emission.

WAHL—Paducah Broadcasting Co., Inc., Area of Paducah, Ky.—Modification of license of relay broadcast station to add to the service area Henderson, Ky., to be used with Standard Station WSON in addition to WPAD.

FEDERAL TRADE COMMISSION DOCKET

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Bemis Bro. Bag Company et al.—Four corporations and a copartnership engaged in the manufacture and sale of tarpaulins are charged in separate complaints with mislabeling their products with respect to their dimensions. Respondents in the five complaints are:

Bemis Bro. Bag Co., 601 South Fourth St., St. Louis (4994); Canvas Products Co., 1240 South Seventh St., St. Louis (4995); The Hettrick Manufacturing Co., Summit and Magnolia Sts., Toledo, Ohio (4996); Frank M., David W., and Thomas C. Powers, copartners trading as Powers & Co., 18 South Throop St., Chicago (4997); and H. Wenzel Tent & Duck Co., 1035 Paul St., St. Louis (4998). (4994-4998, inc.)

Bishop & Babbin, Inc., Atlanta, Ga., engaged in the sale and distribution of potatoes, is charged in a complaint with falsely representing potatoes grown in New York State as having come from Maine. (5000)

W. W. Gambill, Jr., et al.—Misrepresentation of the properties and effectiveness of so-called anti-freeze solutions, advertised for use in automobile cooling systems, is alleged in a complaint issued against Wheless W. Gambill, Jr., Russell M. Campbell and M. Yuhas, who manufacture the products at their place of business at 117 Ninth Ave. North, Nashville, Tenn. (4999)

General Dairies, Inc.—A complaint has been issued charging General Dairies, Inc., 145 West 41st St., New York, and its officers, Albert A. Friedman and Mrs. Elizabeth Friedman, with misrepresentation in the sale of a book designated "Dial," used by professional people for recording appointments. (5002)

Miller Manufacturing Co., 1100 32nd St., Camden, N. J. is charged in a complaint with misrepresentation in the sale of a compound designated "Wonderweld," which he recommends for use in repairing water jackets, cylinders or other metal parts of machinery. (5001)

Miles Laboratories, Inc., Elkhart, Ind., is charged in a complaint with disseminating advertisements which fail to reveal the harmful potentialities that may result from excessive use of Dr. Miles Liquid Nervine, Dr. Miles Nervine Tablets and Dr. Miles Anti-Pain Pills. The complaint also charges that the respondent corporation's advertisements misrepresent the therapeutic value of Liquid Nervine and Nervine Tablets. (4993)

E. E. Paddock—A complaint has been issued alleging misrepresentation of the therapeutic properties of medicinal preparations designated "Dr. Paddock's Palliative and Symptomatic Treatment for Gallbladder Irritations, Gallstones and Associated Conditions" against E. E. Paddock, trading as Doctor E. E. Paddock and E. E. Paddock, M.D., 103 Glen Ridge Building, Kansas City, Mo. The treatment sold by the respondent consists of three tablets known as No. 1 (Blue Tablet), No. 2 (Yellow Tablet) and No. 3 (White Tablet). (4992)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

American Button Mould Manufacturers Association, Inc., 274 Madison Ave., New York; its officers, Isidore A. Weidhorn, Sidney Baritz, Harry Chalfin, and Samuel Luloff; and its members, Liberty Die & Button Mould Company, Inc.; C & C Button & Trimming Company, Inc.; Jacob Rabinowitz, Inc.; Handy Button Machine Company of New York, Inc., Defiance Button Machine Company, and Elias Jaffe and Solomon Jaffe, copartners trading as Jaffe & Jaffe, all of New York City, and their agents, representatives and employees have been ordered to cease and desist from entering into or cooperating in any planned common course of action to restrain and suppress competition in the sale and distribution of button and buckle moulds. (4726)

Central Sales Co., 108 West 19th St., Kansas City, Mo., engaged in the sale of smokers' supplies, sporting goods and novelties, have been ordered to cease and desist from selling or distributing any merchandise so packed and assembled that sales are to be made, or may be made, by means of a game of chance, gift enterprise or lottery scheme. (4948)

Fisher Nut & Chocolate Co., 2327 Wycliff St., St. Paul, has been ordered to cease and desist from selling or distributing candy and nut products so packed or assembled that sales of such merchandise are to be made, or may be made, by means of a game of chance, gift enterprise or lottery scheme. (4594)

General Dairies, Inc.—Samuel Perloff, Harry Perloff, Earl Perloff and Morris Perloff, 919 No. Front St., Philadelphia, engaged in the wholesale distribution of food products, have been ordered to discontinue using the trade name Atlantic Packing Co., or any trade name containing the word "Packing," in connection with the sale or distribution of any product which is not packed by them. They are also ordered to cease and desist from representing that any product is packed by them when such is not a fact. (4882)

International Trustees—An order to cease and desist from misrepresentation in the sale of form letters and questionnaires used to facilitate the collection of delinquent accounts has been issued against Guy C. Beals, trading as International Trustees, 217 East Third St., Des Moines, and Spiegel, Inc., 1061 West 35th St., Chicago. (4863)

Maurice J. Kellner, Eighth and Madison Sts., Springfield, Ill., broker and jobber of general food products, has been ordered to cease and desist from violation of the brokerage section of the Robinson-Patman Act. The respondent trades as M. J. Kellner Brokerage Co., M. J. Kellner, broker, Illinois Brokerage Co., and O-K Sales Co. (4796)

Lekas & Drivas, Inc., 19-21 Roosevelt St., New York, importer and distributor of olive oil, has been ordered to cease and desist from disseminating any advertisement which represents that its products designated "Aristocratic Imported Virgin Olive Oil" and "L. & D. Olive Oil" have any specific therapeutic value in the treatment or prevention of any disease or condition. (4815)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Brown & Williamson Tobacco Corp., Louisville, Ky., stipulated that in advertising its Avalon Cigarettes it will discontinue representing that the report of laboratory tests appearing in the July, 1942, issue of The Reader's Digest proves that Avalons are the finest quality. The stipulation also was entered into by Russel M. Seeds Co., Inc., Chicago advertising agency, which prepared and disseminated advertisements for Avalon Cigarettes. (03121)

Cabinet Manufacturing Co., Quincy, Ill., and Mace Advertising Agency, Inc., Peoria, Ill., have stipulated that they will cease representing that the device designated "Superior Bath Cabinet" is safe, economical or effective in reducing weight and that it will help to build or maintain resistance against disease. Advertisements for the bath cabinet, which is sold by Cabinet Manufacturing Co., are prepared and disseminated by Mace Advertising Co. (03118)

Craftsman Sales Co. and trading as Sterling Sales Co., 775 West Jackson Blvd., Chicago, stipulated with the Federal Trade Commission that he will cease and desist from representing in his advertising matter that cameras he sells under the designation "Cinex-V" will take pictures in color without the use of special films. (3680)

Great Western Paint Mfg. Corp.—A stipulation to discontinue certain misrepresentations in the sale of paint products has been entered into by Great Western Paint Manufacturing Corp., 1207 West 11th St., Kansas City, Mo., and Rolla E. Showalter, who at one time was a distributor of certain paints manufactured by the Great Western corporation in accordance with formulas worked out by him in cooperation with an official of the company. (36791)

Monarck Camera Co., 2222 Diversey St., Chicago, has entered into a stipulation to cease and desist from representing, through use of the word "color" in brand names, that the cameras it sells under the designations "Monarck Color Camera" and "Regal Color Camera" are in fact color cameras. (03117)

R. Q. Laboratories, 1117 South Ninth St., Alhambra, Calif., has entered into a stipulation to discontinue certain misrepresentations in connection with the advertising and sale of a medicinal preparation designated "R-Q," recommended for the treatment of various diseases and conditions of the skin. (03120)

Benjamin Zwanger, 793 Wyckoff Ave., Brooklyn, stipulated in connection with the sale of his "Laxo Method" of dieting, which includes the use of a laxative designated "Laxo," he will cease and desist from the dissemination of any advertisements which fail to reveal that the preparation should not be used when abdominal pain, nausea or other symptoms of appendicitis are present and that its frequent or continued use may result in dependence on laxatives. The stipulation provides that such advertisements need only contain the statement, "CAUTION: Use Only as Directed," if the directions for use, wherever they appear on the label or in the labeling, contain a warning to the same effect. (03119)

FTC DISMISSES PART OF CASE

In its case against The Best Foods, Inc., New York, the Federal Trade Commission has dismissed those portions of the complaint which charged the respondent corporation with misrepresentation of the color of Nucoa Oleomargarine and with misrepresenting that the product is churned in milk. The dismissal was ordered because the respondent had abandoned the practices in question.

Under an order previously entered in the same case, the Commission had closed without prejudice the other portions of the complaint in which it had alleged as misleading and deceptive the respondent's representations that Oleomargarine "is a fit food for children" and that "wholesome margarine and butter are equally delicious and nutritious."

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 30, July 23, 1943

FLY DEMANDS HEARING

FCC Chairman James Lawrence Fly Thursday released the following letter to the Select Committee to Investigate the Federal Communications Commission:

"In the record of hearings on yesterday, Congressman Cox made the following statement:

" 'Mr. Fly, the Chairman of the Federal Communications Commission has, according to press reports, been insisting that the Commission be given opportunity to put its position on record as regards complaints made against it. You will recall we had Mr. Fly up here about ten days ago and he refused to talk. So the Committee has called you (Commissioner Craven).'

"I am not conscious of ever having had an opportunity to testify before your Committee on any of the various matters coming within the scope of the resolution adopted by the Congress to investigate the Commission. On my one brief appearance before the Committee I was called upon to produce one file of the Board of War Communications.

"I cannot but reiterate the importance of the full Committee giving to me and the Commission a prompt hearing on the charges which the Committee has made public. I stand ready at any time to appear before the Committee, and I again want to urge that I be given this full and complete opportunity to be heard at an early date. I shall await your advises."

Sincerely yours,

James Lawrence Fly.

Petrillo

The War Labor Board, it is reported, has accepted jurisdiction in the Petrillo transcription ban case. A tri-partite panel is to be appointed to investigate the entire situation after which the WLB will decide whether to order the musicians to make recordings or not.

LEGISLATIVE COMMITTEE

The NAB legislative committee met in Washington on Wednesday (July 21), to review developments which have taken place since its last meeting. A thorough discussion of the White-Wheeler bill and the prospective hearings on that measure, which Senator Wheeler has announced will be held shortly after the reconvening of Congress, was had. The Holmes bill was also reviewed and discussions were held regarding the possibility of hearings before the House Interstate and Foreign Commerce Committee on that measure. A report was made on the developments which have occurred in the hearings before the House Select Committee investigating the Federal Communications Commission. It was the concensus of the Committee that district meetings be held in as many districts as possible in the very near future in order that broadcasters may develop satisfactory plans for contacting members of Congress to inform them regarding radio matters and the need for an examination of the present radio law. Following luncheon, a brief discussion of future plans took place.

The following were present: Don S. Elias, Nathan Lord, Clair McCollough, Joseph Ream, Frank M. Russell, G. Richard Shafto, James D. Shouse, James W. Woodruff, Jr., Ed Yocum, Neville Miller, Chairman, C. E. Arney, Jr., Secretary.

NATIONAL ENTERTAINMENT GROUP ORGANIZED; SWINGS INTO ACTION

Dennis Named to Key Committees

The National Entertainment Industry Council in a two-day meeting in the Waldorf-Astoria hotel in New York City this month completed formal welding of 45 organizations into NEIC and named a coordinating committee of 25 persons to carry on all routine and administrative work between meetings of the council.

C. E. Arney, Jr., and Walt Dennis represented NAB at the sessions. Dennis, who was named on the nominating committee, also is the representative for the Advertising Federation of America.

The NEIC adopted a three-point national program:

1. Immediate establishment of a national pool of entertainers to be used in filling requests for any and all entertainment to be used in war or other activities locally, regionally, nationally or internationally.
2. Education of the nation to the fact that the entertainment industry is an industry and should be recognized as such and not as a collection of people who commit crimes against morals and who earn fabulous salaries.
3. Set up a list of 15 major projects to be undertaken in the interest of the war work and morale building.

At the first meeting of the coordinating committee Tuesday, July 20, Dennis was named to the NEIC permanent finance committee and an administrative budget of $12,500 was approved. Funds will be raised by contributions from the supporting organizations.

Broadcast Advertising

MEET THE NEW SALES MANAGERS EXECUTIVE CHAIRMAN

Dietrich Dirks, of KTRI, newly appointed chairman of the sales managers executive committee, is a real pioneer in the field of broadcasting, having spent 17 years in station operation and sales direction.

Born on a farm in Auburn, Nebr., Dee was educated in

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NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Arthur C. Stringer, *Director of Promotion.*

BROADCAST ADVERTISING

(Continued from page 325)

the public schools of Hildreth, later attending the college of business administration of the University of Nebraska. Following his graduation, he returned for one year of postgraduate work in business administration. During his undergraduate days at Nebraska, he spent considerable time with the Lyceum and Chautauqua circuits, getting his first experience with "showmanship."

Appointed program director of KFAB in 1926, he was jumped to vice president and general manager of the Central States Broadcasting Co., operators of KFAB, KFOR and KOIL, in 1928. He continued in that capacity until 1936, when, in association with the Sioux City Tribune Co., he became half-owner and manager of the Sioux City Broadcasting Co., operator of KTRI.

During his service in various fields of broadcasting, he has been active in association affairs, having served in several capacities and for the last two years as a member of the sales managers executive committee.

He is married and has a two-year old son.

FOR DISTINGUISHED SERVICE

Few chairmen of the sales managers executive committee, in the seven-year history of that group, have served with the distinction or attained the objectives which have marked the tenure of John M. Outler, Jr., of WSB., retiring chairman.

Famed throughout the industry as a raconteur of distinguished ability, Johnny combined a rare sense of humor with unusual executive direction to carry the work of the sales managers group to new heights of accomplishment and to open new roads for exploration by this group.

As a member of the committee that recomended to the NAB board of directors the creation of a Retail Promotion Plan and the appointment of a special committee to carry this project forward, he has given unlimited time and exceptional abilities to the prosecution of this effort.

During the district meeting tour in the fall of 1942, Johnny talked at the meetings in Pinehurst, Atlanta, Nashville, Des Moines, Chicago, Indianapolis and Columbus in support of the plan and in solicitation of pledges. Except for the late arrival of a train, he would also have appeared at the meeting in Minneapolis.

At his suggestion, the retiring sales managers committee recommended to the incoming group a study and presentation, comparable to the one now nearing completion for the retail field, to be directed to the automotive industry. This project has been enthusiastically endorsed by the press of the broadcasting industry and viewed with special alarm by the trade papers of other media.

Symbolic of the appreciation of the industry for his services was the rousing cheer that greeted the motion of Arthur Hull Hayes of WABC, at the conclusion of the sales managers meeting in Chicago on April 26, 1943, that Johnny be given a rising vote of thanks for his leadership and inspiration. Fortunately, he will continue to serve on the committee during the 1943-44 term.

Special thanks, too, are due J. Leonard Reinsch, general manager of WSB, for assuming Johnny's duties as commercial manager from time to time in order to permit his participation in industry activities. This generous attitude on the part of Mr. Reinsch has been in no small measure responsible for the achievements of the sales managers group during the past year.

ANOTHER DEPARTMENT STORE MAKES RADIO ADVERTISING PAY

"Stores Can Make Radio Advertising Pay" is the intriguing title of an article that appeared in the May issue of *Department Store Economist.* Through the courtesy of that publication, a reprint of the article is enclosed with this issue of the "NAB Reports."

As you read the article, you will find it analyzes in unusual detail the problems a department store faces in the use of broadcast advertising. You will find some real "meat and potatoes" in this searching description of the experiences of J. N. Adams & Company—the largest department store in Buffalo, N. Y.

There are several references to Herbert C. Rice of the Buffalo Broadcasting Corporation, who is a member of the NAB program managers executive committee and, obviously, as the article indicates, very commercially minded. Undoubtedly the program manager at your station will also be interested in this article.

Like all recent releases of the department of broadcast advertising, this reprint has been prepared on 8½ x 11 inch paper, with three-hole punching, so that it can be included in your copy of "A Manual of Radio Advertising." And, again, plenty of additional copies are available for your use. A note will bring as many as you want.

RETAIL PLAN PREVIEW ENTHUSIASTICALLY RECEIVED

"It far exceeded my expectations," declared Gene L. Cagle of KFJZ, following a preview of the Retail Promotion Plan at a joint meeting of the retail promotion and the sales managers executive committees in New York on Thursday, July 15, 1943.

John E. Surrick of WFIL, a guest at the preview as a member of the sales managers executive committee, summed up the consensus when he said: "I knew it was going to be good because of the amount of thought and work that has been devoted to it—but I didn't know it was going to be *that good.*" Without exception, those who witnessed the preview unanimously agreed that the Retail Promotion Plan tells the most complete and convincing story of broadcasting as an advertising medium that has ever been told.

Following the preview, the committee discussed the proposed itinerary of the master showings of the plan, reviewed the budget for the project and authorized the final production of the presentation using sound motion pictures, animated slide film and charts. During the discussion of the itinerary, a tentative world premiere was set for Washington, D. C., early in October.

Production of the five "How to Do It" booklets will begin immediately. These supplement and implement the sales story of the presentation, bringing it down to numerous outstanding case histories and pointing the specific application of broadcast advertising to individual retailers' problems.

At the conclusion of the luncheon on the second day of the meeting, the committee voted unanimous appreciation of the superb direction and organization of the study and presentation by Sheldon R. Coons, counsel to the committee. It also moved a rising vote of thanks to Paul W. Morency, chairman, Walter Johnson and Lewis H. Avery for their untiring work on the project.

With one exception, all members of the retail promotion committee were present at the preview. In addition to Chairman Morency, these included: Robert E. Bausman, WISH; Gene L. Cagle, KFJZ; Dietrich Dirks, KTRI; Kenneth K. Hackathorn, WHK-WCLE; Arthur Hull Hayes, CBS; Walter Johnson, WTIC; C. L. McCarthy, KQW; James V. McConnell, NBC; John M. Outler, Jr., WSB; Oliver Runchey, KOL.

The meeting was also attended by C. K. Beaver of KARK; Sam H. Bennett of KMBC and John E. Surrick of WFIL, members of the sales managers executive committee who are not also members of the retail promotion committee.

Three members of the advisory committee of promotion executives, appointed by Chairman Morency to assist in the production and presentation of the plan, were also present: M. F. Allison of WLW-WSAI; Charles B. Brown of NBC and John J. Hade of WJZ.

Several guests of the committee were also present at the preview, including: Neville Miller, president, NAB; C. E. Arney, Jr., secretary-treasurer, NAB; Robert H. Leding of the Sheldon R. Coons organization; R. S. Evans and Gordon Miller of the Jam Handy Organization; Dr. Paul S. Lazarsfeld, director of the office of radio research, Columbia University; Charles F. Phillips of WFBL and C. Robert Thompson of WBEN.

REPORT ON NAB ACCOUNTING COMMITTEE MEETING

The NAB accounting committee held its first meeting since its membership was appointed following the NAB War Conference. The meeting was held in Washington with Chairman H. K. Carpenter of WHK, Cleveland, presiding. Members present were: Messrs. John B. Conley, WOWO, Fort Wayne; Charles C. Leonard, WAVE, Louisville; Harry F. McKeon, NBC, New York; Jess Swicegood, WKPT, Kingsport; Lloyd C. Thomas, KGFW, Kearney. Samuel R. Dean of CBS, New York was unable to attend. Paul F. Peter, the committee secretary and Mrs. Helen H. Schaefer, his assistant, represented NAB. J. Harold Ryan, Chairman of the broadcast sub-committee of the advisory committee on government questionnaires attended as a guest.

Mr. Ryan told of the functions of his committee and its decision to confer with the FCC on certain questionnaires and forms sent to stations prior to their formal submission to the Bureau of the Budget for approval. The purpose of such conference is to establish a better understanding between the industry and the FCC concerning the Commission's gathering of information. Mr. Ryan called upon the accounting committee to review the FCC annual financial and employee data form used for reporting the year 1942. He also asked that the committee review any other Commission forms which it felt should be included in such discussions with the Commission.

The committee reviewed the FCC financial and employee data form and is submitting its recommendations for revision to Mr. Ryan's committee. The accounting committee also discussed the program and transmitter log requirements of the Commission and the forms employed for reporting changes in stock ownership of stations. The committee reviewed the NAB program log recommendation which was prepared by the accounting committee in 1940. It was decided to make minor revisions necessitated by certain changes in FCC rules and regulations and submit the revised recommendation to Mr. Ryan's committee for inclusion in discussions with the FCC.

The committee decided to review the NAB accounting manual to ascertain whether revision is necessary to increase its usefulness; first, as to its contribution to station accounting as a management tool; second, its contribution to stations in producing information required by the FCC; and third, its assistance to stations in tax matters. To accomplish this work, a sub-committee was appointed consisting of Mr. Leonard, Mr. McKeon, Mr. Conley and Mr. Dean, who are to review the accounting manual in detail and recommend revisions.

The committee received a complete file of the work done by previous committees in an effort to evolve a recommended invoice form as requested by the American Association of Advertising Agencies. A complete review of the file resulted in the instruction of the secretary to prepare a revised report which can be used for consultation with the 4A's.

No date was set for the next meeting. However, there will undoubtedly be a meeting called early in the fall.

RED CROSS NEEDS HELP! YOU CAN FURNISH IT

Fighting on the battle fronts around the globe has already placed new burdens on the American Red Cross and the Red Cross must have help.

This was made known at a conference recently held at

We Need Your Help

Much of the down-to-earth selling power of the Retail Promotion Plan depends upon an analysis of the present use of broadcast advertising by department stores and leading retail establishments. To help the Committee and Sheldon R. Coons to include the most complete analysis possible, won't you please do *two* things today:

1. Fill out and return the Statistical Questionnaire on page two of the folder mailed you on May 27, 1943.
2. Write a letter immediately, telling in your own words and in your own way, some of your recent experiences with retail advertising.

Your co-operation will be of genuine benefit in the preparation of the presentation.

NAB between Neville Miller and Messrs. Brown, Bowen and Ruthrauff of the Red Cross headquarters staff.

Broadly speaking the Red Cross has a three-way health plan as follows:

1. Recruitment of registered nurses for duty with the armed forces.
2. Recruitment of 200,000 volunteer nurse's aides to work in over 2,000 civilian and military hospitals in the United States. These nurse's aides help bridge the gap left by registered nurses going overseas.
3. Recruitment of 500,000 people to take simple Red Cross home nursing instruction so that they may be prepared to give simple medical care at home until the services of a doctor may be secured.

F. Bourne Ruthrauff, chief, radio section, explained that the Red Cross had been given a quota of 2,500 registered nurses monthly, 2,000 for the Army and 500 for the Navy. This is a total of 30,000 registered nurses for the next twelve months.

Already 30,000 registered nurses are serving in the Army Nurse Corps. They are on duty in 537 stations in the United States and in 35 countries outside the U. S.

More than 4,000 nurses are serving in the Navy Nurse Corps, on duty in 212 U. S. stations and in 27 foreign countries.

Promotion in each of the three categories listed above is in order. Before long the Red Cross hopes to provide chapters with a variety of material for offering to stations. To make certain that the situation is understood, here are the facts:

Army and Navy quotas were reached in March. But in April there was a slight drop; and a drop was 50 per cent in May. June figures are showing a similar decrease.

The Army Nurse Corps reports that is is now 1,400 short of estimated needs while the Navy Nurse Corps reports that its constantly maintained reserve has been exhausted and that all nurses who have taken their oaths of office have been assigned.

OREGON STATE BROADCASTERS MEET; HEAR SPENCE, PENGRA

Oregon State Broadcasters Association met this month in a joint session with the Washington Broadcasters Association in Portland with Henry Spence, KXRO, and Marshall Pengra, KRNR, as principal speakers.

Spence told the broadcasters the history of the recent Supreme Court decision and the White-Wheeler legislation as well as analyzed the present need for legislation, the difference between the network rules and the unrestricted powers now established.

The broadcasters agreed to contact their congressmen while they are on recess.

Pengra reported on the work of the small market stations committee and the meeting resolved against the discriminating aspects of the Bankhead bill ($30,000,000 for newspaper ads—none for radio), against OWI for allowing newspapers to sell space for War Bond advertising while radio is prohibited from doing this, and to have NAB hire a staff director representing small stations.

The following persons attended:

James Murphy, KIT; Carl Haymond, KMO; Dick Dunning, KFPY; Charles Chatterton, KWLK; Bob Chandler, United Press; Art Morey, KWJJ; Lee Bishop, KMED; Chester Duncan, KOIN-KALE; Chet Wheeler, KWIL; Joe Chytil, KELA, and Bob Brister, KELA.

Frank Loggan, KBND; Kessler Cannon, KBND; O. A. Runchey, KOL; Hal Wilson, KXL; Allen Miller, KOAC; Harry Buckendahl, KOIN-KALE; Mark Knight, Associated Press; Luke L. Roberts, KOIN-KALE; H. M. Swartwood, Jr., KOIN-KALE; Ted Kooreman, KALE; Harry Spence, KXRO; Marshal Pengra, KRNR; "Q" Cox, KGW-KEX; Homer Welch, KGW-KEX; Arden X. Pangborn, KGW-KEX; H. B. Read, KSLM; Tom Olsen, KGY, and C. W. Myers, KOIN-KALE.

Mrs. M. E. Gilmore, KBPS; Ben E. Stone, KOOS; Dave Foster, KGW-KEX; Barney Kenworthy, KODL; J. Kendall, KODL; Grant Feikert, KOAC; Johnny Carpenter, KOIN-KALE; Lester Spillane, FCC; Kenneth Clark, FCC; Ted W. Cooke, KOIN-KALE, and James McLoughlin, Keating Studios.

NO DISCRIMINATION SAYS MARITIME COMMISSION

An NAB member station advises that a local U. S. employment office and a government contractor have stated that the Maritime Commission has advised that while it is allowing reimbursement for newspaper ads, it will not reimburse advertisers for radio expenditures.

The matter has been taken up with the public relations division of the Maritime Commission and the NAB has been assured there is no such rule. Any advertising expenditure of a legitimate character, whether made with radio or newspaper, will receive the same consideration at the hands of the Maritime Commission.

LISTENER GROUPS WIN PRIZE IN MINNESOTA

A study of day time programs has been made recently by members of the Minnesota Radio Council, under the direction of Mrs. George B. Palmer, regional director of listener activities for the area. The listeners were organized into teams with specific periods each day assigned for listening. Each member was required to listen five days a week. Written daily reports with personal data as well were made. The promotion was developed by Mrs. Palmer to raise money for the Minnesota Federation's Nursing Scholarship Fund. Knox Reeves Advertising Agency worked out the details and checked the findings.

At the close of the test, the sum of $250.00 was given to Mrs. Palmer for the scholarship fund. This meant that the listeners did a research job without remuneration except to the club war project. The agency was well pleased with the results. As Mrs. Palmer stated in the letter giving general instructions:

> ". . . it is not our job to tell professionals how to write and produce shows, but we can contribute very materially as a group in giving agencies and sponsors some idea as to what we like best and so help them to give us what we want."

BATTERY PRODUCTION UP; SEARS WILL NOT LIST

Production of farm radio batteries at present is about equal or a little better than in the second quarter when, according to WPB, 1,350,000 packs were produced.

One of the "big three" battery manufacturers said Thursday that corn starch was giving them more trouble than any other material entering into battery construction.

The mail order house of Sears, Roebuck and Co. has decided not to list farm radio batteries in forthcoming fall catalogs not yet printed. The company will, however, accept delivery of their regular quota of batteries from suppliers. Because catalog readers assume that all articles listed therein are instantly available for purchase, the company will be able to eliminate considerable letter writing. Manufacturers actually are doing a good job of dividing their output on the basis of past purchases. No outlet for batteries receives more batteries than have been handled in the past.

Reproduced below is a letter to the Hon. James F. Byrnes, director, Office of. War Mobilization, from the former director of WPB's consumers durable goods division which handles radio batteries. The director, Edwin P. Felt, is no longer in this post. His letter, dated July 8, was mailed to Neville Miller, NAB president, with an attachment from Mr. Byrnes.

"We have received a letter from the National Association of Broadcasters addressed to you under date of June 17, 1943. This letter which we are returning to you, refers to the shortage of farm radio batteries.

"In order to conserve zinc in accordance with the provisions of M-11-b, Order L-71, as issued October 2, 1942, entirely eliminated the production of portable radio batteries and restricted the production of farm radio batteries to approximately 60% of pre-war production. During the winter months, the production of military batteries was such that some manufacturers could not even make this quota and we suffered a very serious shortage of batteries for farmers who have no other source of power.

"The situation became so serious that in March of this year steps were taken to determine if additional zinc was available for use in radio batteries. Although the Zinc division had been under pressure to conserve even more of that metal, they could see the unfortunate results of our severe limitation on farm radio batteries and allowed sufficient additional zinc for the period from March 20th to June 30th, 1943, to enable manufacturers to operate at capacity. At the present time adidtional zinc has not yet been provided for third quarter capacity operations but we are working on this and hope that nothing will interfere with our program. Capacity operation will provide approximately twice as many batteries as the previous program.

"Mr Miller mentions that 'farm battery production continues insufficient to balance consumption, let alone overtake the accumulated deficit.' Unless military requirements are larger than anticipated, or unless the labor situation becomes more critical, we have every hope of producing enough batteries to keep up the consumption and provide a small surplus to overtake the deficit. However it is obvious that we are unable to get more batteries than the capacity of the industry will allow. Most of the factories are working at least two shifts; we are doing everything we can to induce other battery manufacturers, who previously had a very small radio battery production, to re-arrange their facilities for increased production of this item.

"We believe that the demand for farm radio batteries is greater today than at any time since the advent of the electric-powered radio. Due to increased rural purchasing power many battery radios were sold during 1941 and 1942 and, in addition, farmers are in a better position to buy replacement batteries. Also, listener interest in newscasts, war programs, etc., has increased and no doubt the curtailment of gasoline has contributed generally to the increased use of radio.

"There are no less than 3,200,000 farmers who depend on dry batteries for their radios and we believe it of prime importance to provide them with between 1½ and 2 sets of batteries a year. At the present capacity of the industry, we can provide about 1¾ batteries a year, if materials are made available for this production."

SHEPHERD NOW HEADS WAYS

G. O. Shepherd, former manager of WORD, has been appointed general manager of WAYS, according to the Inter-City Advertising Company and Harold H. Thoms.

Mr. Shepherd has also been manager of WWNC. He is well known in national radio circles and among Southern broadcasters.

WKBN WAR PROMOTION

Station WKBN has sent its promotion booklet "Radio at War" to NAB and it is an outstanding job in the opinion of headquarters. Done in color with tasteful halftones and make-up, the booklet contains the full story of the station's war work.

Considerable space, in fact the entire first half of the booklet, is devoted to the overall picture of radio in the war nationally and internationally. A catalogue of complete military insignia and rank also is included.

KVOO SOLVES PROBLEM OF AD LIB DANGERS ON SHOWS

Station KVOO has posted the following circular in prominent places in its studios and waiting room to help in eliminating dangers of improper release of information over the air during guest, quiz or audience participation appearances:

Caution

In the interest of national security, the more than 900 radio stations making up the American System of Broadcasting are operating in these war times under a code of voluntary self-censorship. We wish to call to your attention the following phases of information which might give aid and comfort to the enemy, and request that you keep them in mind and refrain from mentioning any of them while you are on the air:

Weather conditions, past, present, or future.
Information regarding the type, strength, or movement of units of our armed forces,
Information regarding types or movements of ships, convoys, or planes,
Information regarding the location or description of fortifications of air installations,
Any information on production plants, secret designs, statistics, or transportation of war materials,
Any information about the movements of the President of the United States.

We also request that you refrain from acknowledging any requests or making any dedications of musical numbers or other broadcast material.

Please do not repeat on the air any unconfirmed reports or rumors.

We will appreciate your co-operation in helping us maintain the excellent record the broadcasters have attained in their part in the war effort. Thank you.

RADIO STATION
KVOO
(Signed) WM. B. WAY,
General Manager.

Any station which has issued a circular upon this subject is invited to send it to NAB.

JOHN COWLES RESIGNS

John Cowles, special assistant to E. R. Stettinius, Jr., Lend-Lease administrator, has resigned his post to return to private life as president of the Minneapolis Star-Journal and Tribune. Mr. Cowles had been connected with the government department since January, 1943. He is also co-owner of stations KSO and KRNT.

NEW GUIDE FOR USE OF RECORDINGS ISSUED

New Tools For Learning, an association which functions in cooperation with the American Council on Education, has issued a new booklet titled "Recordings—for Classrooms and Discussion Groups."

This is a guide for teachers, students and group leaders prepared by the Recordings Division, of the New York

University Film Library, for use with recordings of the University of Chicago Round Table broadcasts of last August (1942) on the Post-war World.

Copies are 15¢ each and they may be obtained from the New York University Film Library, New York City.

CANADIAN SETS NEAR 2,000,000

The radio division of the Canadian Government sold 1,728,000 private radio receiving licenses during the year ended last March, an increase of six per cent, according to the Department of Commerce.

Sales in Toronto of 604,981 licenses topped all other Provinces. Licenses sold in Quebec totalled 400,902; British Columbia, 138,191; Alberta, 122,498; Saskatchewan, 122,304; and Manitoba 104,304.

Note to Radio Jobbers

Attention of radio jobbers was called today to the fact that they may apply for relief to the War Production Board on form PD-470 (WPB-1161) listing frozen stocks of copper wire mill products by amounts, sizes and types which cannot be sold in accordance with CMP regulation 4. It should be pointed out that in the event an application should be approved by WPB, copper wire sold under such authorization cannot be replaced in stock.

FEDERAL COMMUNICATIONS COMMISSION

FTC MAKES SECRET ANALYSIS

In connection with its regular routine survey of radio and periodical advertising, the Federal Trade Commission recently made special analyses of advertisements dealing with war related subjects and reported to the Office of Censorship, the WPB and OPA. The analyses were not made public, but were for the respective federal agencies alone.

'FALSE!' SAYS FLY

In response to public charges made yesterday by Counsel for the Cox Committee, Chairman James Lawrence Fly of the Federal Communications Commission today made the following statement:

The Cox Committee publicly asserted on yesterday that the Commission's Foreign Broadcast Monitoring System had sent 31 employees to the North Africa Area; and that except for a few of these, these employees had been transferred to North Africa by Chairman Fly without clearance with the Commission. The statements are false.

In the first place, the Commission has never had more than a total of fifteen persons connected with its work there. All of them were assigned to the Psychological Warfare Branch of the Army in North Africa. For that matter, the Commission has had no other employees there in any capacity.

Of the 15, only five are regular employees of the Commission and their transfer to North Africa was authorized by the full Commission in meeting assembled. The remaining ten were people who were living in the area and who were recruited locally to assist temporarily in the clerical and other detailed work connected with the monitoring unit. They were paid at rates ranging from $10 to $100 per month. These local people were hired by the Commission's staff in North Africa and the Psychological Warfare Branch of the Army through the good offices of the Department of State.

'NOT TRUE!' JETT SAYS

In response to public charges made this morning by Counsel for the Cox Committee, E. K. Jett, chief engineer of the Federal Communications Commission, made the following statement:

"The Cox Committee stated that most of the work performed by the Radio Intelligence Division had been published, thereby leaving the inference that the activities of the Radio Intelligence Division are not secure. This is not true. During the past three years this Division has received nearly 10,000 complaints regarding unlicensed amateurs, unlicensed broadcasts, subversive operations, and miscellaneous matters. More than 3,000 such complaints have been received from the FBI, and approximately 850 from the Army, and 800 from the Navy and Coast Guard. The local police have filed more than 1,000 complaints, and more than 2,000 have been received from the general public. All of these cases have been investigated, with the result that the Radio Intelligence Division of the Commission located 345 unlicensed stations. Except in a very few instances when matter was no longer confidential, no publicity whatsoever has been given to this work.

"The Radio Intelligence Division has always enjoyed the cooperation of the Army, Navy, FBI, and other agencies which it serves. While the work of this Division is devoted primarily to policing the ether to guard against possible Fifth Column radio activities and to assist in reducing interference to radio communications, it has, nevertheless, been possible with the facilities at hand to perform work for all agencies of the government which required monitoring service. It should be observed that only a small percentage of the work of the Radio Intelligence Division has been done for the armed forces and that such work is done only when the Commission is specifically requested to undertake particular projects."

FLY CITES PRAISE FOR FBIS

In connection with proceedings before the Cox Committee, Chairman James Lawrence Fly today stated:

"Today it was charged before the Cox Committee that the Commission's Foreign Broadcast Intelligence Service (FBIS) is not performing a valuable function. To meet this charge the Commission tendered the Cox Committee 20 letters received from War Agencies using FBIS material, giving an appraisal of its value. The Committee refused to accept the letters for the record.

"They bear the signatures of such persons as General Strong and General Lee of the Military Intelligence Division, Rear Admiral Turner of the Office of Naval Operations; Elmer Davis, Nelson Rockefeller, Coordinator of Inter-American Affairs, Breckinridge Long, Assistant Secretary of State, and John Winant, American Ambassador to England.

"These letters show the great value and importance of FBIS work.

"Thus the War Department finds FBIS reports contain 'very valuable information' and are 'of substantial value from a military standpoint' and 'strongly recommends that the Service's coverage be extended.'"

"The Navy Department considers that the service rendered is 'well adapted to its needs' and 'extremely useful and important'; and that the material received has 'considerable value in sometimes giving inadvertent notice of operations.'

"The Director of the Office of War Information says 'Your service (FBIS) constitutes a major source of information on what is happening in Germany, Italy and occupied countries' and 'without the service supplied by the FBIS, the OWI could not function.'

"The Department of State reports that the FBIS is 'a most valuable addition to our foreign intelligence' and our Ambassador to England asks that the Service be furnished to the 'Embassy, American armed services and missions attached to the Embassy' so that the Embassy 'could swiftly and adequately inform Army, air and Navy services here (in England) in any period of active operations when enemy radio reports might prove vitally important.'

"The Coordinator of Inter-American Affairs reports that 'every phase' of the Service's work 'has been of great assistance to us.'

"Of particular importance, in view of the almost complete drying up of ordinary sources of news from Japan and Japanese occupied territories, is the information obtained from radio broadcasts. The Office of Strategic Services says that 'without the monitoring service of the F.C.C. our knowledge of current events in Japan would be meager' and that the various reports of FBIS are found 'indispensable' to the work of its Far Eastern Section. Similarly the Far Eastern Division of the Board of Economic Warfare makes 'very extensive use of the economic information' provided by FBIS.

"Both OSS and BEW urge 'it is vital to the war effort' that FBIS expand operations to ensure greater coverage of Japanese broadcasts.

"It will be noted that in one particular, the information obtained by FBIS is of direct importance to every soldier's family. Broadcasts by Axis stations frequently mention American prisoners of war. The War Department has asked that any such information be promptly forwarded to it as it 'is necessary in order that the American public, particularly the next of kin of American nationals in the hands of the enemy, may be properly advised.'"

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARING

The following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, July 26th. It is subject to change.

Wednesday, July 28

KMTR—KMTR Radio Corporation, Los Angeles, Calif.—Renewal of license, **570 kc.**, 1 KW, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WGST—Georgia School of Technology, Atlanta, Ga.—Granted extension of temporary license for a period of 30 days.

WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted modification of license (B3-ML-1166) to increase hours of operation from specified hours dividing use of frequency **1150 kc.** with Station KTBC, to full daytime operation on same frequency.

KTBC—State Capital Broadcasting Assn., Inc., Austin, Tex.—Granted modification of license (B3-ML-1168) to change frequency assignment from **1150 kc.** to **590 kc.**, increase hours of operation from specified to full time, operation to be with 1 KW power daytime, 250 watts nighttime; granted subject to future requirements.

KHUB—Luther E. Gibson, Watsonville, Calif.—Granted renewal of license (B5-R-916) subject to the express condition "that this action is without prejudice to the application to the licensee of any report, rule or regulation which may result from the proceedings under Order No. 79."

KICD—Iowa Great Lakes Broadcasting Co., Spencer, Iowa.—Granted modification of license (B4-ML-1158) to move main studio to transmitter location, approximately .8 mile outside city limits of Spencer, Iowa.

WBBZ—Adelaide Lillian Carrell, Executrix of Estate of Charles Lewis Carrell, deceased, Ponca City, Okla.; WBBZ—Adelaide Lillian Carrell, Ponca City, Okla.—Granted consent to assignment of the license for Station WBBZ from Adelaide Lillian Carrell, executrix of the estate of her husband, Charles Lewis Carrell, deceased, to herself in her individual capacity (B3-AL-371). Granted renewal of license upon a regular basis (B3-R-572).

DESIGNATED FOR HEARING

WJBW—Charles C. Carlson, New Orleans, La.—Designated for hearing application for renewal of license of Station WJBW.

LICENSE RENEWALS

Granted renewal of following licenses for the period beginning August 1, 1943, and ending not later than August 1, 1945:

KOBH, Rapid City, S. D.; KONO, San Antonio, Tex.; KWYO, Sheridan, Wyo.; WAGF, Dothan, Ala.; WSLB, Ogdensburg, N. Y.; KENO, Las Vegas, Nevada.

KGFW—Central Nebraska Broadcasting Corp., Kearney, Nebr.—Granted renewal of license for the period ending no later than June 1, 1945 (B4-R-703).

MISCELLANEOUS

KTKN—Edwin A. Kraft, Ketchikan, Alaska.—Granted authority to install new automatic frequency control equipment (B-F-253).

KEHJ—WDAY, Inc., Fargo, N. D.—Cancelled relay broadcast license authorization, in accordance with written request of licensee (B4-BRE-202).

KMTR—KMTR Radio Corp., Los Angeles, Calif.—Adopted order granted petition for reconsideration and grant of its application for renewal of license, heretofore designated for hearing; application for renewal of license (B5-R-17) granted. (Docket No. 6437)

W83C—WHFC, Inc., Chicago, Ill.—Placed in pending file application for modification of construction permit (B4-MPH-116) for move of transmitter and studio location, changes in antenna system, change in type of transmitter and extension of commencement and completion dates.

W731—Associated Broadcasters, Inc., Indianapolis, Ind.—Denied petition for authority to install available equipment for operation on a temporary basis until materials required to complete construction, as originally contemplated, become available; placed in pending file application for modification of permit for new high frequency station (B4-PH-122).

APPLICATIONS FILED AT FCC

1380 Kilocycles

WSYB—Philip Weiss, trading as Philip Weiss Music Co., Rutland, Vt.—Authority to determine operating power by direct measurement of antenna power.

1240 Kilocycles

WBBL—Grace Covenant Presbyterian Church, M. A. Sitton, Agent, Richmond, Va.—Authority to determine operating power by direct measurement of antenna power.

930 Kilocycles

WKY—WKY Radiophone Company, Oklahoma City, Okla.—Modification of construction permit (B3-P-3114 as modified, which authorized installation of directional antenna for night use, move of transmitter and increase in power) for extension of completion date from 7-20-43 to 1-20-44.

710 Kilocycles

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Authority to determine operating power by direct measurement of antenna power.

MISCELLANEOUS APPLICATIONS

NEW—Columbia Broadcasting System, Inc., Brentwood, L. I., N. Y.—Construction permit for a new International Broadcast Station to be operated on **6060, 6120, 6170, 9650, 11830, 15270, 17830, 21520** and **21570 kc.**, 50 KW power and unlimited hours of operation except share time on all frequencies with WCRC, WCBX and WCDA; also share time on **6060 kc.** with KWID and KWIX; use **6120 kc.** by special authorization.

NEW—KTRH Broadcasting Co., Portable-Mobile, area of Houston, Texas.—Construction permit for a new relay broadcast station to be operated on **1606, 2074, 2102, 2758 kc.**, power of 50 watts, A3 emission, to be used with Station KTRH.

NEW—Pensacola Broadcasting Co., Portable-Mobile, area of Pensacola, Fla.—Construction permit for a new relay broadcast station to be operated on **31220, 35620, 37020** and **39260 kc.**, power of 15 watts, A3 emission, to be operated with Standard Station WCOA.

NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Extension of authority to transmit programs to CFRB and CKAC and other stations under the control of the Canadian Broadcasting Corp. for the period 9-15-43 to 9-15-44.

W9XMB—The Moody Bible Institute of Chicago, Chicago, Ill.—Modification of construction permit (B4-PST-4 as modified, which authorized construction of a new ST broadcast station) for extension of completion date from 8-16-43 to 11-16-43.

FEDERAL TRADE COMMISSION DOCKET

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Ex-Lax, Inc., 423 Atlantic Ave., Brooklyn, the The Joseph Katz Co., Baltimore advertising agency, are charged in a complaint with disseminating advertisements which misrepresent the therapeutic properties of a medicinal preparation designated "Ex-Lax" and which fail to reveal the harmful consequences that may result from use of the preparation. The Joseph Katz Co. prepares advertising material for Ex-Lax. (5007)

Kay-Sherman Luggage Company, et al.—A complaint issued charges Max L. Kizelstein and Leon Sherman, trading as Kay-Sherman Luggage Co., 3 West 46th St., New York, retailers of luggage, with misrepresenting to the purchasing public that they are wholesalers and sell their merchandise at wholesale prices. (5008)

Los Angeles Pharmacal Co., et al.—Dissemination of false advertisements in connection with the sale of medicinal preparations is alleged in a complaint against Robert Salazar, trading as Los Angeles Pharmacal Co. and Hidalgo Pharmacy, 204 North Main St., Los Angeles. The respondent sells the preparations under the names "Pulmotol," "Femovita," "Renatone Pills," sometimes known as "Runaton," and "Stomavita," and advertises them in the Spanish language in newspapers and periodicals and by radio continuities. (5006)

National Secretaries' Association, 1005 Grand Ave., Kansas City, Mo., and its officers and executives, are charged in a complaint with misrepresentation in the sale of books entitled "Better Letters-Lessons in English" and "Better Letters-Quiz Book," designed for use by secretaries, and "Webster's Encyclopedic Dictionary." The officers and executives of the Association are H. Robinson Shepherd, president, who resides in Leavenworth, Kans.; and Ruth Hostetler, secretary; Hilary A. Bufton, manager and treasurer, and George Turner, sales manager, who have their place of business at the Kansas City address. (5003)

Tru-Health Garments Corp., 25 West 26th St., New York. is charged in a complaint with misrepresentation in the sale of shoulder braces and body belts designated "Tru-Health," advertised as being capable of preventing and correcting malformations and malpositions of the body. (5004)

Watts-Wagner Co., Inc.—A complaint has been issued charging Watts-Wagner Co., Inc., 109 West 64th St., New York, and its officers, Allen P. Wagner and William W. Wagner, with misrepresentation in the sale of a compound designated "Prema-Weld," recommended by the respondents for use in repairing water jackets, cylinders, or other metal parts of machinery. (5005)

STIPULATIONS

No stipulations were issued by the Commission during the past week.

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

American Rug and Carpet Co., Inc., 105 Madison Ave., New York, has been ordered to discontinue representing that certain of the domestic rugs it sells are Oriental rugs. (4499)

Cement Institute and 75 member corporations who produce and distribute more than three-fourths of the portland cement manufactured in this country, and their officials and agents, have been ordered to cease and desist from engaging in or continuing any combination or conspiracy to sell cement at prices arrived at by use of their multiple basing-point delivered-price system. The Commission finds that the respondents' practices constitute unfair methods of competition in violation of the Federal Trade Commission Act and their delivered-price system results in discrimination in price among their respective customers, in violation of the Robinson-Patman Act. (3167)

Dearborn Supply Co., 2350 Clybourn Ave., Chicago, engaged in the manufacture and sale of a cosmetic designated "Mercolized Wax Cream," is ordered to cease and desist from the dissemination of advertisements that fail to reveal the harmful consequences that may result from the indiscriminate use of the preparation. (3593)

Progress Tailoring Co., trading as J. C. Field & Son, and four of its subsidiaries, all of Chicago, and their officers and agents have been ordered to cease and desist from certain representations in connection with the sale of men's clothing. The respondent subsidiaries are Stone-Field Corp., W. Z. Gibson, Inc., Pioneer Tailoring Co., and Certified Tailoring Co. (3747)

Rhode Island Plush Mills, Inc., 1112 River St., Woonsocket, R. I., has been ordered to cease and desist from misbranding textile fabrics in violation of the Federal Trade Commission Act and the Wool Products Labeling Act. (4881)

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 31, July 30, 1943

PETRILLO OFFERS FREE CONCERTS; 'HYPOCRISY' IS NAB ANSWER

An idea which President Roosevelt has had for several years—sending large orchestras throughout the nation to give the people the "best possible music" flowered into full growth this week under the careful cultivating of James Caesar Petrillo, AFM president, who announced some 570 concerts by leading symphony orchestras of the nation would be given starting within a few days in smaller American cities. AFM has allotted $500,000 for this. Final plans are maturing, Mr. Petrillo allowed today.

Neville Miller Terms Plan "Hypocritical"

Following is the text of Mr. Miller's official statement on Mr. Petrillo's plan:

"James Caesar Petrillo's announcement that his union intends to give 570 symphonic concerts in small towns is unequalled for hypocrisy. Mr. Petrillo has done more to prevent symphonic music in the United States than any other man in the history of our country.

"Before Mr. Petrillo prevented the making of all recordings of symphonic music last August, the great orchestras could reach all of our people in all parts of the country through the phonograph record. The recordings so made were available for the home, schools, broadcasting stations and for all of our citizens wherever situated and whenever they wanted to hear symphonic music, not merely once each in 570 communities hand-picked by the union. The very orchestras which Mr. Petrillo now wants to bring to the people, are those which, for one full year, have been prevented from making phonograph records. If Mr. Petrillo were sincerely interested in the welfare of symphonic music, he could, by lifting his ban, permit the equivalent, not of 570, but of hundreds of thousands of times 570 concerts.

"All of the symphony organizations are non-profit institutions. A substantial part of their revenue, in some cases as much as one-third, was derived from royalties on phonograph records, 98 per cent of which, according to Mr. Petrillo's own testimony before the United States Senate, went into the American home and formed a permanent contribution to musical education. Moreover, the musician in the symphony orchestras has been deprived by Mr. Petrillo of the substantial revenue which he previously received from his recording activity. The musicians in symphony orchestras received, in addition to the royalty obtained by the orchestra itself, a minimum fee of $28 per man for no more than 80 minutes playing time.

"Mr. Petrillo has, therefore, stifled the major source of income for the symphonic orchestras, deprived the symphonic musicians of normal compensation and withdrawn from the American people the benefits of recorded symphonic music.

"It should be noted that in making this transparent gesture, Mr. Petrillo drops the last vestige of justification for his ban on recordings. He has contended that records commercially used in the smaller cities deprived local musicians of employment opportunities. Yet, when the union sets aside $500,000 to bring some music to the American people it does not employ local musicians, but instead spends it on bringing into the communities the performances of the fully employed musicians who had always made recordings.

"The good faith of Mr. Petrillo's proposal may be attacked not only on these grounds, but on the basis of his own figures. His announcement says that the men in the orchestras will be paid for their services, and he sets the normal personnel of a symphony orchestra at 90 men, although in travelling, the services of baggage men, librarians, etc., are also required. At his own figures, Mr. Petrillo is allotting less than $10 a man per concert to cover salary, railroad fares, hotels, meals, baggage car for instruments, cartage of instruments and music stands to place of performance, and incidental expenses. When a non-profit symphony society wishes to give a concert out of town today, it must pay, in addition to the high union scale, $7.50 a man per day for mere maintenance, and the lowest union scale of symphony concert tours is $100 a week a man, exclusive of the obligation of the orchestra to furnish first-class transportation, including sleepers. It is obvious, therefore, that Mr. Petrillo proposes to pay the men no compensation or only nominal compensation.

"The essence of Mr. Petrillo's gesture, therefore, is that he is going to compel some of his members to render free services and the orchestral societies to lend their names and reputations to his enterprise so that he may take unto himself the credit for their services."

Cox Hearings

Special Legislative Bulletin No. 11 is enclosed with this issue of the "Reports" to bring the Cox Select Committee hearings up to date.

WLB TO ACT SOON ON PETRILLO CASE

Within a few days the War Labor Board will issue an order stating how it will deal with the Petrillo case.

The board decided last week to appoint a panel to determine the facts in the case and to report to the board. Announcement of this decision has been held up pending its incorporation in a formal order and appointment of the panel.

STRIKE TO COMPEL EMPLOYMENT OF UNNECESSARY MUSICIANS IS RULED UNLAWFUL IN MICHIGAN

The Supreme Court of Michigan has held that a strike to compel the employment of unnecessary musicians was unlawful.

In the case of *Lafayette Dramatic Productions Inc. v.*

(Continued on page 334)

NAB Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Arthur C. Stringer, *Director of Promotion.*

STRIKE TO COMPEL EMPLOYMENT OF UNNECESSARY MUSICIANS IS RULED UNLAWFUL IN MICHIGAN

(Continued from page 333)

Jack Ferentz, et al., decided April 8, 1943, Judge Starr held that:

(1) Where a labor union of stage hands, acting in combination with a musicians' union, threatened to call a sympathetic strike of the stage hands, shortly before the opening of a performance as a means of coercing a theatre owner to sign a contract for the employment of musicians which were not needed, the objective sought to be obtained invaded the theatre owner's right to conduct its business without unjust interference and its right to a free flow of labor, and did not involve a labor dispute since the object sought to be obtained was unlawful. The right to strike and carry on peaceful picketing is subject to the limitation that it shall not be employed to obtain an unlawful labor objective.

(2) Where a theatre manager, who, two hours before the opening of a theatre is confronted with the alternative of executing a contract employing unnecessary musicians or submitting to a sympathetic strike by stage hands, which would make it impossible to operate the theatre and result in the sacrifice of a financial investment, signs the contract, such a contract is induced by duress and coercion and is null and void.

REPORT ON 7TH DISTRICT MEETING AT CINCINNATI

A very enthusiastic meeting of the broadcasters of the 7th district, NAB, was held at the Netherland-Plaza, Cincinnati, Friday, July 23. The meeting was opened by director Nate Lord, WAVE, who presided and called for discussion of the May 10th Supreme Court decision as the first order of business. There was general discussion participated in by James Shouse, WLW, Leonard Reinsch, WHIO, Neville Miller, NAB, Nate Lord, WAVE, and others.

The broadcasters were the guests at luncheon of WAVE and the principal speaker was Congressman Clarence J. Brown of Blanchester, Ohio, a member of the Interstate and Foreign Commerce Committee, who made an excellent speech on the subject of "Freedom of Radio," which is printed elsewhere in this week's "Reports."

Guests at the luncheon included Congressmen Brent Spence, of Fort Thomas, Kentucky, and Edward O. McCowen, of Wheelersburg, Ohio, and representatives of Cincinnati newspapers. A telegram of greeting was read from Senator Alben W. Barkley, of Kentucky, expressing his regret at not being able to attend.

In the afternoon Robert T. Mason, of WMRN, made a report for the NAB committee on small market stations, and discussed the work and plans of that committee. "Chick" Allison, of WLW, reported for the retail promotion plan committee giving a vivid account of the recent preliminary showing held in New York. Neville Miller reported on the Petrillo ban, stating that the ban had proved a serious detriment to the war effort.

In connection with advertising plans, Vernon Pribble, WTAM, reported on the Cleveland plan which is now being considered by many other cities. A legislative committee was appointed consisting of J. Lindsay Nunn, WLAP-WCMI, Leonard Reinsch, WHIO-WSB-WIOD, Frazier Reams, WTOL, and W. Lee Coulson, WHAS, and this committee proposed the following resolution which was unanimously adopted:

(Partial Text)

> "Resolved that this group petition the Congress of the United States to review sympathetically the present law and revise and enact remedial legislation to the end that radio may continue to serve the American people to its fullest possibilities."

The meeting also adopted a resolution thanking Mr. Lord and WAVE for being hosts at luncheon, and Mr. Shouse and WLW for being hosts at a cocktail party which immediately followed the meeting.

The following broadcasters were present:

Nathan Lord, WAVE, Louisville, Ky.; J. Lindsay Nunn, WLAP, Lexington-WCMI, Ashland, Ky.; Paul Wagner, WPAY, Portsmouth, Ohio; Kenneth B. Johnston, WCOL, Columbus, Ohio; Neal Smith, WCOL, Columbus, Ohio; Carl M. Everson, WHKC, Columbus, Ohio; R. D. Borland, WHK-WCLE, Cleveland, Ohio; Vernon H. Pribble, WTAM, Cleveland, Ohio; S. Bernard Berk, WAKR, Akron, Ohio; Ronald B. Woodyard, WING-WIZE, Dayton, Ohio; R. T. Mason, WMRN, Marion, Ohio; Carl George, WGAR, Cleveland, Ohio; Harry McTigue, WINN, Louisville, Ky.; Arch Shawd, WTOL, Toledo, Ohio; Frazier Reams, WTOL, Toledo, Ohio; W. Lee Coulson, WHAS, Louisville, Ky.; Henry McClaskey, WHAS, Louisville, Ky.; J. Leonard Reinsch, WHIO, Dayton, WSB, Atlanta, WIOD, Miami; R. H. Moody, WHIO, Dayton, Ohio; W. P. Williamson, Jr., WKBN, Youngstown, Ohio; Len Nasman, WFMJ, Youngstown, Ohio; James M. Patt, WKRC, Cincinnati, Ohio; James Shouse, E. K. Bauer, Walter Callahan, J. Leonard, M. F. Allison, W. Chamberlain, George C. Biggar, WLW, Cincinnati, Ohio; Carl Kindt, WMAN, Mansfield, Ohio; Sky Fields, WMAN, Mansfield, Ohio; Fred Palmer and Bob Fleming, WCKY, Cincinnati, Ohio; and Neville Miller, NAB.

REPORT OF SPEECH MADE BY CONGRESSMAN CLARENCE BROWN BEFORE 7TH DISTRICT GROUP

Congressman Brown said he believed Congress had delegated too much power to bureaus and commissions and that the bureaus had misinterpreted the will of Congress and had assumed power which had not been delegated. He believes that Congress is now in a mood to take back some of that power because of the faulty thinking of many of those in the various commissions. For example, the FCC today is raising the question as to whether a newspaper can be trusted with a radio station. Congressman Brown cited this as just another indication of the thinking of bureaucracy.

He praised the opinion written by Justice Murphy in the network case, stating that he thought Justice Murphy was right and that he could not agree with Justice Frankfurter, when he said that Congress had not limited the authority of the Commission. Congressman Brown's thoughts regarding delegated power are that Congress does not have to set limits, but the only power a commission receives is the power which is delegated. That's the fault with the decision he said. It extends the power originally granted to the Commission. However, since the Supreme Court has spoken the FCC has the power and the answer is for Congress to so write a new act that the court can understand it.

The decision was a strong blow against freedom of the press, freedom of speech and freedom of radio he continued because it is impossible to separate freedom of radio from freedom of speech. There is no reason for government to control program content of radio stations, so long as there is no question of morals, obscene language or libel. Congressman Brown stated that he had read the Act of 1934 and was sure that Congress did not intend for the government to be other than a referee, but he noticed that there had been a tendency on the part of the FCC to reach out for more and more power which was not good for the press, was not good for radio and was not good for the country. He believes so long as broadcasts do not violate the public interest it is no business of government. Stations which do not serve the public right will become a dead spot on the dial.

The Congressman expressed his views further by saying:

"I believe Congress was as much shocked as you were with the opinion of May 10th, and I believe you can well do something about it. Congress has been busy on many other things, on the aviation code, but it is about time for Congress to say that the FCC acts merely as a referee or a policeman and that, if a policeman, it does not go about butting into other people's business. One of the troubles is that too many businessmen are afraid of government, too many want to compromise; too few want to fight for their rights. Congress is interested in the views of businessmen. It hopes that they will speak out and that they will stand up and fight for their rights."

He hopes that the radio industry will tell Congress what kind of a law they want and then Congress will write a law which will protect radio and the public.

STATION AEF, BRITAIN

The following article is reprinted by permission from the July 19, 1943, issue of *Newsweek Magazine*. We thought it a good job of telling the British radio story and its effect on the AEF (American Expeditionary Forces).

Radio has something for the boys in Britain, at last. Al Newman, one of Newsweek's *correspondents abroad, tell what it means:*

It is no military secret that BBC programs leave the average American G. I. colder than a top sergeant's glare. This is no particular reflection on anybody with the possible exception of the top sergeant. The BBC seems to suit the Britisher on the street or in the camp. He would rise in righteous wrath and start assaulting cops if anybody dared sully his precious wireless with advertisements for mouthwash.

But to the Yank accustomed to elaborate displays of talent in lavish, advertising-supported shows over four major networks and countless independent stations, British broadcast is incredibly small time. Listening as I write this, I have, for instance, learned from the BBC two valuable facts which undoubtedly will make later life happier; starfish can be stranded by the receding tide and survive till the next flood tide reaches them, and eels breed in the Sargasso Sea, preferably at a depth of 1,500 feet.

In Britain you PAYS your ten shillings a year license fee for your set (which completely finances the BBC), and you TAKES your choice of two networks, the Home or the Forces. If you don't like either you can turn your set to hell off. (I once made the mistake of bragging to a Britisher that in New York you had your choice of some fifteen different programs, and he pointed out that awfter all, old boy, you can only listen to one at a time.) Or you can listen to Germany, which is impossible on most sets here because lack of servicing has made them insensitive. Indeed, many of them have to be thumped from time to time like recalcitrant mules to keep them going at all.

Nevertheless some sets can still get Das Reich. I have witnessed the strange spectacle of American fliers listening with pleasure to a program of Nazi jazz immediately before taking off to beat the living daylights out of a target in the immediate vicinity of the transmitter.

In fairness it must be said that the United States forces have gotten more than their share of time in BBC programs. Command Performance and Mail Call are prominent features, but the whole United States Army here waits for 12:40 p. m. Sunday, when a transcribed Fred Allen program, carefully denuded of advertising, takes the air. Unfortunately these canned shows are usually pretty old, and many of Allen's jokes are topical. Last Sunday's was recorded from the week of Washington's birthday.

There is no more disappointing experience than introducing an Englishman to an Allen or Bob Hope show. He sits there, deadpan, as quip succeeds quip, and you think each succeeding joke will fetch him sure. But it never does. The only way to get revenge is to wait until an English comedian comes on and then sit there deadpan yourself—no great effort on the average—while he curls up and dies over moldy wheezes which used to do no more than irritate you when you were a boy.

Thus, radiowise, east is east and west is west. And last week, to the relief of practically everybody, they got a quiet divorce with the hush-hush opening of the American Forces network, first venture of its kind in history, which took the air on the afternoon of July 4. Here again the BBC showed its good will to the Yanks in providing transmitters and studios for the use of the Special Services section of the United States Army, which stocks the new chain from 5:45 to 10:30 each evening with home news, sports reporters, and transcriptions of such favorites as Bob Hope, Bing Crosby, Edgar Bergen, Kate Smith, and top-flight American dance bands—any of which, as far as United States doughboys are concerned, makes the best British dance band sound like Ima Hick and his Six Original Hoptoads from Corn Center, Iowa.

At this date nearly everything about the American Forces network is a military secret. Nobody will admit where the studios are, and the locations of the low-power transmitters, which are designed merely to cover the small areas thickest with troop concentrations, naturally are unmentionable. Thus most newspaper correspondents treated the debut as a small and routine story. But shrewder observers who know the importance of radio in American life pronounced its creation the most important morale move in this theater since the inception of the Stars and Stripes and Yank.

DISTRICT MEETINGS AGENDA

The following NAB district meetings have been listed by C. E. Arney, Jr., NAB secretary-treasurer:

District 11—Hotel Nicollett, Minneapolis, August 4-5.

District 15—San Francisco, August 6 (informal, coinciding with visit of Mr. Arney at that time).

District 14—Hotel Utah, Salt Lake City, August 30-31 (Mr. Arney also will attend this meeting which will elect a district director).

District 4—Asheville, North Carolina, September 3 (election of district director).

Broadcast Advertising

OUR SINCERE APOLOGIES

The July 23, 1943, issue of the NAB REPORTS assured its readers that a reprint of the article entitled: "Stores Can Make Radio Advertising Pay," from the May issue of *Department Store Economist* was enclosed. But it wasn't!

Nothing the department of broadcast advertising has ever tried to do has been as ill-fated as the comparatively simple process of reprinting this article.

We hope you will find the article was worth waiting for. And we do guarantee that it is enclosed with this issue.

EAST AND WEST ASS'N REPORTS ON ASIA RECORDS

(The following report was received from Hugh D. Beach, of the East and West Association radio department. Pearl S. Buck, the novelist, is head of this group, which is devoted to mutual knowledge and understanding of the life of the Oriental and the American peoples.)

Recently, the East and West Association, through the NBC transcription division, offered to the first one hundred stations requesting it, a free set of thirteen recordings under the general heading, "China and India Speak to America". In a surprisingly short time the quota was filled with forty-one states heard from, including six 50,000 watt stations. The records contained talks by experts in the Oriental field. (A complete list of subjects and speakers is listed below.) To supplement coverage given by local outlets, the association also offered sets gratis to school boards in ten metropolitan districts around the nation. Requests were received from boards in Chicago, Cleveland, Detroit, St. Louis and Los Angeles. Various uses have been made of the records in these cities. Wherever the school system owned its own radio station the records formed a regular educational series. In other cases, the records are handled by the visual and audial department which sent them to schools, supplying turntable equipment whenever necessary.

Such was the interest in the series that the association notified one hundred and fifty teachers colleges that the records could be obtained at cost price ($10.00 plus postage). Again, the results were most encouraging. Requests have been received from colleges in Ohio, New Mexico and Indiana, among others. Recently the Library of Congress requested a set for its files.

So encouraging has been the reaction to this project that the East and West Association is planning a similar series on Russia. The same plans will be followed in producing the new programs. Experts in their field will be chosen to record. All political and controversial material will be avoided. An earnest effort to present the people of Russia, their past and present and their future, in a simple, dignified and interesting manner, will be made. Only in that manner can the East and West Association fulfill the aims with which it was established by Pearl S. Buck in 1942.

I—PEARL S. BUCK—"How To Learn About Other People"

II—JEN-YING YEN—"Life in China Today."

III—ELIZABETH SEEGER—"Forty Centuries of Chinese History"

IV—LIN MOUSHENG—"China's Philosophy and Religion"

V—PEARL S. BUCK—"Chinese Humor"

VI—BANGNEE A. LIU—"China's Contributions to America"

VII—AGNES SMEDLEY—"The Fighting Chinese"

VIII—ANUP SINGH—"Life in India Today"

IX—HORACE I. POLEMAN—"India's Contributions to American Life"

X—ANANDA K. COOMARASWAMY—"India's Philosophy and Religion"

XI—TARAKNATH DAS—"Milestones of Indian History"

XII—SIR NORMAN ANGELL—"The Indian People and World War II—Part I"

XIII—KRISHNALAL SHRIDHARANI—"The Indian People and World War II—Part II"

Available to all educational institutions and groups at ten dollars plus postage. Write to Hugh D. Beach, Radio Department, The East and West Association, 40 East 49th Street, New York 17, New York.

NAB GETS PRAISED IN A.T.A.E. BULLETIN

(The following paragraphs appeared in a recent bulletin of the American Trade Association Executives Association)

During the first weeks of war, advertisers and agencies were being approached by numbers of Government departments and bureaus, seeking advertising aid in disseminating the essential facts about the cooperation needed from the public in order to make our war effort more effective. Due to the number and lack of central control of these requests, a chaotic situation resulted.

Early in 1942, "allocation plans" for network and radio spot broadcasting were put into effect by OWI at the suggestion of WAC. Acceptance of these plans by advertisers and their advertising agencies brought order out of chaos and has resulted in the contribution of $100,000,000 worth of well-spaced radio time and top-flight radio talent by advertisers, their agencies, networks and stations.

Under the network allocation plan, one of the three plans in effect, 202 coast-to-coast programs, sponsored and paid for by 120 advertisers, broadcast 150 messages a week every week since April 27, 1942, covering 56 important war subjects ranging from fats salvage to Bonds, and reaching an average of 300,000,000 listeners a week.

Under the national radio spot allocation plan (for individual stations) there are approximately 9,000,000 listeners per week to war messages.

Under the station announcement plan, an additional 8,000 messages a day are broadcast to an uncounted number of listeners.

The National Association of Broadcasters has been instrumental in setting up and operating these important allocation plans.

CAB SENDS OUT NAB TALKS

Three of the outstanding addresses made at the Chicago NAB War Conference and the Columbus Ohio Radio Institute have been distributed to members of the Canadian Association of Broadcasters by its president, Glen Bannerman.

The addresses are: "What Is Public Interest, Convenience and Necessity as Applied to Radio?" by Earl J. Glade and these delivered by Dr. James R. Angell of NBC and William S. Paley, president, CBS, before the War Conference.

ABELOFF NAMED P. R. HEAD

Irving G. Abeloff, program director of WRVA, has been appointed public relations chairman of the 4th district, NAB, by G. Richard Shafto, district director.

LOTS OF "F" IN THIS SIG

Many radio stations are doing grand jobs of getting out publications of staff news and notes to be sent their per-

J. S. McCarrens

John S. McCarrens, Sr., president of the United Broadcasting Company of Cleveland, died Monday. He was also president of the Forest City Publishing Company, publishers of the *Cleveland Plain Dealer* and *Cleveland News*, and a well-known figure in national radio and newspaper circles. United Broadcasting Company operates Station WCLE.

sonnel in the Armed Forces, but the gang at WBTM really has a clever signature to their bulletin. It is:

"Your Loving Friends, The Fathers, The Females and the 4-Fs."

FEDERAL COMMUNICATIONS COMMISSION

FLY SAYS SMALL STATIONS "PROTECTED" BY FCC

FCC Chairman James Lawrence Fly said at a news conference Monday that the Commission has had quite a bit of reaction from the broadcast industry as the result of the Cox hearings, particularly from small stations throughout the country and "I must say that I have been quite pleased with the reactions that have come to us. I think most of the stations realize that the Commission has perhaps done more to protect them than anything else."

Mr. Fly told newsmen the comment has been mostly favorable and encouraging. "There has been some backfire from the stations" he said, "that have been pressed by the staff of the committee to give evidence or make statements against the Commission when those stations were unwilling to do so. There has been a pretty broad circularization of the various stations by the committee's counsel in an effort to get them to make statements against the Commission and in certain cases where they have declined to make such statements they receive sharp reprimands from the counsel of the committee."

The Chairman said that the FBIS monitors placed the Mussolini ouster in the hands of the various government agencies ahead of any other government or news service.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, August 2nd. They are subject to change.

Tuesday, August 3

J. C. & E. W. Lee (Lee Brothers Broadcasting Company), San Bernardino, Calif.—C. P., **1240 kc.**, 250 watts, unlimited.

Further Hearing

WOKO—WOKO, Inc., Albany, N. Y.—Renewal of license (main and auxiliary), **1460 kc.**; main: 500 watts night, 1 KW day; auxiliary: 500 watts; unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WTAL—Florida Broadcasters, Inc., Tallahassee, Fla.—Granted consent to assignment of license of station WTAL, from Florida Capital Broadcasters, Inc., to Capital City Broadcasting Corp., for a total consideration of $22,500 (B3-AL-370). Also granted renewal of license (B3-R-869).

WAIT—WAIT, Inc., Chicago, Ill.—Granted consent to assignment of license of station WAIT, from WAIT, Inc., to a partnership composed of the 6 corporate stockholders, viz., Gene T. Dyer, Evelyn M. Ringwald, Elizabeth M. Hinzman, Adele Moulds, Vivian Christoph, and Wm. F. Moss, d/b as Radio Station WAIT (B4-AL-369).

WELI—Patrick J. Goode, New Haven, Conn.—Granted consent to transfer of control of station WELI from Patrick J. Goode to Arde Bulova (B1-TC-323).

WNBC—William J. Sanders, Hartford, Conn.—Granted consent to transfer of control of station WNBC, from William J. Sanders to Arde Bulova (B1-TC-322).

First Baptist Church, Pontiac, Mich.—Granted extension of authority to transmit programs from applicant's studio in Pontiac, over the wire line facilities of Mich. Bell Telephone Co., to Windsor, Ontario, Canada, there to be broadcast over Station CKLW (B2-FP-111).

Edwin H. Armstrong, New York City.—Granted license (B1-LH-41) for new station (transmitter at Alpine, N. J.) to operate on **43100 kc.**, 40 KW power, and serve an area not to exceed 15,610 square miles.

W43B—The Yankee Network, Inc., Boston, Mass.—Granted license (B1-LH-44) to cover construction permit, in part, for high frequency broadcast station; **44300 kc.**, unlimited time, 19,000 sq. mi.

W5XAU—WKY Radiophone Co., Oklahoma City, Okla.—License for high frequency broadcast station was further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending October 1, 1943.

W9XLA—KLZ Broadcasting Co., Denver, Colo.—License for high frequency broadcast station was further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending October 1, 1943.

W49BN—Wylie B. Jones Advertising Agency, Binghamton, N. Y.—Granted license (B1-LH-18) to cover construction permit (B1-PH-10 as amended) in part, and specifying 134 Chenango Street, Binghamton, N. Y., as the location of its main studio.

W2XWE—WOKO, Inc., Albany, N. Y.—License for facsimile broadcast station was further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending October 1, 1943.

LICENSE RENEWALS

The following stations were granted renewal of licenses for the period ending August 1, 1945:

KFPW, Fort Smith, Ark.; KRKO, Everett, Wash.; KTSW, Emporia, Kans.; KTTS, Springfield, Mo.; KWON, Bartlesville, Okla.; WARM, Scranton, Pa.; WATW, Ashland, Wis.; WBNY, Buffalo, N. Y.; WBTM, Danville, Va.; WCNC, Elizabeth City, N. C.; WFOR, Hattiesburg, Miss.; WGBR, Goldsboro, N. C.; WGRC, New Albany, Ind.; WEST, Easton, Pa.; WKWK, Wheeling, W. Va.; WJAC, Johnstown, Pa.; WJLB, Detroit, Mich.; WRJN, Racine, Wis.; WSAU, Wausau, Wis.; WSRR, Stamford, Conn.; WTCM, Traverse City, Mich.; WJZM, Clarksville, Tenn.; KELD, El Dorado, Ark.; KLUF, Galveston, Texas; KTOK, Oklahoma City; KVFD, Fort Dodge, Iowa; KFRU, Columbia, Mo.; KRE, Berkeley, Calif.; KTEM, Temple, Texas; WABY, Albany, N. Y.; WCOS, Columbia, S. C.; WGIL, Galesburg, Ill.; WHLB, Virginia, Minn.; WHUB, Cookesville, Tenn.; WHYN, Holyoke, Mass.; WKMO, Kokomo, Ind.; WKPT, Kingsport, Tenn.; WMBR, Jacksonville, Fla.; WMGA, Moultrie, Ga.; WORD, Spartanburg, S. C.; KOKO, La Junta, Colo.; WMFD, Wilmington, N. C.; WRAK, Williamsport, Pa.; WLLH and Synchronous Amplifier, Lowell and Lawrence, Mass.; KTNM, Tucumcari, N. Mex.; WCBM, Baltimore; WDWS, Champaign, Ill.; WINC, Winchester, Va.; WDEF, Chattanooga, Tenn.; KTUC, Tucson, Ariz.; WRDO, Augusta, Maine.

The following stations were granted renewals for the period ending June 1, 1945:

KAND, Corsicana, Texas; KPDN, Pampa, Texas; WEXL, Royal Oak, Mich.; WJPR, Greenville, Miss.; WWPG, Palm Beach, Fla.; KROC, Rochester, Minn.; WFIG, Sumter, N. C.; WLAK, Lakeland, Fla.

Licenses for the following stations were further extended upon a temporary basis only, for the period ending October 1, 1943, pending determination upon application for renewal:

KBST, Big Spring, Texas; KCMC, Texarkana, Texas; KGGF, Coffeyville, Kans.; KGKL, San Angelo, Texas; KIUL, Garden City, Kans.; KPLT, Paris, Texas; KRBC, Abilene, Texas; KRLH, Midland, Texas; KSUB, Cedar City, Utah; KVGB, Great Bend, Kans.; KVSF, Santa Fe, N. Mex.; KWFC, Hot Springs, Ark.; WABI, Bangor, Me.; WCBI, Columbus, Miss.; WCBT, Roanoke Rapids, N. C.; WCOV, Montgomery, Ala.; WGGA, Gainesville, Ga.; WHOM, Jersey City, WHOM auxiliary; WLBJ, Bowling Green, Ky.; WNBZ, Saranac Lake, N. Y.; WOCB, Near Hyannis, Mass.; WSAY, Rochester, N. Y.; WSYB, Rutland, Vt.; WTEL, Philadelphia; WJW, Akron, Ohio.

Licenses for the following stations were extended upon a temporary basis only, pending determination upon application for renewal, for the period ending October 1, 1943:

KORN, Fremont, Nebr.; KSJB, Jamestown, N. Dak.; KWLK, Longview, Wash.; WATL, Atlanta, Ga.; WBLK, Clarksburg, W. Va.; WELL, Battle Creek, Mich.; WEOA, Evansville, Ind.; WHDF, Calumet, Mich.; WJHO, Opelika, Ala.; WMSL, Decatur, Ala.; WSAM, Saginaw, Mich.

WRAL—Capitol Broadcasting Co., Inc., Raleigh, N. C.—Granted renewal of license for the period ending April 1, 1945.

KXL—KXL Broadcasters, Portland, Ore.—Granted renewal of license for the regular period (B5-R-88).

KIUN—Jack W. Hawkins & Barney H. Hubbs, Pecos, Texas—Granted renewal of license for the regular period (B3-R-863).

KAVE—Barney Hubbs, et al., d/b as Carlsbad Broadcasting Co., Carlsbad, N. Mex.—Granted renewal of license for the regular period (B5-R-906).

MISCELLANEOUS

WKAQ—Radio Corp. of Puerto Rico, San Juan, P. R.—Granted modification of construction permit (B-MP-1716) for extension of completion date from 7-26-43 to 1-26-44, in re permit to move transmitter and studio location. Also granted modification of construction permit (B-P-3501 as modified) which authorized move of auxiliary transmitter, for extension of completion date to 1-26-44 (B-MP-1717).

KMA—May Broadcasting Corp., Shenandoah, Iowa.—Granted license to cover construction permit for installation of directional antenna for night use and increase in power to 5 KW (B4-L-1768); also granted authority to determine operating power by direct measurement (B4-Z-1528).

KYOS—Merced Broadcasting Co., Merced, Calif.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-1530).

KTSA—Sunshine Broadcasting Co., San Antonio, Texas—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-1514).

W2XCB—Columbia Broadcasting System, Inc., Portable-Mobile, Area of New York City—Granted modification of construction permit which authorized new experimental television relay broadcast station, for extension of completion date to 1-7-44.

WRDI—Northwestern Publishing Co., Danville, Ill.—Cancelled relay broadcast license in accordance with written request of licensee dated July 10, 1943.

W3XWT—Allen B. DuMont Labs., Inc., Washington, D. C.—Granted modification of construction permit authorizing new experimental television station, for extension of commencement and completion dates to 6-23-43 and 12-26-43, respectively (B1-MPVB).

Chattahoochee Broadcasting Co., Columbus, Ga.—Denied petition for rehearing directed against Commission's action on June 29, granting application of WDAK, West Point, Ga., for construction permit to move station from West Point to Columbus, Ga.

APPLICATIONS FILED AT FCC

560 Kilocycles

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Modification of construction permit (B5-P-3150 as modified, which authorized installation of new transmitter, directional antenna for night use, increase in power, and change in frequency) for extension of completion date from 8-25-43 to 12-1-43.

640 Kilocycles

WOI—Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa—Special service authorization to operate from 6 a. m. to local sunrise, CST, with power of 5 KW, for the period ending 2-1-44.

850 Kilocycles

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Authority to determine operating power by direct measurement of antenna power.

1210 Kilocycles

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Authority to determine operating power by direct measurement of antenna power of auxiliary transmitter.

MISCELLANEOUS APPLICATIONS

W71NY—Bamberger Broadcasting Service, Inc., New York, N. Y.—License to use transmitter formerly licensed to High Frequency Experimental Station W2XOR as an auxiliary transmitter with power of 1 KW.

NEW—Columbus Broadcasting System, Inc., New York, N. Y.—Construction permit for a new international broadcast station to be operated on **6060, 6120, 6170, 9650, 11830, 15270, 17830, 21520** and **21570 kc.**, with power of 50 KW, A3 Emission, unlimited time except share time on all frequencies with WCRC, WCBX and WCDA; share time on **6060 kc.** with KWID and KWIX, and use **6120 kc.** by special authority.

NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit for a new international broadcast station to be operated on **6060, 6120, 6170, 9650, 11830, 15270, 17830, 21520** and **21570 kc.**, with power of 50 KW, A3 Emission, unlimited time except share time on all frequencies with WCRC, WCBX and WCDA; share time on **6060 kc.** with KWID and KWIX, and use **6120 kc.** by special authority.

NEW—National Broadcasting Co., Inc., New York, N. Y.—Extension of authority to transmit programs originating in NBC's studios at 30 Rockefeller Plaza, New York and/or points in U. S. where network programs may originate, to CMX, Havana, Cuba, for the period beginning 8-20-43.

FEDERAL TRADE COMMISSION DOCKET

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Gattis Chemical Co., 214 Woodland St., Nashville, Tenn., is charged in a complaint with disseminating false advertisements concerning a medicinal preparation designated "Gattis' K and B. Pills", recommended for use in the treatment of diseases and ailments of the kidneys. (5014)

Globe Insurance Bureau—A complaint has been issued charging Gladys H. Peiser, trading as Globe Inheritance Bureau, 401 Land Title Building, Philadelphia, with using unfair and deceptive practices in the operation of a business which she represents as an agency engaged in locating heirs to estates, but which actually is conducted to assist her customers in obtaining information concerning their debtors. (5012)

Gotham Premium Novelty Co., 303 Fourth Ave., New York, are charged in a complaint with the use of lottery methods in the sale of their merchandise to ultimate purchasers and with placing in the hands of others the means of conducting lotteries. Merchandise sold by the respondents includes wearing apparel, luggage, watches, cameras, novelty jewelry, and cosmetics. (5015)

D. E. Hamiel—Misrepresentation of a solution designated "All-Winter Anti-Freeze" is alleged in a complaint issued against D. E. Hamiel, 329 East Long St., Columbus, Ohio, trading as All-Winter Anti-Freeze Co. (5016)

Huddersfield Worsted Mills Corp., 257 Fourth Ave., New York, is charged in a complaint with misrepresentation in the sale of textile fabrics used in the manufacture of suits, slacks and other wearing apparel for men. (5009)

Isabelle Beautetics Co. and as R. H. Tillson Co., 4058 Wyoming St., St. Louis, engaged in selling a cosmetic designated "Velskin," is charged in a complaint with misrepresenting the properties and effectiveness of the preparation. (5010)

National Biscuit Company, 449 West 14th St., New York, largest producer and distributor of bakery packaged food products in the United States, is charged in a complaint with violation of the Robinson-Patman Act by discrimination in price between different purchasers of its products. (5013)

Ruberoid Company—A complaint has been issued charging The Ruberoid Co., 500 Fifth Ave., New York, with violation of the Robinson-Patman Act by discriminating in price between different purchasers of its products. The respondent corporation is one of the country's largest manufacturers and distributors of asbestos and asphalt roofing, insulating materials and allied products, selling directly to wholesalers, retailers and applicators. The latter class of purchasers consists of contractors who apply the respondent's products to buildings. (5017)

Union Trading Stamp Company and Frank A. Hayes, individually and as an official of the corporation, 549 West Randolph St., Chicago, engaged in the manufacture of sales promotion plans or devices, trading stamps and trading cards, and in their sale and distribution to retail merchants and others, are charged in a complaint with unfair methods of competition and unfair acts and practices within the meaning of the Federal Trade Commission Act. (5011)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Associated Laboratories, Inc., 5112 21st St., Long Island City, New York, has been ordered to cease and desist from misrepresenting the therapeutic properties of Kelp-A-Malt Tablets, which it advertises as a competent treatment for persons who are underweight and in a run-down condition. The respondent trades as Allied Laboratories, Kelp-A-Malt Co. and Seedol Co. (2979)

Cigarette Smoker's Survey and Credit Advisory Service has been ordered to cease and desist from unfair and deceptive practices in connection with the sale of printed matter consisting of circular letters with reply card attached, designed for use by creditors and collection agencies in obtaining information concerning debtors. (4935)

Bertha M. Urban—An order has been issued directing Bertha M. Urban, Ewing, Nebr., to cease and desist from disseminating false advertisements concerning a fruit juice product designated "Lakota," which she sells and recommends as a remedy for migraine headache, constipation, and certain other conditions. (4761)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Federal Victory Garden Research Institute, 16th and West End Ave., Nashville, Tenn., stipulated that they will cease and desist from representing that instructions contained in a pamphlet they publish and sell will enable the inexperienced Victory Gardener to grow, without soil, an ample supply of "vitamin-laden" vegetables in his attic, garage, basement, or in "most any other available space." (3685)

Albert G. Groblewski & Company, Plymouth, Pa., selling and distributing medicinal preparations designated "Groblewski's Headache Powders," "Groblewski's Nasal Jelly," "Groblewski's Jadol," "Nervoteine," "Groblewski's Preparation 'C,'" "Groblewski's Powders for Round Worms," "Oohotin," "Groblewski's Revila Powders" and "Egiuterro," has stipulated to cease and desist from disseminating any advertisement pertaining to the preparations or any other preparations of substantially the same properties, whether sold under such names or any other names, which fail clearly to reveal that use of the Headache Powders may cause collapse or that repeated doses may cause dependence upon the drug, that not to exceed two powders should be taken within 24 hours, and that the preparation should not be given to children; that repeated use of "Groblewski's Nasal Jelly" by aged or debilitated persons or by infants may produce oil injury in the lungs, and that the preparation should not be used by persons afflicted with heart disease or high blood pressure; that "Groblewski's Jadol" is a laxative and should not be taken in the presence of nausea, vomiting, abdominal pains or other symptoms of appendicitis. (3684)

Joyce Art Studio, 7908 Justine St., Chicago, selling and distributing photographs or enlargements of photographs, has stipulated to cease and desist from use of the words "Art Studio" or "Studio" as part of its trade name, and from use of words of like meaning implying that it actually owns, operates or controls a studio or photographic establishment; representing that an offer of photographs or photographic enlargements is an introductory or special offer, when in fact it is a regular offer; and from the use of fictitious price figures on advertising cards or circulars used in connection with the sale of such products, or from otherwise representing as the customary or usual prices thereof prices which, in fact, are fictitious and in excess of the prices that he regularly and customarily charges for his products. (3682)

James Lees & Sons Company, Bridgeport, Pa., selling and distributing knitting yarns, has stipulated, in connection with the sale of its products, to cease using the words "Spanish," "Scotch," "Persian," "Shetland," "Saxony" or other words connoting foreign geographical origin as designations for or as descriptive of products not made of materials grown or produced in the country or locality indicated by such geographical designation or term. (3681)

National Service and National Forwarding, Post Office Box 200, Oklahoma City, engaged in selling club memberships in the National Service and lists of names purporting to be members of such service or club, have stipulated to cease representing that introductions of members are made in a confidential manner; that any of the results claimed in their advertising is guaranteed; that their statements relating to the financial standing, education, character, age, occupation or profession of those whose names appear on membership lists are other than mere statements of the members themselves, in the absence of some responsible investigation into the truth or falsity of such statements; that any specified price is the regular membership fee when such price is in excess of the amount regularly charged; that any offer is limited as to time, when such is not the fact, or that any offer is a "special" offer unless it is less in price than the usual or regular price and limited in time. (03122)

Rossi Cigar Co., Inc., Oakland, Calif., selling and distributing cigars, has stipulated to cease representing that it is the largest manufacturer on the Pacific Coast of "Toscani" cigars or cigars simulating Italian cigars, or of cigars generally, or that the smoking of Rossi Brand cigars or any other cigars is harmless, easy on the throat, or will not cause dryness of the mouth. (3683)

Williamsburg Galleries, High Point, N. C., manufacturing and distributing furniture, has stipulated to cease and desist from use of the trade or corporate name "The Williamsburg Galleries" and the legend or motto "That the Future May Learn from the Past"; from use of the word "Williamsburg" or any other word, term or expression which may convey the belief or impression that Tomlinson of High Point or any subsidiary or agency thereof has a working agreement with, is a subsidiary of or is connected with Colonial Williamsburg, Inc.; and from using, or placing in the hands of others the means to use, any depiction or representation, the effect of which may tend to convey the belief that its furniture or any part thereof is a reproduction, that is, a true counterpart or reconstruction, of the original or reproduced Eighteenth Century furniture with which the reconstructed homes at Williamsburg, Va., are furnished. (3687)

Winslow Engineering Company, Oakland, Calif., engaged in manufacturing filtering elements designed for use as replaceable inserts in various alleged standard makes of oil filters, and H. G. Makelim, trading as Magneto Repair Company, Oakland, Calif., selling filtering elements supplied to him by the other respondents, have stipulated that in connection with the sale or distribution of the "Winslow Oil Conditioning Element," they will cease and desist from representing that it will consistently pass and filter more oil than, or assure superior performance to, any other type of filtering element, when used in connection with any of the alleged standard makes of oil filters; or that it will perform as represented when used in any type of oil filter or is capable of performing in excess of what is actually the fact. (3686)

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 32, August 6, 1943

NAB BOARD RESOLUTIONS

Upon adjournment of the special meeting of the NAB Board of Directors in Chicago, July 30, the following resolutions were released:

RESOLUTION NO. 1

WHEREAS the Board of Directors of the National Association of Broadcasters met in Chicago on July 30th to consider proposals of its Legislative Committee and

WHEREAS the purpose of this meeting was misrepresented to some sections of the industry as bearing on the termination of the contract of the incumbent as President, before the termination thereof, therefore

BE IT RESOLVED that the Board of Directors of the National Association of Broadcasters emphatically declares that such was not the purpose of the meeting, nor did it form any part of its deliberations.

RESOLUTION NO. 2

WHEREAS the name of Wilbur B. Lewis was suggested to the Board of Directors of the National Association of Broadcasters as a possible successor to Neville Miller at the expiration in 1944 of the latter's six years incumbency in office, and

WHEREAS the Board of Directors sincerely desires to consider the name of Mr. Lewis for this post, and

WHEREAS Mr. Lewis, for reasons which the Board respects and admires, found it necessary to withdraw his name from such consideration.

BE IT RESOLVED that the Board expresses its regret that extenuating circumstances intervened to preclude Mr. Lewis' availability.

RESOLUTION NO. 3

RESOLVED that a Nominating Committee of six be elected to present to the Board its recommendation for Presidency of the National Association of Broadcasters at the expiration of the incumbent's contract; the Committee to report to the Board at its next regular meeting or a special meeting called for that purpose.

Members elected were: Don S. Elias, WWNC, Asheville, N. C.; G. Richard Shafto, WIS, Columbia, S. C.; John J. Gillin, Jr., WOW, Omaha, Neb.; J. O. Maland, WHO, Des Moines, Iowa; James D. Shouse, WLW, Cincinnati, Ohio; Paul W. Morency, WTIC, Hartford, Connecticut.

Chairman of the Committee to be elected by the Committee.

Cox Hearings

A digest of the current hearings in New York City of the Cox Select Committee will be prepared for issuance to NAB members so soon as the transcripts are forwarded to Washington headquarters of NAB. The hearings are centering around activities of the Federal Communications Commission in the foreign language broadcasting picture in the U. S. A.

TELEVISION REPRINT COMING

NAB headquarters has completed arrangements with *Fortune* magazine to reprint the article "The Promise of Television" in the August issue for distribution to the broadcasting industry. Your copy will be in your hands very soon.

A CHALLENGE

(The following excerpt was taken from an article in *Fortune* magazine for July, 1943, entitled "Ferment in Education." We have given this excerpt the above title, reasons for which are obvious after it is read.)

"There can be no question, of course, whom we shall educate. Education may at one time have seemed a charitable grant to those who received it; today it is a necessity to the community that gives it. We cannot afford an ill-educated electorate, and we can insist that any child who has learned to talk—speech is probably the greatest achievement in every person's life—should have twelve years' schooling.

"These twelve years are necessary not because the schools have so much more information to impart. Too much information and too few standards of judgments are the causes of cultural inflation. They are necessary not because the home and the church and the community have abdicated to the schools; but to the forms of cheap, mechanical, mass entertainment and mass information—to the movies, the radio, the press, and the advertisements. These may seldom have an educational purpose, but they have a pronounced educational effect. *They tend to present as desiderata the trappings of material success, of false comfort, of egotistic adventure; they appeal to personal avarice and personal vanity: they play up and down on the child's nerves, and furnish him mechanical emotional outlets at the same time that they apply to him that most insidious of regimentations, mass anathesia.* (italic type is ours.—Ed.) Against this deadly passivity, our schools are the only bulwark. If they are not strengthened and if they do not teach the student to discriminate and to evaluate, not they but commercial indoctrination or, still worse, political mobstering will form the minds of our children, and in so doing destroy whatever capacity is within them for democratic thinking."

Labor

WLB PANEL WILL HEAR TRANSCRIPTION PRO AND CON

A hearing by a War Labor Board panel on the A. F. of M. transcription ban is tentatively scheduled to start August 16 in New York.

The WLB appointed the panel this week simultaneously

(Continued on page 342)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Arthur C. Stringer, *Director of Promotion.*

WLB PANEL WILL HEAR TRANSCRIPTION PRO AND CON

(Continued from page 341)

with the release of its order, taking jurisdiction in the dispute but refusing to terminate the strike "at this time."

Members of the panel:

Public—Arthur Meyer, chairman of the New York State Mediation Board.

Industry—Henry Woodbridge, assistant to the president of the American Optical Company.

Labor—Max Zaritsky, president of the United Hat, Cap and Millinery Workers (A. F. of L.).

This panel is to report its findings of fact and recommendations to the WLB which will make the final decision.

CHECK UNION REPRESENTATION

A recent decision by the National Labor Relations Board shows how a radio station (or any employer) can get into trouble by signing a closed shop contract with a labor union without first making sure that the union represents the employees involved. Copies may be obtained at the NAB or at the NLRB (Case C-2622).

NINE MORE LABOR SHORTAGE AREAS NAMED BY WMC

The War Manpower Commission has added nine labor market areas to its "critical shortage" list. Radio stations in those areas must now justify any work week of less than 48 hours.

The areas added:

Anderson, Ind.; Everett, Wash.; Los Angeles; New Bedford, Mass.; Oklahoma City; Racine, Wis.; Spokane, Wash.; Brownsville, Tex., and Hawaii.

The WMC does not want any station to increase any work schedules that would not result in the release of manpower or would not obviate the necessity for hiring additional manpower. It is up to each station to show that its present (or proposed) schedules of less than 48 hours meet these requirements.

Local WMC officials should be consulted.

WOMEN'S GROUP URGES WLB ACTION ON PETRILLO BAN

The board of directors of the General Federation of Women's Clubs meeting recently in Massachusetts passed the following resolution among numerous others:

Radio Transcription

WHEREAS, James Caeser Petrillo, President of the American Federation of Musicians, since last August 1 (1942), has banned the recording of music for both home and radio; and

WHEREAS, In accordance with our national wartime labor policy, the manufacturers of radio transcriptions referred their dispute with Mr. Petrillo to the United States Conciliation Service, be it therefore

RESOLVED, That the Board of Directors of the General Federation of Women's Clubs, in meeting assembled in Swampscott, Massachusetts, July 1, 1943, hereby urges the Director of the United States Conciliation Service to certify this dispute to the National War Labor Board for appropriate disposition if conciliation fails to bring settlement within a reasonable time; and be it further

RESOLVED, That the Board of Directors of the General Federation of Women's Clubs urges the National War Labor Board to give prompt consideration to this prolonged strike, if and when it is certified to the Board.

Presented by: Mrs. J. Warren Burgess,
Chairman Fine Arts Department.

Broadcast Advertising

PLANNING A RATE INCREASE? PUT CARDS ON TABLE

Recently a few letters from member stations have indicated that rate increases were being contemplated. Discussing that problem with William B. Maillefert of Compton Advertising, Inc., 630 Fifth Avenue, New York, N. Y., brought out some suggestions that may interest you, if you are faced with a similar problem. They are reproduced through his permission.

"It is extremely helpful to both agencies and advertisers if the station is considerate enough to attach a letter to the newly issued rates card, explaining:

1. Why the rate card is being changed (i.e., new transmitter with increased coverage, power increase, frequency improvement, increased operating costs, etc.).
2. Exactly which rates are increased and the approximate percentage.
3. Which rates are decreased and the approximate percentage.

"After receiving such a letter, the picture is immediately clear for agencies and advertisers. They can then say: 'Aha—Station YXXX has a new transmitter and they have increased their power from 1000 to 5000 watts at night, so they have decided they are justified in increasing their nighttime rates 17%.—I guess that isn't too bad.' "

Doesn't that sound like a logical approach to the problem of a rate increase?

VICTORY GARDENERS' MEAT, BUT NOT FOR RADIO STATIONS

That perennial purveyor of per-inquiry propositions—Huber Hoge and Sons—is again offering "The Garden Encyclopedia" on a contingent basis. It seems that this will prove the salvation of many inept Victory gardeners—but we don't think it offers radio stations the same opportunity—unless you have found some way to give time away at a profit.

RECORDED PROGRAM SERVICE 'DISCOVERS' P-I POSSIBILITIES

One of the most naive letters sent to NAB in a long time is one written to some radio stations by Associated Recorded Program Service. It seems that someone has just told that estimable organization about the possibility of selling "Masterpiece Reproductions" on a per-inquiry basis. This proposition gets the scallion of the week.

DON'T BE AN ALICE ABOUT THESE WONDER BOOKS

Several stations have sent in copies of the letter and broadside from Airmart Incorporated, offering the super-duper "Wonder Books" on one of the frankest propositions we have ever seen. The deal is very simple: 50¢ per inquiry for the first free volume; 60¢ per inquiry if you can produce 60 or more leads per week; but only 45¢ per inquiry on a guaranteed basis. In other words, if the advertiser has to do any worrying about the returns, you can't be paid as much. Isn't that proof of the insolent attitude of most advertisers offering per-inquiry business?

TODAY'S GOLD BRICK BLIND MERCHANDISE

The Gibson Company of Harlan, Iowa, has a strictly new angle on the alleged plight of some radio stations. Sell merchandise on a commission basis. What kind of merchandise? Any kind! Fill out and return the card and you will get complete details. Off the record, we used to have more fun for a quarter at the church bazaar grab-bag.

SANDO SANDBAGGING AGAIN

When we first glanced at the letterhead of this company, we thought it read "The Soandso Company." At least, the offer sounded that way. It's another of the "Service Record" offers. If every "Service Record" offer pulls as well as the promoters of such offers insist, then every man, woman and child in America must have a dozen service records for every soldier, sailor and marine. Let's get on with the war and save that paper!

"HOST STATIONS" URGED BY J. LEONARD REINSCH

Following the recommendation of J. Leonard Reinsch, managing director of WIOD, WHIO and WSB, the headquarters staff at NAB has been exploring the possibilities of stations acting as hosts to ex-radio personnel in the armed forces on leave or stationed in their towns.

Mr. Reinsch prefaced his recommendation with the following:

> "I have talked to many service men and know the feeling of aloneness they all get at one time or another. With the increased drafting of higher calibre men, there is more of a tendency to periods of depression.
>
> We have tried, between our three stations, to entertain the men from our organization as they are assigned to Atlanta, Miami or Dayton, and as the opportunity presents to entertain other radio men in the service. We would like to expand that expression of friendliness to other radio station men."

He outlined a plan under which all stations shall provide personnel now in the armed forces, or entering the armed forces, with identification cards. These cards, coupled with a telephone call, would set up the machinery for recognition, entertainment or other forms of hospitality.

It is a known fact that many service men and women, on their own volition, seek out radio stations for the company of "brothers and sisters" in radio when on leave or assigned to new localities.

Very little need be done in the industry to make this an official activity, viz.:

1. Issue identification cards to all former personnel now in the armed forces, and to personnel entering the armed forces, as follows, signed by the manager:

   TO BROADCASTING STATIONS:

   . . . . . formerly held the position of . . . . with this broadcasting station.

   Personal courtesies will be greatly appreciated by the management.

   . . . .
   Station . . . .
   (Address) . . . .

2. Post at U.S.O. headquarters and other centers, in cooperation with other stations in your city, signs with the following heading:

   Attention Former Radio Personnel!

   List call letters, location, telephone number and name of someone to ask for.
   Close with: "We'll be glad to see you."

Use of the line "HOST STATIONS" may not be advisable unless you are prepared to extend courtesies to service men and women of all classes, as this has a general implication in a local community.

Traffic through your station may not be great in this undertaking but provision should be made for a warm welcome and ready assistance, if requested.

Comments on this proposal are requested by NAB headquarters, where a file of "HOST STATIONS" is desired, and further cooperation is offered those who wish to participate in this activity. Please address Willard D. Egolf, assistant to the president.

DAVE BOONE HAS A LAUGH AT PETRILLO'S 'TRAVELLERS'

The following column appeared in the Thursday, July 29, issue of the *New York Sun* and is reprinted by permission:

"DAVE BONE SAYS:

"It's pretty hard to keep a straight face when you read J. Caesar Petrillo's announcement that in response to a personal plea from the President that the people of America be permitted to enjoy good music like the people of other countries, Mr. Petrillo has arranged to put an orchestra on tour.

"In no other country on earth is it easier for the people, rich, poor or medium, city dweller or country hermit, to get good music from the best artists. The radio has made it possible. Yet Mr. Petrillo asks the public to swallow the stuff about needing a traveling orchestra so Americans can have the same opportunity Europeans have. Oh boy.

" 'The President pointed out to me that in many countries concert orchestras are sent from city to city so that the people not in a financial position to travel to the big cities to hear the largest orchestras can hear the finest music free of charge, and I promised I would be happy to take the matter up,' says J. Caesar. I'll bet the President had to laugh at that one.

"Well, it's going to be a great privilege to the great mass of American men, women and children to be able to hear good music and shake off that terrible feeling of being deprived of the great advantages peoples have everywhere except in America. They've heard a lot of rumors about music but they don't know what it is like. And it's just too bad."

RADIO SPACE CUTS LOOM AS NEWSPAPERS ACT ON SHORTAGE

Shortage of newsprint and continued rationing of same among newspapers is likely to force elimination of most radio columns in New York newspapers, *Billboard* magazine reports in its August 7 issue.

The *New York Daily News* column "Listening In" has been axed after 18 years' run with veteran columnist Ben Gross slated for other duties.

Program listings will remain as will paid space (the last to go any time).

NAB headquarters is interested to know if station managers have encountered this situation elsewhere over the country and, if so, what steps, if any, have been taken to counteract it. Please advise Willard Egolf at NAB headquarters of your comments, findings and actions on this matter.

Mr. Egolf also would like reports on:

Any "Program Pre-vues" types of shows now carried by stations (including script if possible) for report to the Program Managers Executive Committee.

NBC has programmed "Your Radio Reporter" as a counteraction to this loss of space. Many NBC affiliates are promoting this show vigorously, we have been informed.

Main problem confronting broadcasters is to program a "listenable" type of program pre-vues shows. This is also a good time to reiterate the fact that radio more and more must stand on its own feet and tell its own stories in its own way.

CENSORSHIP ASKS CAUTION IN ANY MENTION OF RADAR

Bryon Price, director, Office of Censorship, has released the following statement:

"The extent of current public discussion of radar is causing increasing concern to the Government.

"The principle of radar is generally understood here and abroad, and some limited disclosures have been made officially. New methods of applying the principle are being developed, however, and there is much the enemy does not know.

"The fact of prior publication should not be used to cover added description, discussion, and deduction, or to support a theory or draw a conclusion.

"Radar is a secret weapon within the meaning of the Code. Editors and broadcasters are especially requested to be alert to every mention of radar and military electronic devices; to establish beyond all question that there is appropriate authority for every statement made; and to submit all material on the subject—other than that released by appropriate Government authority—to the Office of Censorship for review in advance of publication or broadcast.

"So inclusive a request would not be made if the highest considerations of national security were not directly involved."

U. S. BROADCASTERS DEFEAT AXIS IN BATTLE TO CONTROL AMERICAN RADIO INFORMATION

(The following release is reprinted from a release by the Coordinator of Inter-American Affairs.)

Nazi Propaganda Minister Goebbel's radio rantings to the Americas are falling on deaf or cynical ears these days, because of a successful fight by United States broadcasters to wrest control of the American ether from the Axis. Goebbel's dutiful mouthpieces in Tokyo and Rome are faring no better.

These facts were brought out by recent surveys of broadcasting to the other American Republics. Polls showed that Latin America's 4,000,000 receivers now tune more frequently to Allied frequencies than to enemy wavelengths, while more of its 200 shortwave stations prefer to tie up with United States and British networks.

Even before the outbreak of war the Axis was running wild in the ether over America. Powerful shortwave senders beamed a constant stream of propaganda on Brazil and the Spanish speaking nations in an attempt to undermine American unity and discredit democracy.

But this Axis domination of the American air is a thing of the past. Allied radiomen and government agencies have made willing converts in the southern republics with Spanish and Portuguese programs aimed at telling the truth about the United States and its allies.

These broadcasts—news, features, commentaries, music and radio plays—have been so successful that United States networks now average 420 hours a week to the other Americas, with the British Broadcasting Company averaging 32 hours more.

Six BBC men are in South and Central America to arrange for an expanded Latin American service, while a recent agreement enables Radio Mil, of Mexico City, and the 242 stations in the Mutual network to pick up and rebroadcast one another's programs.

United States programs are beamed simultaneously in Spanish over 10 shortwave stations and in Portuguese over 3 more, operating on 3 frequencies for best coverage. Facilities of CBS, NBC, Westinghouse, General Electric, Crosley and World Wide networks are used for the transmissions.

The Office of Inter-American Affairs, besides supervising and coordinating programs, prepares a daily average of about 40,000 words of news and commentary in 3 languages for the networks. Distinguished visitors from the other Americas daily interpret the United States war effort to their countrymen on the *Americas All* shortwave hour.

Other programs include a quiz program, *Caravan of Questions*, with experts trying to answer questions on inter-American affairs; radio plays illustrating Axis barbarism, espionage methods and anti-American activities, and a program in which a pretended Axis commentator tries to reconcile conflicting Axis propaganda until he gives up in ludicrous confusion.

New plans call for short news broadcasts every hour, in addition to the regular 15-minute news programs. Many of these broadcasts are handled by distinguished Latin Americans, including Dr. Enrique Rodriquez Fabregat, former Foreign Minister of Uruguay; Carlos Garcia Palacios, former Chilean diplomat; Alejandro Sux, United States correspondent for *El Mundo*, of Buenos Aires; Vicente Tovar, author and lecturer, and Mario Comargo, Colombian vice-consul.

Hitler once said that he had won more psychological battles with radio propaganda than with his armies. But the battle for the American ether adds another resounding defeat to the many setbacks the Axis is suffering on the world's fronts.

RADIO COUNCIL LEADER SAYS CHILD LISTENING HABITS ARE RESPONSIBILITY OF PARENTS

(The following article was submitted to the *New York Herald-Tribune* for publishing in its August 1 issue in answer to an article by Margo Pitts of Beacon, New York, which appeared in a previous issue and compared children's radio programs with comic books in content and influence. This was written by Dorothy L. McFadden, chairman, committee on children's programs, Radio Council of New Jersey.)

May I go just a step further than Miss Margo Pitts, of Beacon, New York, in placing responsibility for children's radio listening habits on the parents? There are fine programs on the air designed for young audiences, but many of them are on local stations, not always the networks, and are blandly ignored by the very parents and organizations that are most vocal in their concern over the "children's radio problem." In a survey made by Mrs. Dorothy Lewis, Vice-President of the Radio Council on Children's Programs, covering over 200 cities in 44 states and including a study of programs presented over some 400 stations, she discovered that there were 1500 different children's programs on the air.

In discussions with club, civic, and educational organizations and individual leaders in each city, it appeared that, while they were greatly concerned about "getting some of the bad programs off the air," actually little encouragement was being given to those programs that were approved. Her study resulted in spontaneous and very encouraging action. In many of these cities the local leaders and broadcasters decided to form groups to really study the relationship of the listener and the radio station, to become thoroughly informed on the problems of both and to give constructive suggestions and assistance whenever possible. These groups became known as Radio Councils, and I am happy to be an active member of the one recently formed in New Jersey, which is headed by Mrs. R. W. Cornelison of Somerville.

Parents' Child-Listening Study Urged

Surely it is high time that we, parents or other interested laymen, turned to a thorough study of the problem of children's radio listening as it affects us in our own localities. Each state and city has different program material available to the listener. Do we really know what is on the air? Are we sure that there is no program at hand that just fits our Johnny's new enthusiasm for Victory Gardening, or Susie's mania for riddles and tongue twisters? Should we not become really familiar with our local stations and the general picture of radio for children before condemning all programs wholesale or even making suggestions for new ones?

Lest I be misunderstood, let me hasten to say that I do not consider the present children's serials on the networks to be perfect. They are, to a great extent, all of a pattern, with little variety or character originality in many of them. They completely lack humor, that delightful ingredient used by good dramatists as a leaven to give moments of relaxation in contrast to suspense. Children love to laugh. As president of Junior Programs, Inc., the non-profit organization that has taken the living theater to some four million children, I have watched their glee over every bit of comedy. Why should we not hear more laughter when children are listening to the radio programs planned for them? They do enjoy Aunt Agatha's comic voice and lines in "Hop Harrigan."

Program Suggestions

When we consider the hours spent by children with ears glued to the radio, I do think we should capitalize on this golden opportunity by encouraging more of the series that have something of value to give to their development. Family hobbies are particularly needed in the strain of wartime and should be stimulated in more programs. More newscasts for children, like those presented by Catherine Clark, Station WCAU, in Philadelphia; fine music series like the delightful ones formerly broadcast by Mary Van Doren from the Toledo Museum over the NBC network; "Safety" programs like those of Irving Caesar's that are really fun; nature series like "Afield with Ranger Mac" in Wisconsin (which won the George Foster Peabody Award this year); the "Reading is Fun" programs of Portland, Oregon. These are examples of the variety that we should add to our children's menu of listening. Groups like our Radio Council of New Jersey can help to encourage such programs in every area. In Louisville, Kentucky, and in middle Tennessee the Radio Councils have published and distributed thousands of bookmarks, in cooperation with the libraries, listing recommended books and radio programs for children. These have had a great effect in increasing discriminating reading and listening.

A nation-wide study made by the Nashville Radio Council resulted in a newscast series, "Children Analyze the News" over WLAC. In Texas, a "School of the Air" reaches 500,000 students each week day, because 200,000 parents and taxpayers recognized the importance of radio education and established through legislature a radio division in the State Department of Education. Our own Radio Education Committee in New Jersey is planning a study of conditions here.

The tastes and radio listening habits of the family strongly influence those of the child. We cannot simply banish programs from our children's ears or, heaven forbid, "put pressure on the radio industry." We must know our subject before we criticize. We should know what is lacking in our particular area to give the child a balanced menu of radio listening from which to choose. Only then are we ready to go to a radio station with suggestions.

Parents' Responsibilities

I can hear the immediate question, always brought up by parents at meetings where I have spoken, "But will the radio stations listen to us? Do they even read our letters?" My answer is another question: "Have you ever written to the stations *commending* them for programs you like? Have you proved that you know your subject, and most of all, that you are willing to get behind a really fine program? Have you helped, individually or as a group, to build a bigger audience for the best things on the air?" If you have done this, and are willing to do it again, your radio people will be delighted to listen and will cooperate in every way. Encouraging good programs is not so difficult. My own Girl Scout troop became very interested in the "Game Parade" and "Let's Pretend" programs since I turned them on Saturday mornings while we were working on crafts badges. Many of our children are cooperating with the Write-a-fighter Corps, a wartime activity of the Jack Armstrong program. Group listening can be great fun, and has hardly been tried with children's amusement programs. There are many ways in which we can improve this picture of radio listening for our children, but let's have a constructive plan this time.

This is what the Radio Councils are trying to do. My own committee has ready a plan of Group Study of Children's Radio Listening, including a list of suggested reading. We plan to study the programs available to children in our state, and then to help publicize the best ones in every possible way to keep them on the air. This can easily be done through the groups which our committee represents—children's libraries, parents organizations, Boy and Girl Scouts, etc.—but only if each individual in those groups will really become an active "booster of the best."

WHAT GOES ON AT WHO RED, WHITE AND BLUE!

Clever stunt of the editors (or editor or editoress) of the station WHO publication for service men "What Goes On At Who"—a three-page deal—is to have page one white, page two blue and page three red. Type is all black. Fair enough, WHO!

THE TRIPLE-A CENSORSHIP

For your information the NAB news bureau was in the middle of a fact-finding program to counteract, if found necessary, the recent censorship clamped on all personnel of the Agricultural Adjustment Administration when the ban was suddenly withdrawn.

WIOD TELLS THE FOLKS

James M. LeGate, general manager, WIOD, Miami, recently used two column ads in the *Miami Daily News* to tell a brief story of the station's public service broadcasts for June.

Air time, opened and closed with martial music, was used to present the same material in greater detail.

NEWS ANALYSTS CODE

At a recent meeting of the Association of Radio News Analysts in New York, the following Code of Ethics was drawn up. We print it for your information. H. V. Kaltenborn is ARNA president.

Code of Ethics of the Association of Radio News Analysts

The Association of Radio News Analysts, aware of the necessity of maintaining the independence and prestige of the profession, and of improving the standards of analytical news broadcasting, particularly in time of war, has adopted the following Code of Ethical Practice:

I

The Association expects and requires of the radio news analyst painstaking accuracy in his public statements, recognizing the difficulties attendant upon the dissemination of news during war time.

II

The Association expects and requires of the radio news analyst the exercise of sound judgment and good taste, and the avoidance of sensationalism in both the substance of his broadcast material and the manner of its presentation.

III

The Association believes that the inclusion in any radio news analysis of commercial, or "institutional" advertising material in the guise of news or personal opinion is undesirable from every point of view.

IV

The Association believes the reading of commercial announcements by radio news analysts is against the best interests of broadcasting. It requires its own members to refrain from this practice. The Association deplores the interruption of a news analysis by commercial announcements.

V

The Association endorses the standards of the National Association of Broadcasters restricting the time allotted to commercial announcements in connection with news broadcasts.

VI

The Association opposes all censorship of broadcast material, except insofar as duly required by governmental authorities in the interest of public safety during a national emergency.

NAME ADDITIONAL PEABODY AWARD SUB-COMMITTEES

Sub-committees on recommendations for the annual George Foster Peabody radio awards have been named in the following cities. Committee chairmen are listed after the particular city.

Oklahoma City, Okla., Mrs. Milton B. Williams; Toledo, Ohio, Harry D. Lamb, president, Radio Council of Toledo; Cincinnati, Ohio, John F. Locke, community relations director, Cincinnati Board of Education; Eastern Massachusetts, Mrs. Benjamin F. Kraus; Rochester, N. Y., Mrs. George Howard, president, Rochester Federation of Women's Clubs; Champaign, Ill., Mrs. C. C. Wiley, NAB regional director of listener activity; Indianapolis, Ind., Mrs. R. F. Groskopf, Indiana Federation of Women's Clubs, and Des Moines, Iowa, Mrs. Cyrus B. Hillis.

FABER NAMED FOR WPB

Peter J. Faber, radio buyer for the Montgomery-Ward Company, has been named an advisor to the domestic and foreign radio branch of the radio and radar division, War Production Board, it has been announced. Mr. Faber will advise the branch on the distribution of non-military radio equipment.

FEDERAL COMMUNICATIONS COMMISSION

MINDERMAN NAMED TO FCC

The Federal Communications Commission today announced the appointment of Earl Minderman as director of information. For the past year Mr. Minderman has been director of the division of research and information of the bureau of motion pictures, Office of War Information. Previously, he had been national director of information of the Work Projects Administration here and state information director of the same organizaton in Ohio. Before entering government service, he had been on the editorial staff of the *Columbus* (Ohio) *Citizen* and the *Toledo* (Ohio) *News-Bee*.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARING

No broadcast hearings are set before the Commission for the week beginning August 9th.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KINY—Edwin A. Kraft, Juneau, Alaska.—Granted modification (B-MP-1478) of construction permit, which authorized installation of new 5 KW composite transmitter, for extension of commencement and completion dates.

WOI—Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa.—Granted special service authorization to operate from 6 a. m. to local sunrise, with 1 KW power, for the period ending February 1, 1944.

WBEZ—Board of Education, City of Chicago, Chicago, Ill.—Granted authority to construct a new non-commercial educational broadcast station to use frequency **42500 kc.** with power of 1 KW, limited time for frequency modulation (B4-PED-25).

MISCELLANEOUS

KGCX—E. E. Krebsbach, Radio Station KGCX, Sidney, Mont.—Dismissed without prejudice petition to intervene in the hearing on application of KCMO for license to change frequency to **1480 kc.**

WKY—WKY Broadcasting Co., Oklahoma City, Okla.—Granted modification (B3-MP-1718) of construction permit authorizing increase in power, installation of DA and move of transmitter, for extension of completion date to 1-20-44.

WBBL—Grace Covenant Presb. Church, M. A. Sitton, Agent, Richmond, Va.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-1534).

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-1533).

WSYB—Philip Weiss, d/b as Philip Weiss Music Co., Rutland, Vt.—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-1535, and action taken 7-26).

KGBK—Helen Townsley, area of Great Bend, Kans.—Present relay broadcast station license further extended upon a temporary basis only, pending determination upon application for renewal of license, for the period ending October 1, 1943 (B4-SRY-240).

WAEA—W. A. Patterson, area of Chattanooga, Tenn.—Present relay broadcast station license further extended upon a temporary basis only, pending determination upon application for renewal of license, for the period ending October 1, 1943 (B3-SRY-132).

B-175—Newark Broadcasting Corp., Newark, N. J.—Ordered that the Proposed Findings (B-175) entered on June 22, 1943, be adopted as the Findings of Fact and Conclusions of the Commission, and ordered that the application of Newark Broadcasting Corp. for construction permit be denied.

WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Reconsidered and set aside its action of July 27, granting renewal application of WABY on a regular basis, and placed the station on a temporary extension of license pending final disposition of the WOKO application.

APPLICATIONS FILED AT FCC

920 Kilocycles

WTTM—Trent Broadcast Corp., Trenton, N. J.—Acquisition of control of licensee corporation by Elmer H. Wene through purchase of 43⅓ shares of stock from A. Harry Zoog.

1220 Kilocycles

NEW—Detroit Broadcasting Company, Detroit, Mich.—Construction permit for a new standard broadcast station to be operated on **1220 kc.**, 50 KW power, unlimited hours of operation, using a directional antenna day and night.

1240 Kilocycles

NEW—Charles Swaringen, Alex Teitlebaum, Myer Wiesenthal, Jack N. Berkman, Richard Teitlebaum, John J. Laux, Louis Berkman, Joseph M. Troesch, John L. Merdian—partners doing business as Buckeye Broadcasting Co., Akron, Ohio.—Construction permit for a new standard broadcast station to be operated on **1240 kc.**, 250 watts power, unlimited hours of operation.

1260 Kilocycles

WNAC—The Yankee Network, Inc., Boston, Mass.—Construction permit to move auxiliary transmitter from Dorchester St., Quincy, Mass., to corner Vershire St. and Harriett Ave., Quincy, Mass.

1310 Kilocycles

WCAP—Radio Industries Broadcast Company, Asbury Park, N. J.—Construction permit to install a new transmitter.

MISCELLANEOUS APPLICATIONS

WINS—Hearst Radio, Inc., New York, N. Y.—Modification of construction permit (B1-P-3026 as modified, which authorized increase in power to 50 KW, unlimited time, move of transmitter, installation of new transmitter and directional antenna) for a change in frequency from **1000 kc.** to **1010 kc.**, and make changes in directional antenna system.

W9XG—Purdue University, West Lafayette, Ind.—Modification of construction permit (B4-PVB-52 as modified, which authorized changes in equipment, frequencies, decrease in power and addition of aural channel using special emission), for extension of completion date from 9-24-43 to 9-24-44.

FEDERAL TRADE COMMISSION DOCKET

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Durakote Paint Corp.—A complaint has been issued charging Durakote Paint Corp., 1775 Broadway, New York, and its officers with misrepresenting the quality and price of paint they sell and the status and character of the business of the corporate respondent. The respondent officers are Philip H. Eisgrau, Cele Eisgrau, Nathan Pashman and Theodore Shapiro. (5018)

Holzbeierlein & Sons, Inc., 1849 Seventh St., N. W., Washington, D. C., manufacturing and distributing bakery bread under the name of "Bamby Bread," is charged in a complaint with violation of the Robinson-Patman Act. (5020)

West African Specialty Company and African Specialty Company, 309 E. 47th St., Chicago, selling and distributing powders, oils, books and other goods, are charged in a complaint with misrepresentation. (5019)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Belvedere Products, 29 West 57th St., New York, engaged in the sale of medicinal preparations designated "Polanka" and "Zielanka," stipulated that they will cease and desist from certain misrepresentations in connection with the sale of their products. They agree to cease representing that Polanka will aid the digestive system, regulate the stomach or provide relief for digestive disturbances generally, or that it has any therapeutic value other than that of temporarily relieving constipation. (3692)

M. Binkovitz & Sons, Inc., 458 Broadway, stipulated that it will cease and desist from use of the words "Sanotick," "Sanibed," or other words connoting "sanitary," as trade names for its products; from representing that its products are sanitary, antiseptic, germ repellant, bacteriostatic or mildew resistant, or that they prevent the growth of bacteria life; and from using the words "health tick" or "health" as descriptive of its products, and the word "health" in any manner implying that its products are of therapeutic value in the cure or prevention of disease or will assure health to the users. (3689)

H. Bogin & Son, Inc., 30 Steinway St., Long Island City, N. Y., trading as Grand Rapids Furniture Co. and as Western Furniture Showrooms, entered into a stipulation to cease and desist from using the words "Grand Rapids Furniture Company" as a trade name, and the name "Grand Rapids" in any manner the effect of which tends to convey the belief that any of its furniture not actually produced in Grand Rapids, Mich., is manufactured in that city. (3690)

Fair Store, a Cincinnati department store, stipulated that in advertising or selling so-called rebuilt Eureka vacuum cleaners it will cease and desist from using the phrase "Completely rebuilt at the factory" in connection with the word "Eureka" so as to imply that the cleaners in question have been rebuilt at the factory of the Eureka Vacuum Cleaner Company, of Detroit. (3691)

McCampbell & Co., Inc., 40 Worth St., stipulated that it will cease and desist from representing that its ticking fabrics are antiseptic, sanitary, germ repellant, or mildew resistant. (3688)

M & M Mail Order Company, 206 Madison Street, New York, selling and distributing second-hand or previously used clothing, has stipulated to discontinue advertising, labeling or selling any worn, second-hand or previously used article of clothing unless there be securely attached to the exposed surface of it a tag or label bearing a conspicuous statement that the article is second-hand or has been previously used or worn, and from the use of any fiber designation in connection with the advertising, labeling, selling or offering for sale of any merchandise unless such designation truthfully discloses each constituent fiber thereof in the order of predominance by weight, beginning with the largest single constituent. (3693)

Milton University, Inc., and William James Heaps, president of the corporation, 3700 North Charles St., Baltimore, engaged in the sale and distribution of publications for use in connection with a home study course of instruction and of so-called diplomas or documents purporting to represent the attainment of academic degrees, have stipulated to cease and desist from offering for sale, selling, conferring, distributing, delivering, or otherwise disposing of, any documents or writing purporting to represent any academic degree as, for example, Bachelor's Degree, Master's Degree, or Doctor's Degree, or any diploma or other document purporting to have been issued by a duly qualified institution of higher learning authorized to confer academic or scientific degrees; use of the word "University" as part of or in connection with the corporate or trade name under which they conduct their business, or of any other word or words of like meaning which may tend to convey the belief or impression that they maintain, operate or conduct a university. (3694)

Plough, Inc., 121 So. 2nd St., Memphis, Tenn., manufacturing various preparations, including a dry cleaning compound designated "Mufti," has stipulated that it will cease and desist from representing that the preparation "Removes Spots Instantly or Quickly," "remove spots from anything," "spots disappear almost instantly," "The Perfect Dry Cleaner," or any other statement or representation of similar meaning which would imply that use of the product will have the effect of removing spots or stains, regardless of kind, either instantly, quickly or effectively or completely, from fabrics generally. (3696)

Spratt's Patent (America) Limited, a British corporation, 17 Congress Street, Newark, N. J., engaged in selling various dry dog food preparations designated "Spratt's Fibo," "Spratt's Ovals," "Spratt's Spix," "Spratt's Fish and Meat Ovals," "Spratt's Meat-Fibrine Dog Biscuits," "Spratt's Dog Biscuits" and "Spratt's Assorted Dog Biscuits," has stipulated to cease and desist representing that "Spratt's Charcoal Ovals" will maintain a dog's breath in a sweet and clean condition, prevent canine ills or remove systemic impurities, and be of benefit to the intestinal tract; that Spratt's Biscuits will eliminate pyorrhea and disorders of the bowel and skin; that Spratt's Biscuit Foods will tone the dog's stomach, prevent dog odors and dental decay, or that Spratt's Dog Foods contain meat. (03123)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Amogen Co., 147 North St., San Antonio, Tex., has been ordered to cease and desist from disseminating advertisements which misrepresent the therapeutic properties of Amogen Tablets and which fail to reveal the harmful consequences that may result from long continued use of the tablets. (4836)

J. E. Todd, Inc., Kenmore, N. Y., engaged in the sale of Todd's Capsules, has been ordered to cease and desist from disseminating any advertisement which represents that the preparation has any therapeutic value in the treatment of arthritis, neuritis, rheumatism or similar diseases or conditions. (4549)

FTC COMPLAINT DISMISSED

The Federal Trade Commission has ordered the dismissal of a complaint issued by it against Judd A. Brown and Barry A. Brown, trading as Eureka Fibre Company, Eureka, Calif., and Charles H. Brown, of Neenah, Wis., associated with them in the manufacture and distribution of a loose-fill insulating material designated "Shredded Redwood Bark."

Charles H. Brown is now deceased, and it appearing to the Commission that there is failure of proof with respect to the other respondents, the Commission has ordered the complaint be dismissed.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 33, August 13, 1943

WHITE-WHEELER BILL REPRINTS

A number of requests for additional reprints of the White-Wheeler FCC Bill have been made of NAB headquarters and we have ordered another printing. If you wish additional copies of this bill please address Willard Egolf at NAB headquarters.

11TH DISTRICT RESOLUTION

Broadcasters of the 11th district, NAB, at their meeting August 4 in Minneapolis, presided over by Director Ed Hayek, passed the following resolution:

> **"Resolved that we view with alarm the jeopardy in which the American system of broadcasting is placed by the interpretation of the powers of the Federal Communications Commission as handed down by the Supreme Court, and we urge that Congress give immediate consideration to a new radio law, and that the United States Senate at once take the initial steps by passing the White-Wheeler bill."**

FCC LOOSENS UP ON SMALL STATION PERMITS

Power of some 100 watt stations would be increased to 250 watts and new 100 watt or 250 watt local stations would be authorized in certain localities under an FCC ruling of August 10. FCC believes it would be in the public interest to grant such applications when the use of idle equipment is involved.

The applicant for a new station must show that:

1. All required materials, except vacuum tubes, may be obtained without priority assistance.
2. Such applications involve no inconsistencies with the Commission's Rules and Regulations.
3. Such applications tend toward a fair, efficient and equitable distribution of radio service, are consistent with sound allocation principles, offer substantial improvement in standard broadcast service, and
4. Such applications are otherwise in the public interest.

If building construction is involved WPB clearance also is mandatory.

Thirty days are allowed for reinstatement of applications for new local stations or modification of existing local stations which previously were dismissed without prejudice.

NEW TRANSMITTER TUBES WILL BE SCARCER

Indications are now prevalent that new transmitting tubes, especially those used by the higher powered stations, will become increasingly difficult to obtain. This is expected to be true during the balance of 1943, and the coming year.

During almost 21 months of wartime operation the availability of transmitting tubes has been generally satisfactory.

This fact, however, should not lull the industry into a false sense of security. Broadcasters are urged to maintain a full inventory of tubes consistent with WPB regulations. Broadcasters can do much to improve their individual positions and the industry by minimizing new tube requirements and by making fullest possible use of tube repairing facilities.

Any lengthening of operational hours is to be avoided. Tube life is measured in hours of operation and any extension of the operating schedule will automatically deteriorate the tube situation.

WMC MANPOWER LIST MAY CRAMP BROADCASTING INDUSTRY

Within a few days the War Manpower Commission will issue its long awaited revision of manpower policy. Included in the new regulations will be a new list of critical occupations.

This list is expected to include only a few of the occupations previously listed in the series of occupational bulletins now in the hands of local draft boards. In all probability the broadcast industry, along with other industries, will suffer many deletions.

It is not expected that the new regulations will specifically rescind the occupational bulletins (No. 29 as applicable to broadcasting). However, the issuance of the new super-critical list will probably cause draft boards to give less consideration to the jobs listed in the occupational bulletins.

These new regulations together with the announced intention to draft fathers indicate that stations should intensify efforts to obtain and train replacements.

'BUSINESS AT WAR'

NAB, through cooperation of NBC, has on hand master recordings made of the broadcast "Business At War," which featured Donald Nelson, Elmer Davis, Judge Fred M. Vinson, Marvin Jones and Chester LaRoche in an appeal to advertising to support the war. Radio is lauded.

Pressings are available of the complete 45-minute program at a total cost of only $3.00, express collect.

A complete set includes one double-face record and one single-face record, 16", 33 1/3 r.p.m. The records may be used before civic clubs, private auditions in your studios, etc., but must not be broadcast. Order your set today from NAB headquarters!

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Arthur C. Stringer, *Director of Promotion.*

ANALYSIS—JUNE 1943 WAR EFFORT BROADCAST REPORT

Here is an analysis of programs and announcements, of local origination, tabulated from station War Effort Broadcast Reports for June, 1943.

A sharp rise in the number of topics broadcast by stations becomes quickly apparent by reference to the last published analysis on page 677 of NAB REPORTS, Dec. 4, 1942.

The figures herein are minimum, not maximum. From a long time inspection of reporting forms, it is apparent that many stations do not report all war effort broadcasts.

	Type & Length	*Number*
Get Ready for Winter	1-Min. ET	4,640
Fats and Greases	1-Min. ET	11,340
Nutrition	1-Min. ET	5,850
Fuel Oil Ration (33 States)	1-Min. ET	3,090
Student Nurses	1-Min. ET	10,240
Women Engineers Training	1-Min. ET	7,770
Legal Prices	1-Min. ET	5,630
Ration Book III	1-Min. ET	4,600
Merchant Marine	1-Min. ET	11,300
Stop Unnecessary Travel	1-Min. ET	12,500
Social Security Cards	18-Seconds	8,680
War Bonds	1-Min. ET	46,720
War Bonds	1-Min. ET	9,730
		142,090
Performance on above items but not itemized		38,760
		180,850
Uncle Sam Programs	15-Min. ET	15,850
This Is Our Enemy	30-Min. ET	1,620
Coordinator of Inter-American Affairs	15-Min. Live	430
Treasury Department:		
Song Parade	3-Min. ET	25,710
Star Parade	15-Min. ET	10,840
U. S. Army (Voice of the Army)	15-Min. ET	2,770
U. S. Army: Other than above	Live Spots	3,910
	5-Min. Live	60
	7-Min. Live	50
	10-Min. Live	10
	15-Min. Live	740
	30-Min. Live	210
	30-Min. ET	10
U. S. Army & Navy: (Includes Air)	Live Spots	330
	5-Min. Live	20
	10-Min. Live	10
	15-Min. Live	150
	25-Min. Live	10
	30-Min. Live	130
	15-Min. ET	120
U. S. Navy & Coast Guard:	Live Spots	4,500
	5-Min. Live	160
	7-Min. Live	20
	15-Min. Live	550
U. S. Marines:	Live Spots	1,870
	5-Min. Live	10
	10-Min. Live	10
	15-Min. Live	110
	25-Min. Live	10
	30-Min. Live	40
	15-Min. ET	40
U. S. Maritime Service:	Live Spots	4,580
	15-Min. Live	10
	30-Min. Live	10
Agriculture:	Live Spots	1,730
	2-Min. Live	70
	4-Min. Live	400
	10-Min. Live	220
	15-Min. Live	2,150
	30-Min. Live	60
	5-Min. ET	180
	15-Min. ET	350
Child Care:	Live Spots	190
Civic & Fraternal:	Live Spots	1,300
	5-Min. Live	10
	15-Min. Live	170
	30-Min. Live	60
Civilian Defense:	Live Spots	3,700
	5-Min. Live	330
	15-Min. Live	210
	25-Min. Live	30
	30-Min. Live	70
	ET Spots	360
	15-Min. ET	520
Disaster:	Live Spots	320
Education:	Live Spots	740
	15-Min. Live	60
Flag Celebration:	Live Spots	1,230
	5-Min. Live	10
	15-Min. Live	20
	30-Min. Live	10
Forest Service:	Live Spots	470
Health:	Live Spots	80
	15-Min. Live	50
Housing:	Live Spots	390
Insurance:	Live Spots	850
Morale:	Live Spots	11,510
	5-Min. Live	420
	10-Min. Live	10
	15-Min. Live	480
	25-Min. Live	40
	30-Min. Live	400
	50-Min. Live	120
	90-Min. Live	10
	15-Min. ET	810
	30-Min. ET	10
OPA:	Live Spots	15,540
	4-Min. Live	230
	5-Min. Live	40
	7-Min. Live	50
	10-Min. Live	10
	15-Min. Live	120
	65-Min. Live	280
Post-Office:	Live Spots	2,900
	3-Min. ET	50
Post-War Programs:	5-Min. Live	10
	7-Min. Live	10
	15-Min. Live	10
	15-Min. ET	70

	Type & Length	Number
Programs of Foreign Countries:	Live Spots	20
	2-Min. Live	720
	5-Min. Live	290
	7-Min. Live	20
	15-Min. Live	370
	25-Min. Live	10
	30-Min. Live	50
	5-Min. ET	110
	15-Min. ET	440
Quinine Pool:	ET Spots	120
Red Cross:	Live Spots	11,290
	5-Min. Live	60
	7-Min. Live	40
	10-Min. Live	40
	15-Min. Live	480
	20-Min. Live	40
	30-Min. Live	40
	15-Min. ET	20
Religion:	Live Spots	100
	7-Min. Live	10
	15-Min. Live	40
	30-Min. Live	40
Rubber Conservation:	Live Spots	500
Safety:	Live Spots	1,860
	5-Min. Live	40
	10-Min. Live	40
	15-Min. Live	90
	ET Spots	550
	15-Min. ET	30
Secret Service:	Live Spots	170
	15-Min. Live	90
	15-Min. ET	20
Social Security:	Live Spots	260
South American:	15-Min. Live	70
	15-Min. ET	250
Taxes:	Live Spots	4,630
	15-Min. Live	10
	15-Min. ET	10
Transportation:	Live Spots	1,920
United Nations:	Live Spots	20
	15-Min. Live	20
	25-Min. Live	10
	15-Min. ET	180
	5-Min. ET	40
USO & Service for Soldiers:	Live Spots	5,720
	5-Min. Live	80
	15-Min. Live	160
	25-Min. Live	20
	30-Min. Live	70
	ET Spots	20
War Bonds:	Live Spots	12,450
	5-Min. Live	90
	15-Min. Live	560
	25-Min. Live	10
	30-Min. Live	80
	60-Min. Live	10
War Dept.:	Live Spots	150
War Manpower—Civil Service —U. S. Employment—Dept. of Labor:	Live Spots	10,630
	4-Min. Live	40
	5-Min. Live	290
	7-Min. Live	10
	10-Min. Live	60
	15-Min. Live	600
	25-Min. Live	10
	30-Min. Live	10
	ET Spots	390
	15-Min. ET	10
WPB:	Live Spots	1,380
Women in Wartime:	15-Min. Live	230
	30-Min. Live	10

RESUME OF PROGRAMS AND SPOTS, JUNE, 1943

Type & Length	Number
Live Spots	116,970
2-Min. Live	790
4-Min. Live	670
5-Min. Live	1,920
7-Min. Live	210
10-Min. Live	410
15-Min. Live	7,980
20-Min. Live	40
25-Min. Live	150
30-Min. Live	1,290
50-Min. Live	120
60-Min. Live	10
65-Min. Live	280
90-Min. Live	10
18-Seconds	8,680
ET Spots	163,880
3-Min. ET	25,760
5-Min. ET	330
15-Min. ET	32,330
30-Min. ET	1,640

NAB Research Department August 12, 1943

'HASTEN THE DAY' IS TIMELY NEW OCD SHOW

The United States Office of Civilian Defense, beginning the week of August 15, is releasing to broadcast stations a new and totally different type of government wartime radio show. The new transcription series, "HASTEN THE DAY," will be a weekly fifteen-minute dramatic comedy of the "Aldrich Family" type.

Advance billing is that "it can hold its own with the best commercial shows." Stations wishing to carry the series may obtain the platters through OWI, Washington, or the radio section, Office of Civilian Defense, Washington, D. C.

"HASTEN THE DAY" is a series of episodes about the Tucker family, each show complete in itself, with a one-minute spot at the end of the show where local speakers may be scheduled if desired by the station and/or the local civilian defense organization. OWI has cleared the shows.

Leaning heavily on entertainment qualities to build a popular audience, "HASTEN THE DAY," is a sparkling, well-produced show with good music and an excellent professional cast. It is done without guns, tanks, planes and flag-waving speeches. The "message" is put across with expert showmanship and constant consideration of the importance of entertainment values.

FEDERAL COMMUNICATIONS COMMISSION

FCC RULE AMENDED

In view of the present shortage of electrical indicating instruments and the need for uninterrupted production of marine radio equipment for war uses, the FCC has amended Subsection 8.142 of its Rules, effective immediately, deleting the requirement for additional meters for a main transmitter completed by the manufacturer after January 1, 1944.

The amended Subsection 8.142 now reads:

"Subsection 8.142(d). A main transmitter shall be equipped with suitable indicating instruments of approved accuracy to measure (1) the current in the antenna circuit, (2) the potential of the heating current applied to the cathode or cathode heater of each electron tube or a potential directly proportional thereto, and (3) the anode current of the radio frequency oscillator or amplifier which supplies power to the antenna circuit, or in lieu thereof, the anode current of such oscillator or amplifier plus the anode current of any other radio or audio frequency oscillator(s) or amplifier(s) normally employed as part of the transmitter."

912 STATIONS

During the month of July, one construction permit was granted by the FCC. A comparative table of the number of stations by months, follows:

	1942					1943							
	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1
Operating ...	905	906	908	910	909	910	910	910	911	911	911	911	911
Construction ..	16	14	11	9	9	7	6	5	2	2	1	1	2
	921	920	919	919	918	917	916	915	913	913	912	912	913

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARING

The following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, August 16th. It is subject to change.

Monday, August 16

Further Hearing in Washington, D. C.

KRBA—Ben T. Wilson, R. A. Corbett and Thomas W. Baker, Co-partners d/b as Red Lands Broadcasting Association, Lufkin, Texas—Renewal of license, **1340 kc.**, 250 watts, unlimited.

KRBA—Ben T. Wilson, R. A. Corbett and Thomas W. Baker, Co-partners, d/b as Red Lands Broadcasting Association (Assignor)—Voluntary assignment of license, **1340 kc.**, 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WSLS—Roanoke Broadcasting Corp., Roanoke, Va.—Granted modification of license to change frequency from **1490 kc.** to **1240 kc.** (B2-ML-1164)

WABY—Adirondack Broadcasting Co., Inc., Albany. N. Y.—Granted construction permit to authorize the installation of a new 250 watts transmitter, subject to decision on pending application for renewal of license. (B1-P-3530)

Mutual Broadcasting System, Inc., Chicago, Ill.—Granted extension of authority to transmit programs to Station CKLW, Windsor, Ontario, Canada, to stations owned and operated by the Canadian Broadcasting Corp., and to stations licensed by the Canadian Minister of Transport. (B4-FP-112)

KWKW—Marshall S. Neal, Individually and as Trustee of all other stockholders (transferor), and L. W. Peters (transferee), Southern California Broadcasting Co., Pasadena, Calif.—Granted motion to dismiss without prejudice application for consent to transfer control of Southern California Broadcasting Co. (KWKW), Pasadena, Calif., from Marshall S. Neal, Individually and as Trustee of all other stockholders, to L. W. Peters. (Docket No. 6523)

LICENSE RENEWALS

Granted renewal of licenses of the following stations:

KPLT, Paris, Tex.; KGKL, San Angelo, Tex.; KBST, Big Spring, Tex.; KCMC, Texarkana, Tex.; KRBC, Abilene, Tex.

DOCKET CASE

The Commission has adopted Proposed Findings of Fact and Conclusions (B-183) denying the application of the Bremer Broadcasting Corporation, licensee of Station WAAT, Jersey City, N. J., for a construction permit to increase power from one to five kilowatts, install a new transmitter and effect changes in its directional antenna system for night use. WAAT is presently licensed to operate on **970 kc.**, 1 kilowatt, unlimited time, with a directional antenna at night.

At the same time, the Commission adopted Proposed Findings of Fact and Conclusions (B-184) denying the application of The Tribune Company, licensee of WFLA, Tampa, Florida, for a construction permit to increase its power from one to five kilowatts during nighttime operation and to make corresponding changes in its directional antenna. WFLA now operates on **970 kc.** with power of 5 kilowatts day and 1 kilowatt night, with directional antenna, unlimited time.

The Commission's action on both these applications followed its policy, announced in the Memorandum Opinion of April 27, 1942, with respect to the use of critical materials during the war period.

In another action, the Commission adopted a Decision and Order modifying a construction permit granted December 9, 1941, to the Miami Broadcasting Co., licensee of Station WQAM, Miami, Florida, so as to permit utilization of its present transmitter site and antenna, with 5 kilowatts power, subject to certain specified conditions. WQAM is now operating on **560 kc.**, 1 kilowatt day and night, unlimited time.

MISCELLANEOUS

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Granted petition for postponement of hearing to October 4 in re application for modification of license to increase power to 5 KW.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Granted authority to determine operating power by direct measurement of antenna power. (B1-Z-1536)

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted authority to determine operating power by direct measurement of antenna power. (B2-Z-1537)

WSYB—Philip Weiss, tr/as Philip Weiss Music Co., Rutland, Vt.—Granted authority to determine operating power by direct measurement of antenna power. (B1-Z-1535)

WOKO—WOKO, Inc., Albany, N. Y.—Adopted an Order granting petition for a continuance of the further hearing now set for August 10, on the application for renewal of license of Station WOKO; hearing continued until September 20, 1943. (Docket No. 6486)

The Commission adopted an Order modifying its Order of July 29, 1943 (which denied the application of Newark Broadcasting Corporation for a construction permit for a new broadcast station at Newark, N. J.), to include at the end of the last paragraph the words "without prejudice". (B-175; Docket No. 6190)

KWSC—State College of Washington, Pullman, Wash.—Adopted an order denying petitions to modify Commission freeze policy of September 22, 1942, and to strike issues 6 and 7 and to amend notice of hearing in re application for modification of license. (Docket 6499)

APPLICATIONS FILED AT FCC

620 Kilocycles

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine—Modification of construction permit (B1-P-2868) as modified, which authorized increase in power, installation of new equipment and directional antenna) for extension of completion date from 8-11-43 to 9-11-43.

1090 Kilocycles

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Special service authorization to install new transmitter and operate with power of 1 KW for the period ending 4-1-44. Amended to request authority to broadcast point to point messages.

MISCELLANEOUS APPLICATIONS

WRUS—NEW—World Wide Broadcasting Corp., Scituate (Boston), Mass.—License to cover construction permit (B1-PIB-46) which authorized construction of a new international broadcast station.

WRUA—NEW—World Wide Broadcasting Corp., Scituate (Boston), Mass.—License to cover construction permit (B1-PIB-27) which authorized construction of a new international broadcast station.

FEDERAL TRADE COMMISSION DOCKET

COMPLAINT

The Federal Trade Commission has alleged unfair competition against the following firm. The respondent will be given an opportunity to show cause why cease and desist orders should not be issued against it.

American Business Survey, Inc., 160 Fifth Ave., New York, and its president, Milton Strauss, are charged in a complaint with misrepresentation in connection with the sale of a so-called "magazine" having the title "American Business Survey" and purporting to be a "recording of the achievements of commerce and industry." (5021)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Ballard & Ballard Co., 912 E. Broadway, Louisville, Ky., selling a dog food designated "Ballard's Insurance Dog Food," has stipulated to cease representing that the product contains meat or that it will insure the health of dogs. (03124)

Bio-Mineral Products Company, 2708 Myrtle St., Detroit, selling and distributing a mineralized water called "Bio-Mineral," has stipulated that it will cease and desist from representing that use of the product would constitute an adequate or dependable remedy, treatment or relief for a number of ailments or conditions which include tuberculosis, cancer, heart disease, goiter, infantile paralysis, arthritis and sciatica; that the product contains a therapeutically scientific or effective amount of any mineral which is recommended by medical science as a preventative of or as a treatment for any of the ailments enumerated by it, or that the product is drugless and that its use will assure health. (3693)

Infilco, Incorporated, 325 W. 25th Place, Chicago, selling and distributing an apparatus for chemically treating ordinary city or well water, has stipulated that in the dissemination of any advertising of its product it will cease and desist from the use of the word "distilled" as descriptive of any water or fluid treated by the process, or from the use of any word or words that represent, directly or impliedly, that any water or fluid treated by said process is distilled. (03125)

CEASE AND DESIST ORDER

The Commission issued the following cease and desist order last week:

Electrovita Sales Company of Ohio, Norwalk, Ohio, selling and distributing an artificial mineral water designated "Elsaco Mineralized Water," has been ordered to cease and desist from misrepresentation of its product. The Commission finds the water is processed at the respondent's place of business at Norwalk, where it is subjected to a secret process involving an electrolytic treatment which the respondent claims in its various descriptive advertising alters the chemical or mineral composition of the water. (4858)

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REPORT ON LEGISLATIVE COMMITTEE MEETING

(Released by NAB News Bureau)

The broadcasting industry is strongly united in the demand for new legislation re-defining the powers and scope of the Federal Communications Commission, Neville Miller, NAB president, has announced.

Mr. Miller's statement followed a meeting of the NAB legislative committee held here August 17 over which he presided as chairman and during which reports from meetings in nearly half the 17 NAB districts, the first held since the Supreme Court FCC decision of May 10, were reviewed.

"Most of the meetings have resulted in the passage of resolutions and the appointment of district Legislative Committees. Recognition of the industry's peril is evident in these moves," Miller concluded.

Continued formulation of plans and policies occupied the Committee during its all-day session, including discussions of the White-Wheeler bill, scheduled for hearings in September, and the Holmes bill, recently refiled in the House of Representatives.

Committee members present were: Nathan Lord, WAVE, Louisville, Ky.; Clair McCollough, WGAL, Lancaster, Pa.; Joseph Ream, CBS, New York; William Barlow, appearing for James D. Shouse, WLW, Cincinnati, Ohio; Ed Yocum, Billings, Montana; G. Richard Shafto, WIS, Columbia, S. C.

Don S. Elias, WWNC, Asheville, N. C., Frank M. Russell, NBC, Washington, D. C., and James W. Woodruff, Jr., WRBL, Columbus, Ga., were unable to attend.

Willard D. Egolf, Assistant to the President of NAB, served as Secretary.

Labor

A. F. OF M. DEVELOPMENTS

The WLB panel hearing on the dispute between the A. F. of M. and the transcription companies is now set for September 6 in New York. The hearing was postponed from August 16 because of the illness of Joseph Padway, Mr. Petrillo's lawyer.

Other developments:

Henry Woodbridge, industry member of the tripartite panel, has found it will be impossible for him to serve. His successor will be named within a few days.

Olin Downes, music editor of the *New York Times*, has been running on his Sunday page a series of letters advocating legislation to give musicians a copyright right in recordings. This would give musicians a right to collect a fee for public performances. Among the writers was Sir Thomas Beecham, English conductor who has found the heavy dough in his trade in this country. Jack Gould reported in last Sunday's *Times*, however, that Mr. Petrillo felt the legislative road to his goal was too long and that Mr. P. felt direct action was better. In this connection Representative Joe Baldwin of New York, who runs with the international *élite* now headquartered in New York, says he will push for the enactment of copyright legislation for the musicians.

WMC TIGHTENS JOB TRANSFERS

At the same time that Selective Service issued its new list of 149 critical jobs (see Selective Service Bulletin No. 13, enclosed), the War Manpower Commission issued an order that all transfers of such jobs must be made through the United States Employment Service. A certificate of availability from the former employer is no longer sufficient. In other words, chief engineers and maintenance engineers no longer can be hired except through the USES. Local WMC boards were given until October 15 to incorporate this national rule (regulation No. 7) into their rules. If in doubt about hiring a technician, consult your local WMC or USES officials.

PLEASE NOTE

If any member has had a job classification and salary plan approved by the WLB, please advise the NAB Labor Relations Department.

WEBR CONDUCTS AGGRESSIVE ABSENTEEISM CAMPAIGN

For the past six weeks WEBR, Buffalo, has conducted an aggressive and successful campaign over the station to reduce absenteeism.

One thousand dollars in prizes for suggestions to reduce

(Continued on page 356)

Four Bulletins

With this issue of the "Reports" are four special bulletins as follows:

1. Third War Loan Bulletin
2. Broadcast Advertising Bulletin
3. Selective Service Supplement
4. Special Legislative Bulletin

If you do not get any one or all of these, please notify NAB headquarters at once and they will be sent you.

The NATIONAL NAB Reports ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Arthur C. Stringer, *Director of Promotion.*

WEBR CONDUCTS AGGRESSIVE ABSENTEEISM CAMPAIGN

(Continued from page 355)

absenteeism and accidents in Buffalo were offered according to Cy King, station director.

The promotion included daily programs with dramatizations, talks by labor leaders and safety officials and the use of material from the National Safety Council.

Some sixty-one representative Buffalo area firms participated in the series and "are very happy with it."

WEBR is now in the process of judging entries in the $1,000 contest for the awarding of prizes. Ceremonies concerned with the presentation of prizes will be broadcast in the near future.

WOMEN TECHNICIAN BROCHURE IS ON WAY

Women in increasing numbers are coming to the aid of broadcasters by performing control room and transmitter duties formerly handled by men now in service.

An illustrated sixteen-page brochure, featuring women technicians at work, in all sections of the country, was mailed to all stations today. In a note accompanying the brochure Arthur Stringer, secretary, NAB War Committee, said that the purpose of the brochure was to provide broadcasters with a tool to aid in securing the cooperation of all concerned in the training of women technicians. It will also encourage women now in training or who contemplate training, he pointed out. What so many others have done, they, too, can do.

The influence of NAB's launching and promotion of the federally financed course, "Fundamentals of Radio," is evidenced in the many captions in the brochure. Some of the girls holding FCC Licenses, they reveal, are graduates of this course. Many of the station engineers were instructors.

The brochure pictures 117 women technicians employed in 61 member stations.

It is the feeling at NAB headquarters that the number of women technicians twelve months hence will increase many fold.

WKBN ON THE BARRELHEAD

WKBN, Youngstown, uses the columns of the Youngstown Shopping News each week to publicize spots and programs of its advertisers. At the bottom of the sheet to which clippings are attached appears the following statement of policy and practice:

"Radio is advertising. We never forget that fact. WKBN believes in advertising and believes in full promotional cooperation with its network and spot advertisers. When you buy the CBS Station for the Youngstown, Ohio, Market Area you automatically receive this additional service regardless of whether you ask for it or not. And you receive it without any charge. The above publicity, promoting your scheduled program over WKBN, was placed by our publicity department and appeared in the. . . ."

ENOCH IS 12TH DISTRICT PUBLIC RELATIONS CHAIRMAN

Robert D. Enoch, general manager of station KTOK, Oklahoma City, has been appointed public relations chairman for the twelfth district by William B. Way, district director. Mr. Enoch is the ninth P.R. chairman appointed to date.

MR. FLY TALKS ON FREEDOM OF SPEECH AND THE ROLE OF RADIO INTERNATIONALLY

(The following excerpts are taken from an NBC broadcast of July 31, 1943, in a series with the general title "For This We Fight." The particular broadcast was "The World of Sight and Sound" and participants included FCC Chairman James Lawrence Fly, Walt Disney of Hollywood and Francis S. Harmon, of the War Activities Committee, Motion Picture Industry. Ben Grauer was discussion chairman. We are reprinting only the remarks concerning radio.)

INTRODUCTION

Mr. Fly: The war has given radio new stature! It has made clear its potentialities as a weapon of offense. And —what is infinitely more important for the post-war era— it has for the first time brought home to the American people the role which radio can and must play in international affairs.

The realization of the four freedoms, FOR WHICH WE FIGHT, depends, perhaps more than anything else, upon mutual understanding among the peoples of the world. For understanding, knowledge is the first prerequisite; the strange must become familiar; the way must be clear for the peoples of all nations to become thoroughly acquainted with the music, literature, games and living habits of their world-neighbors.

We in the Western Hemisphere, particularly, have already come to a closer understanding through our exchange of short-wave programs, which, rebroadcast by local stations on both continents, reach many thousands of radio listeners. Broadcasts from Central and South America have given many of us our first sustained draught from the deep well of Pan-American culture. Its singers, its dance orchestras, are becoming as familiar to us as our own artists, and ours are becoming known in all America. In the same manner, people of the United Nations have come to know more of each other's way of life.

Radio can broaden the horizons of international understanding in the post-war world. Radio waves know no national boundaries. Encircling the globe as they do in the fraction of a second, they link together instantaneously sender and listener in the most distant parts of the world. Furthermore, radio, like the movie "talkie" is a peculiarly democratic medium; it speaks to those who cannot even read. Technical innovations after the war will further improve the quality of radio transmission. A few years of peace, for example, will make possible the use over wide areas of frequency modulation broadcasting with its freedom from static. More important, to the aural will be added the visual in the post-war period. Wide exploitation of television,—at first in black and white and eventually in full color,—will make us eye-witnesses as well as auditors of events throughout the world. Televised programs will be filmed, say, in Hollywood, shipped abroad, and broadcast locally in Buenos Aires, Warsaw and Chungking.

The potentialities of television for fostering international understanding are tremendous. What the eye can see, the mind can absorb. Television and comparable media can materially help in removing the frictions and misunderstandings between peoples, which ignorance and suspicion based on half-knowledge have traditionally engendered. After the war television and radio broadcasting together can do much toward developing the sort of mutual understanding between neighbors that will keep the bombers on the ground.

The power of radio, of course, like the forces unleashed by the Industrial Revolution, can be as productive of harm as of good. Without intelligent direction, it can be a serious detriment rather than a rich asset. It is our responsibility to provide this intelligent direction. The nations of the world must begin now to plan for a sound, workable system of world radio. Through this one development alone, we will go a long way toward realizing our ideal of lasting peace based upon common understanding and mutual respect.

DISCUSSION

Mr. Grauer: We have one question here which is a compound of something that came from a number of our listeners. I will direct it at Mr. Fly.

"One of the expressed aims of international broadcasting is that nations shall speak peace to nations. How can we be sure some nations won't misuse international radio?"

Mr. Fly: Mr. Grauer, I don't think we can be sure. Where a transmitter is devoted to an evil cause, as of course it may be, it can only mean we have failed in our job. We must be better acquainted with our neighbors. There must be a common and sympathetic understanding between us and upon that we must rely to avoid any abuse of the great power of radio.

Mr. Grauer: Mr. Harmon, I see you are raising your hand. Do you want to say something on that?

Mr. Harmon: Mr. Grauer, we of motion pictures oppose compulsion as a method of control. We believe in self-discipline. Our voluntarily adopted production code has a paragraph in it, for example, which provides that the history, institutions, prominent people and citizenry of other nations shall be represented fairly. This is a standard to which Hollywood is adhering with increasing fidelity.

Mr. Grauer: Well, you speak of a standard. Is that standard violated when pictures present the United States, let's say, in an unfavorable light and are exported that way?

Mr. Harmon: No. The first criterion of a plot is honesty. To present this country always in terms of sweetness and light is as unfair as to show only the seamy side of our life. If all films sent abroad adopted this, it would quickly undermine confidence in our intellectual and artistic integrity. Americans are not perfect, Mr. Grauer, and a portrayal of various aspects of our national life produces a wholesome result in the long run. For example, Jessie James and Abraham Lincoln are both parts of the American scene. The same film distributor sent the two films, "Jessie James" and "Young Mr. Lincoln" to Latin America the very same month. Incidentally, I might say "Jessie James" paid the traveling expenses of "Young Mr. Lincoln" throughout that continent.

Mr. Grauer: Mr. Fly, here is a radio question: "In post-war discussion, the thought of an international bill of rights comes up. Wouldn't the right to listen in to foreign broadcasts be an essential part of such a bill?"

Mr. Fly: I think, Mr. Grauer, that the freedom to listen is one of the things for which we fight. Freedom to listen must be universal if freedom in general is to prevail. Free speech is futile where people may not listen freely. Now that we finally have in radio a great practical mechanism of free speech, I think it must be obvious that the interest of the millions of listeners is of much greater significance than the right of the single speaker at the transmitter. We must assume that all of us will remain completely free to listen.

Mr. Grauer: While we are talking about radio, Mr. Fly, one of the essential things, of course, in listening is to have a set, and there are many nations which do not have as high a per capita listener average as others. Isn't one of the problems of this post-war world, in which international radio will be more widely used, to get radios to the vast number of people who just can't afford to buy them?

Mr. Fly: Yes, that is one of our very serious problems. I am not sure that I know the answer. At least I know a part of the answer, however. We expect to have more efficient and economical machines after the war. We must rely heavily upon our modern mechanism for mass production and distribution, and the governments themselves may need to take an interest in this very serious problem.

Mr. Grauer: Mr. Fly, I have a question for you. "Since the line between education and propaganda is extremely thin sometimes, do you think it might be necessary to set up an international board to control broadcasts? Do you envision something remotely like that being necessary?"

Mr. Fly: No, I hardly think so. It seems to me that in the main, we must rely heavily upon the basic principles of free speech, and, as I indicated a while ago, the freedom to listen. I do think that whoever has the continuing control of the transmitters has an awfully significant job. It is a continuing affair. There are many delicate problems and they must be watched from moment to moment. But I should think it very unfortunate if there were anything resembling a scheme of censorship set up to control the international broadcasting in time of peace.

Mr. Grauer: Let honesty govern the art, as Mr. Harmon indicated a little earlier.

Mr. Fly: I think so.

Mr. Grauer: That brings up a question. They will be hand-maidens, won't they, Mr. Harmon, television and motion pictures, in this expanding world we envision?

Mr. Harmon: Yes, I think so.

Mr. Grauer: The product of Hollywood will be transferred to telefilm which will be televised?

Mr. Harmon: Right. May I supplement what Mr. Fly said a moment ago? I am reminded of the comment the President made in his letter to Toscanini on the latter's birthday: Art can flourish only where men are free. And because these two great media have enjoyed freedom, we must accept the responsibilities that go with that freedom.

QUESTIONS & ANSWERS ON THE NEW CHANGES IN SELECTIVE SERVICE

(See also the Special Selective Service Supplement enclosed with this issue of the "Reports.")

Q. What are the main purposes of the War Manpower Commission's recently announced plan for the utilization of manpower?

A. It is a plan to hold essential workers on war-useful jobs if that is where they are employed now, to assure the transfer of workers to jobs aiding in the war effort and to supply men needed for the armed forces without cutting war production.

Q. What are the main features of the program?

A. There are four principal steps: (1) Establishment of a list of critical occupations, covering skills urgently needed in the war effort. (2) Instruction to Selective Service Boards to give greater consideration than ever before to occupational deferment. (3) Establishment of new standards for permitting the transfer of civilian workers from job to job. (4) Extension of the list of non-deferrable activities and occupations providing that all men of military age must transfer from such jobs or be placed first in the list for induction by local boards.

Q. How will the new list of Critical Occupations and the additions to the List of Nondeferrable Activities and Occupations affect the drafting of fathers?

A. Fathers who are in nondeferrable activities or occupations, regardless of their order numbers, will be the first called for military service. Fathers who transfer to essential occupations and thus release single men who are otherwise eligible for military service also help to decrease the need for drafting fathers.

Q. After October 1, will the occupation of a registrant otherwise qualified for military service be the main factor in determining whether he will be inducted or deferred if his order number is called?

A. Generally speaking, yes. In the cases of men with dependents, the question of hardship to dependents must always be given grave consideration. But as a general proposition, when a registrant is being considered for 1-A classification after October 1, the main question will be whether he can serve his country better in the armed forces or in war production and support of the war effort.

Q. Does the new List of Critical Occupations replace the List of Essential Activities and Occupations which has previously guided Selective Service local boards in considering occupational deferments?

A. No. It simply tells local boards that among the occupations on the previously issued list, the 149 named on the List of Critical Occupations are those most urgently needed in war industry and supporting civilian activities and that they also require lengthy training and considerable experience. For these reasons, local boards are instructed to give particular and grave consideration to the deferment of registrants having these critically needed skills provided they are engaged in war production or in support of the war effort. However, any registrant qualified for an occupation on the critical list who is not engaged in an essential activity by October 1, 1943, will not be considered for occupational deferment.

Q. What are the chances for occupational deferment of registrants whose jobs are included on the List of Essential Activities and Occupations but not on the List of Critical Occupations?

A. The basis for all occupational deferment is that the registrant must be a "necessary man" in war production or in support of the war effort. The decision in each individual case, subject to the right of appeal, is made by the registrant's local board. The list of "Critical Occupations," "Essential Activities and Occupations," and "Nondeferrable Activities and Occupations" are issued by the War Manpower Commission to guide the local boards in making these decisions. Local boards also are instructed to obtain all available information from national, state, and local levels to assist them in determining whether a registrant is a "necessary man," and particularly to use the facilities of the United States Employment Service for information as to whether there is a national or local shortage of persons with his qualifications.

Q. What is the status of registrants whose activities and occupations are not included on the "List of Essential Activities and Occupations" or on the "List of Nondeferrable Activities and Occupations"?

A. The inclusion of a registrant's employment on the "List of Essential Activities and Occupations" or its omission from that list and the "List of Nondeferrable Activities and Occupations" does not conclusively determine his occupational status. The question to be determined by his local board, in consultation with the United States Employment Service and other national, state and local agencies, is whether or not the registrant is needed in his current occupation in support of the war effort. If the board so finds, when the registrant is called by his order number for possible induction into the armed forces, the board can defer him.

Q. How long is a "necessary man" continued in occupational deferment?

A. Until he can be replaced by someone not qualified for military service. In the cases of men deferred in war production or activities supporting the war effort deferment cannot be granted for a period longer than 6 months at one time, and the deferment can be revoked at any time a registrant's local board finds that a registrant has left the job in which he was deferred or is no longer needed in it. On the other hand, the board can continue the deferment, by not more than 6-month periods, so long as in its judgment the registrant is needed in the war effort and is irreplaceable. Registrants deferred in agriculture, however, come under the Tydings' Amendment and are deferred for indefinite periods as long as they are found necessary to and regularly engaged in an essential agricultural occupation or endeavor.

Q. What special restrictions apply with respect to workers in occupations in the new "List of Critical Occupations"?

A. When employment stabilization programs are amended to conform with Regulation No. 7, workers last employed in critical occupations may be hired only in jobs to which they are referred by the Employment Service. Likewise, no employer may hire a worker for a job in one of these occupations unless the worker has been referred by the local USES or such office has approved the employment.

LISTENER RESPONSIBILITY IN RADIO CITED BY CALIFORNIA WOMAN RADIO CHAIRMAN

Mrs. Leo Viano, State Radio Chairman for Northern California, recently made the following annual report (in part):

"This Department asks that listeners shoulder more responsibility in judging radio programs and making it a habit to send to the stations both commendation and criticism of all types of broadcasts. Only in this manner, may American radio stay as it is—the democratic organ of a free thinking people. We have been tardy in recognizing that we, the listeners, have a part to play in radio as much as have the members of the industry. During the coming year "Listener Activity" will become organized in many more communities through Radio Councils in many of the larger sections of the country. These groups are composed of representatives of many civic organizations such as the Federated clubs, PTA, Daughters of the American Revolution, American Legion and others, together with educational leaders, librarians and members of the radio industry. Among the committees of the average Radio Council is the Evaluation Committee which studies the radio offerings of the local area.

"Radio institutes are being held during the summer at many of the universities, giving instruction in the technical and public service angles to radio production. Radio conferences have been held every year bringing together representatives of civic and educational organizations to meet with radio representatives in discussion of the problems and interests of the medium. The public service activity of radio has been brought to the front through these conferences, giving the listener the realization of the fact that radio is much more than purely entertainment and that the future will find it a new force in educational dissemination.

"Presenting a series of sustaining programs over a long period of time, the Federation found its time cut the past two years in nearly every section, but continued to cooperate with the stations wherever they wished our programs.

"The goal of all who work with radio groups is to develop better informed radio listeners since it is a cooperative affair of broadcaster and public."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

No broadcast hearings have been set before the Commission for the week beginning Monday, August 23.

BLUE NETWORK HEARING

In view of the national importance and general public interest in the proposed sale of the Blue Network, Inc., licensee of three radio stations and operator of a major network, the FCC designated for public hearing on September 10 next, the application for consent to transfer control of the Blue Network Company, Inc., from Radio Corporation of America to the American Broadcasting System, Inc.

Under Section 310(b) of the Communications Act, the Commission must act upon the transfer of control of the three stations —WJZ (New York City), WENR (Chicago), and KGO (San Francisco)—which are licensed by the Blue Network, Inc. Also involved in the transfer and subject to Commission approval are 48 relay stations licensed to the Blue and authority to transmit programs to Canada.

The procedure of public hearing on this application, it was noted, will provide opportunity for presentation of all material evidence and enable the Commission to obtain full information regarding the proposed transfer. The full Commission will preside at the September hearing.

DESIGNATED FOR HEARING

The Commission designated for hearing the application for renewal of license of Georgia School of Technology (Station WGST), Atlanta, Georgia (B3-R-441). (Chairman Fly and Commissioner Craven voted "No".)

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WAPO—W. A. Patterson (Assignor), Joda Patterson, Executrix of the Estate of W. A. Patterson, Deceased (Assignee), Chattanooga, Tenn.—Granted consent to involuntary assignment of license of Station WAPO and relay station WAEA, from W. A. Patterson to Joda Patterson, Executrix of the Estate of W. A. Patterson, Deceased. (B3-AL-374; B3-ALRY-17)

WAPO—Joda Patterson, Executrix of the Estate of W. A. Patterson, Deceased (Assignor), Joda Patterson, Ramon G. Patterson and Louise Patterson Pursley, d/b as WAPO Broadcasting Service, Chattanooga, Tenn.—Granted consent to voluntary assignment of licenses of Station WAPO and relay station WAWA, from Joda Patterson, Executrix of the Estate of W. A. Patterson, Deceased, to Joda Patterson, Ramon G. Patterson and Louise Patterson Pursley, doing business as WAPO Broadcasting Service, a newly formed partnership. No monetary consideration is involved. (B3-AL-375; B3-ALRY-18)

Churchill Tabernacle, Buffalo, N. Y.—Granted petition for intervention in re applications for renewal licenses of Buffalo Broadcasting Corp., Stations WKBW and WGR, Buffalo, N. Y., for the purpose of filing exceptions to the Proposed Findings of the Commission, making an appearance at the oral argument if any is held, and the submission of a brief. (Dockets Nos. 6324 and 6325)

In the Matter of Regulations governing the initial contract period and guarantee of revenue applicable to the rendition of teletypewriter exchange service within certain exchange areas of the West Coast Telephone Company and West Coast Telephone Co. of California—Granted petition to continue until September 22, 1943, the oral argument now scheduled for September 8, 1943, in Docket No. 5897.

LICENSE RENEWAL

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Granted renewal of license for main and auxiliary transmitters of Station WHOM. (B1-R-170)

DOCKET ACTION

The Commission has announced its Proposed Findings of Fact and Conclusions (B-185) denying without prejudice the application of R. O. Hardin and J. C. Buchanan, doing business as Nashville Broadcasting Company, for a permit to construct a new local broadcasting station at Nashville, Tennessee, to operate on the frequency **1240 kc.** with power of 250 watts, unlimited time.

This action is in conformity with the policy announced by the Commission in its Memorandum Opinion of April 27, 1942, with respect to the use of critical materials during the war period.

MISCELLANEOUS

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Granted license to cover construction permit, as modified, which authorized move of transmitter, new transmitter, change in frequency, changes in directional antenna for night use, and increase in power; also for approval of new type transmitter. (B3-L-1764) Granted authority to determine operating power by direct measurement of antenna power. (B3-Z-1519)

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine—Granted modification of construction permit, as modified, which authorized increase in power, installation of new equipment and directional antenna for day and night use, for extension of completion date from August 11 to September 11, 1943. (B1-MP-1721)

W6XYZ—Television Productions, Inc., Los Angeles, Calif.—Granted license to cover construction permit, as modified, which authorized new experimental television broadcast station. (B5-LVB-43)

KOAM—The Pittsburg Broadcasting Co., Inc., Pittsburg, Kans.—Denied request for special service authorization to operate unlimited time, power of 500 watts night, 1 KW day, for the period ending February 1, 1944. (Station operates on **810 kc.**, 1 KW, daytime.) (B4-SSA-76)

APPLICATIONS FILED AT FCC

560 Kilocycles

WQAM—Miami Broadcasting Company, Miami, Fla.—Modification of license to change hours of operation of auxiliary transmitter from for auxiliary purposes only *to* for auxiliary purposes and to operate from 12 midnight to 6 a. m., EST, during alternate weeks when operating as a key station for the local filter center.

970 Kilocycles

WCSH—Congress Square Hotel Co., Portland, Maine—Transfer of control of licensee corporation from Henry P. Rines, Deceased, by Adeline B. Rines, Executrix of the Last Will and Testament of Henry P. Rines, to Adeline B. Rines, William H. Rines, and Mary R. Thompson, Trustees.

KOIN—KOIN, Inc., Portland, Ore.—Special service authorization to make changes in transmitting equipment and operate with 10 KW power using directional antenna at night.

1450 Kilocycles

WFNC—W. C. Ewing & T. K. Weyher, doing business as Cumberland Broadcasting Co., Fayetteville, N. C.—Voluntary assignment of license to Cape Fear Broadcasting Company.

WGOV—E. D. Rivers, Valdosta, Ga.—Authority to determine operating power by direct measurement of antenna power.

MISCELLANEOUS APPLICATIONS

NEW—Blue Network Company, Inc., New York, N. Y.—Transfer of control of licensee corporation from Radio Corporation of America to AMERICAN BROADCASTING SYSTEM, INC. (1000 shares of stock) (WJZ, WENR, KGO, 48 relay stations and B1-FP-109).

NEW—National Broadcasting Co., Inc., New York, N. Y.—Extension of authority to transmit recorded programs to all broadcast stations under the control of the Canadian authorities that may be heard consistently in the United States for the period beginning 9-15-43.

NEW—National Broadcasting Co., Inc., New York, N. Y.—Extension of authority to transmit programs to Stations CFCF and CBL and other stations under the control of the Canadian Broadcasting Corp. for the period beginning 9-15-43.

W6XLA—Television Productions, Inc., Portable-Mobile (area of Los Angeles, Calif.)—Modification of construction permit (B5-PVB-87 as modified, which authorized construction of a new television relay broadcast station) for extension of completion date only from 9-1-43 to 11-1-43.

FEDERAL TRADE COMMISSION DOCKET

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Acme and Acme Mail Order House, 120 East Broadway, New York, selling and distributing used, worn or second-hand clothing, is charged in a complaint with misrepresentation. (5023)

Bennettsville Mattress Factory, Bennettsville, S. C., manufacturing mattresses and other bedding, is charged in a complaint with misrepresentation. (5024)

Frank Corwin Co., Frank Cohen, David Demerer, and Hanover Wool Stock Co., are charged in a complaint with violation of the provisions of the Wool Products Labeling Act of 1939 and the Federal Trade Commission Act. (5025)

Cravat-Silks, Inc., 180 Madison Ave., New York, operating mills in Paterson, N. J., and manufacturing and distributing rayon and wool fabrics sold to manufacturers of men's ties, is charged in a complaint with violating the provisions of the Wool Products Labeling Act of 1939 and the Federal Trade Commission Act. (5022)

Rock Crusher Manufacturers Assn. et al.—A combination and conspiracy to suppress competition and create a monopolistic control over prices in the interstate sale of rock crushing and other heavy construction machinery is alleged in a complaint issued against the Rock Crusher Manufacturers Association, Cedar Rapids, Iowa, the Associated Equipment Distributors, National Press Building, Washington, D. C., and the members of the two associations. The secretaries of the associations, Arthur W. Daniels of the manufacturers and C. F. Winchester of the distributors, also are named respondents, as are the officers, directors and governors of Associated Equipment Distributors. (5026)

CEASE AND DESIST ORDERS

The Commission issued no cease and desist orders last week.

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Foxstand Foods, Inc., 81 Arlington St., Boston, selling a dry dog food preparation designated "Sassified Dried Meat for Dogs," has stipulated to cease representing that "Sas," previously offered and sold as "Sassified Dried Meat for Dogs," contains any meat or beef; that the animal protein ingredient of "Sas" is produced in a plant licensed by the State of Massachusetts or that it is subject to inspection by duly appointed State health inspectors unless such is a fact; or that the animal protein ingredient in the product, in its original form, is fit for human consumption. (03126)

Kennel Food Supply Co., Fairfield, Conn., selling dog food designated "Cero-Meato," "C. F. Meat Biscuits," "Cod Liver Oil Biscuits," "Terrier Food" and "Puppy Biscuits," and the Park City Advertising Agency, Inc., Bridgeport, Conn., an advertising agency which disseminated advertisements for the products on behalf of The Kennel Food Supply Co., have stipulated that in connection with the dissemination of advertising for "Cod Liver Oil Biscuits," "Terrier Food" and "Puppy Biscuits" they will cease and desist from using the terms "meat," "meat scrap," "dry meat" or any other terms of similar import or meaning to describe any ingredient which is not meat in fact, and that in connection with the advertising of "C. F. Meat Biscuits" they will cease using the terms "meat," "dry meat" or other terms of similar import to describe a product which is not meat in fact. They also agree to discontinue representing, by use of the word "Meat" in the brand or trade name of a product, that it contains meat, and to desist from use of the brand name "Cero-Meato" or any other brand name or designation in dissemination of advertising for the products unless composition of the products is truthfully described. (03127)

C. R. Wade Medicine Co., P. O. Box 555, Hot Springs, Ark., selling and distributing a medicinal preparation designated "Wade's Wonder Worker," has stipulated to cease representing that the preparation will remove corns or callouses instantly or afford immediate relief from such conditions; that it contains ingredients not found in other preparations; that it is an effective treatment for bunions, chilblains, ingrowing nails, warts, rusty nail wounds, poison oak, or all skin diseases and ailments; that it is an adequate treatment for all deep-seated cases of athlete's foot or ringworm; that it is an effective treatment for bites or stings of poisonous insects, or that it can be depended upon to relieve all types of toothache. (3698)

Wonder Peanut Co., 2000 N. Central Ave., Knoxville, Tenn., selling and distributing candy and peanuts, has stipulated to cease and desist from selling and distributing any merchandise so packed and assembled that sales to the public are to be made or, due to the manner in which such merchandise is packed and assembled at the time it is sold by him, may be made by means of a game of chance, gift or lottery scheme; supplying or placing in the hands of others push cards or other devices which are to be used in the sale and distribution of the merchandise to the public by means of a game of chance, or selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme. (3697)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 35, August 27, 1943

OWI NAMES RADIO ADVISORY COMMITTEE

The Office of War Information has announced the formation of an advisory Radio News and Policy Committee.

Elmer Davis, Director of War Information, and Palmer Hoyt, Director of Domestic Operations, have invited nine outstanding officials in the radio industry to serve as an Advisory Committee to consult with OWI from time to time upon war information problems as they relate to radio.

A similar Advisory Committee composed of newspaper editors and publishers was appointed several weeks ago and has already had an initial meeting with Mr. Davis and Mr. Hoyt. The new Radio News and Policy Committee will be invited to meet with OWI as soon as a satisfactory date can be arranged.

The radio officials who have consented to serve on the Advisory Committee are:

Lewis Allen Weiss, Vice President & General Manager of the Don Lee Broadcasting System.

Miller McClintock, President of Mutual Broadcasting System, Inc.

William S. Paley, President of Columbia Broadcasting System, Inc.

Mark Woods, President, The Blue Network.

Leo Fitzpatrick, Vice President & General Manager of the Goodwill Station at Detroit.

Herbert L. Pettey, Director of WHN, NYC.

Martin B. Campbell, Managing Director, WFAA, Dallas Studios, and WBAP, Fort Worth Studio.

Neville Miller, President, National Association of Broadcasters.

Niles Trammell, President, National Broadcasting Company, Inc.

4TH DISTRICT MEETING SEPT. 3-4 AT ASHEVILLE

District Director G. Richard Shafto of the 4th district, NAB, will preside at a meeting of the district September 3-4 at Grove Park Inn, Asheville, N. C.

Neville Miller and Lewis H. Avery will represent NAB. Legislative, A. F. M. and manpower problems are expected to be discussed.

2ND DISTRICT NAB RESOLVES FOR RADIO LEGISLATION; AGAINST HITCH-HIKE SPOTS

The 2nd district, NAB, met at the Hotel Syracuse, Syracuse, N. Y., August 24, with Kolin Hager, district director, presiding. Neville Miller represented NAB.

The meeting passed unanimously the following two resolutions:

Radio Legislation

"RESOLVED that the Broadcasters of New York and New Jersey in meeting assembled at Second District of NAB at Hotel Syracuse, Syracuse, New York, on Tuesday, August 24, 1943, call the attention of the Congress of the United States to the fact that present radio law was enacted in 1927 and although amended in 1934 in substance remains as originally enacted, that radio has made great progress since that date and a greater significance in American life, that it is now time for the Congress to reappraise the radio law in the light of this progress made since the enactment of the present law especially in view of the May Tenth decision of the Supreme Court giving greatly enlarged power to the Federal Communications Commission and that early dates be set for the hearings upon the bills now pending before both Houses of Congress."

Hitch-hikers

"WHEREAS the so-called hitch hike and cow catcher announcements presently used on network programs and on national spot announcements tend to lower the standards of broadcasting, and

"WHEREAS such announcements are considered to be a violation of the responsibility placed upon radio station licensees to operate in the public interest and convenience and necessity, and

"WHEREAS the use of such announcements was permitted without the consent of affiliates save those spots sold on a national spot basis.

"NOW THEREFORE BE IT RESOLVED that Kolin Hager, Chairman of the NAB Second District of New York and New Jersey, is instructed to convey to the proper officials of NAB for action at the next regularly called meeting of NAB a request that immediate steps be taken to eliminate from network programs hitch hike, cow catcher or other similar announcements and form all announcements on a national spot basis as soon as may be practicable."

Congressman Clarence Hancock of Syracuse was a guest speaker. He lauded radio and the American System of Broadcasting.

Notice

An extra copy of Broadcast Advertising Bulletin No. 4 is being sent you with this week's "REPORTS" so your commercial staff may be more adequately covered. If you need more copies, please notify Lew Avery at headquarters.

Special Legislative Bulletin No. 14, dealing with further digest of the Cox Select Committee hearings in New York also is enclosed along with some special material.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Arthur C. Stringer, *Director of Promotion.*

EGOLF REQUESTS BALANCE OF DISTRICT PUBLIC RELATIONS CHAIRMEN APPOINTMENTS

Seven NAB district directors have not yet appointed public relations chairmen for their districts and Willard Egolf, NAB assistant to the president, asks that these appointments be made in time to present a full slate of p.r. chairmen to the September 15 meeting of the NAB p.r. committee.

Three district public relations chairmen visited Mr. Egolf at NAB Washington headquarters recently, including Clarence Leich, district 8, WGBF-WEOA; Irvin G. Abeloff, district 4, WRVA, and Karl O. Wyler, district 13, KTSM.

The seven other chairmen already appointed are: Edward Hill (1), WTAG; Michael R. Hanna (2), WHCU; Vernon H. Pribble (7), WTAM; Merle Jones (10), KMOX; Robert D. Enoch (12), KTOK; Harry Buckendahl (17), KALE, and John Elwood (15), KPO.

Broadcast Advertising

WHAT OTHERS SAY TO HELP YOU SELL

The Department of Broadcast Advertising tries to review as many advertising and business papers as possible in search of articles by leading authorities that will help you to sell more time on the air. Recently several articles, bearing principally on the use of broadcast advertising by department stores, have been read, checked and reprinted.

The appearance of such articles with increasing frequency in publications directed to retailers is proof of the timeliness of the Retail Promotion Plan—proof, too, that this project should have industry-wide support.

With this issue of the NAB REPORTS are enclosed three reprints—two of which bear directly on the use of broadcast advertising by department stores. Put these stories to work for you with your local prospects—and write for more copies if you can use some—they are available.

WHY ADVERTISE NOW?

No other question is being asked more frequently of advertising solicitors today than that new bugaboo: "Why advertise now?" Although the director cited a number of reasons why present-day advertisers should continue their campaigns without interruption or reduction, at the District meetings last fall, an unusually pertinent summary appeared in the August 13, 1943, issue of *Printers' Ink.* The article is entitled: "Why Merchandise-short Retailers Must Continue Advertising" and was written originally for the Gruen Watch house organ. It makes a common-sense case for the continuation of advertising with sound emphasis on the post-war market.

STORE LAUNCHES RADIO PROGRAM

The July 26, 1943 issue of *Broadcasting* carried a convincing story on the "Hour of Melody" over KSFO, San Francisco, for Hale Bros. It is further proof of the importance of continuity and long-range planning in the sale of broadcast advertising to department stores.

OTHER DEPT. STORE STORIES

The May, 1943, issue of *Dry Goods Journal* featured a story you should show every retail prospect. Entitled "Wartime Use of Radio Advertising," it recounts success stories that should build conviction with you and your prospects that department stores and retailers can make increased use of broadcast advertising, both profitably and promptly.

Be sure these stories reach your sales staff. Or, if you want to keep these copies for yourself, write a brief note and you will receive extra copies.

THIRD WAR LOAN

If you didn't read "Broadcast Advertising Bulletin No. 4," enclosed with the last issue of the NAB REPORTS, why not read the enclosed copy right now? The nationwide campaign to promote the Third War Loan offers you an opportunity to write the biggest volume of business in the history of your station and, most important of all, to render a public service in your community that will be unmatched by any other medium. Read all about it in the enclosed bulletin.

SALARY FREEZE RELIEF IS GRANTED RADIO

Some relief for radio from the salary freeze was granted by the War Labor Board this week when new rules for employers of 30 or less were issued.

Employers of 30 or less may now grant, without WLB approval, individual merit increases which individually do not amount to more than 10 cents an hour in any one year, and which, in total, do not amount to an average of more than 5 cents an hour in any one year starting July 1.

Employers of 8 or less are exempt from the salary freeze altogether.

The "30 or less" rules may be applied to various "establishments" within a company. For instance, it would appear that transmitters may be separated from studios for the purpose of determining the number of employees.

Additional increases, beyond the 10 cents an hour, may be granted without WLB approval if included in a plan approved by the WLB or meeting WLB requirements.

(See pages 260 and 282 in NAB REPORTS.)

FULL USE OF VENEREAL DISEASE TERMS ON AIR URGED BY WOMEN'S GROUP

The following resolution, which is self-explanatory, was forwarded to NAB by Elliott Ness, director, social protection division, Federal Security Agency. Inasmuch as NAB has cooperated with this agency in the current nationwide venereal disease campaign, we are printing this resolution as part of that cooperation:

RESOLUTION OF THE NATIONAL WOMEN'S ADVISORY COMMITTEE ON SOCIAL PROTECTION

WHEREAS, venereal disease is causing millions of man-hours of service to be lost to the armed forces and to war industry, and is also endangering the health and welfare of the civilian population, and

WHEREAS, prostitution is the greatest contributing factor in the spread of venereal disease, and

WHEREAS, a nation-wide program to repress prostitution, control the spread of venereal disease and provide medical and social rehabilitation is an imperative war measure and an indispensable part of a sound welfare program,

BE IT RESOLVED THAT we, the National Women's Advisory Committee on Social Protection on this 9th day of June, 1943, do:

1. Declare our support of the Social Protection Program carried on by the War and Navy Departments, the Social Protection Division of the Office of Community War Services, and the U. S. Public Health Service, in cooperation with the American Social Hygiene Association and state and local officials.
2. Recommend to our several National women's organizations that they officially endorse this Social Protection Program, and further recommend that they undertake such activities as lie within the powers of each, and that they urge similar action by their local groups.
3. Recommend that the work of the National Women's Advisory Committee on Social Protection be continued, and that a more detailed and broadened plan of work to implement this resolution be presented to the several women's organizations, and

BE IT FURTHER RESOLVED THAT

1. In order to safeguard the health and welfare of the Nation, we urge the Press, Radio, Motion Pictures, and other information channels, to permit a full presentation of Social Protection information, including frank use of the words, "Prostitution", "Syphilis", "Gonorrhea", and "Venereal Disease". We further urge that informed persons—in addition to medical authorities, be permitted to present this program.
2. That copies of this resolution be given to the managements of the Press, Radio, Motion Pictures, and other channels of information.

SIGNED: (Mrs. H. B. Ritchie), (Chairman); (Dr. Helen Gladys Kain), (Elizabeth Cecil Scott), (Caroline F. Ware), RESOLUTION COMMITTEE.

NOTICE ON GENE NOBLES

Station KVAK, Atchison, Kans., would like to hear at once from any station manager or other broadcaster who has seen or know the whereabouts of the following described man:

GENE NOBLES, native of Texas, five feet three inches; black, curly hair parted on the right side; slightly crippled from rheumatism; left hand bent and crippled and he limps decidedly; 4-F draft status.

WILLIAM TERRELL OF FCC RETIRES ON AUGUST 31

The Federal Communications Commission has made public a letter to Mr. William D. Terrell, Chief of the FCC's Field Division, Engineering Department, who will terminate 40 years of government service when he retires August 31, 1943.

Born August 10, 1871, in Golansville, Va., Mr. Terrell is one of the outstanding pioneers in communications science. As chief of the radio division of the Department of Commerce from 1915 to 1932 he contributed perhaps more than any other government official to the growth of broadcasting and high frequency communications. In 1932, Mr. Terrell became chief of the division of field operations of the Federal Radio Commission and in 1934 took over the direction of the field division of the newly-created FCC. The letter follows:

"Mr. William D. Terrell,
Chief, Field Division,
Engineering Department,
Federal Communications Commission,
Washington, D. C.

Dear Mr. Terrell:

On the occasion of your voluntary retirement from government service August 31, 1943, may I convey to you on behalf of the Commission and its staff, as well as personally, our sincere best wishes and our hope that you will continue to enjoy for many years to come health, happiness, and the satisfaction of important work well done. We know that the friendships cemented during our association with you will endure, and that you will continue to hold the respect of all concerned with radio which you have earned during your forty years of meritorious service to your government.

In 1911, when you became the first United States Radio Inspector, you had already had twenty-two years of pioneer communications experience including eight years of government service. Thereafter, as Chief of the Radio Division of the Department of Commerce, you contributed more than any other government official toward the early growth of broadcasting and of high-frequency communication. Since 1932, as Chief of the Division of Field Operations of the Federal Radio Commission, and as Chief of the Field Division of the Federal Communications Commission, you have devoted yourself unremittingly and unsparingly to the duties of your office.

We especially wish to thank you for your last two years on active duty, undertaken at our request and with the approval of the President after you had passed seventy, the statutory age of retirement for Federal employees, thus giving us the benefit of your expert advice and assistance during the most difficult period of adjustment to war conditions when your help was urgently needed.

As tokens of your accomplishment and of the esteem in which you are held in your profession, you were elected a Fellow of the Institute of Radio Engineers in 1929 and made an honorary member of the Veteran Wireless Operators Association. You have represented this Government with distinction at many national and international meet-

Seen Your Congressmen?

It was to assist Arthur T. Whiteside, WPB vice chairman for civilian requirements, and the members of Congress, that Arthur Stringer sent the August 6 bulletin on tubes to all members.

Members who have not communicated with their Congressmen in accordance with this bulletin are urged to do so, by mail, if they have returned to Washington.

The bulletin was prompted by Mr. Whiteside's own letter to Congressmen, several weeks ago, when he stated that a 20 per cent reduction in dollar value of civilian business was expected during the last half of the year. He wrote, he explained, so that the Congressmen would be in a position to discuss conditions while they were at home during the congressional recess. He told the members that he wanted to hear of any *"particularly severe local complaints."*

ings, including the International Radiotelegraph Conference, London, 1912; National Broadcast Conferences called by the Secretary of Commerce, 1922, 1923, 1924, and 1925; International Telegraph Conference, Paris, 1925; International Radio Conference, Washington, 1927; Safety of Life at Sea Conference, London, and European Broadcasting Conference, Prague, 1929. In all these lines of duty, you have brought credit to yourself and the government.

Not the least of your services has been the selection and training of younger men who will now carry on the tradition of competence and integrity which you have established, and who will seek to maintain the high standards you have set. I know these men join with the Commissioners in appreciation and cordial best wishes.

BY ORDER OF THE COMMISSION.

James Lawrence Fly,
Chairman.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

No broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, August 30.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Granted modification of construction permit (which authorized installation of new transmitter and antenna, increase power from 250 watts unlimited time to 1 KW day, 500 watts night, and change frequency from **1490 kc.** to **560 kc.**) for extension of completion date. (B5-MP-1719.) Granted extension of special service authorization to operate on **560 kc.,** with power of 1 KW day, 500 watts night, unlimited time, for the period ending December 1, 1943. (B5-SSA-78)

WCBI—Birney Imes, Columbus, Miss.—Granted renewal of license for regular period. (B3-R-1093)

WCBI—Birney Imes (Assignor), Birney Imes, Jr. (Assignee), Columbus, Miss.—Granted assignment of license of Station WCBI from Birney Imes, Sr., to Birney Imes, Jr. No monetary consideration is involved. (B3-AL-368.) Also granted power of attorney for Birney Imes, Sr., to act for Birney Imes, Jr., until his discharge from the Army of the U. S.

DESIGNATED FOR HEARING

WJW—The Akron Broadcasting Co. (Assignor), The WJW Company (Assignee), WJW, Inc. (Permittee), Akron, Ohio—Designated for hearing application for consent to assignment of construction permit from The Akron Broadcasting Co. (formerly WJW, Inc.) to The WJW Company. (B2-AP-36)

WJW—WJW, Inc., Akron, Ohio.—Designated for hearing modification of license to change name of licensee to The Akron Broadcasting Company. (B2-ML-1167)

NEW CALL LETTERS FOR FM BROADCASTERS

A new system of CALL LETTERS for Frequency Modulation (FM) broadcast stations, like that currently used by standard broadcast and commercial television stations, was adopted by the Commission. The change in FM station calls, to become effective November 1, next, will affect approximately 45 high frequency broadcast stations in operation and all future licensees.

This system of CALL LETTERS for FM stations will replace the present combination of letter-numeral calls (such as W47NY, W51R, etc.) presently used by FM broadcasters. In cases where a licensee of an FM station also operates a standard broadcast station in the same city, he may, if he so desires, retain his standard call letter assignment followed by the suffix "FM" to designate broadcasting on the FM band. Thus, if the licensee of a standard broadcast station with the call letters "WAAX" (hypothetical) also operates an FM station in the same location, he will have the choice of using the call "WAAX-FM" or he may, on the other hand, be assigned a new four-letter call—say, WXRI. Similarly, an FM broadcaster on the West Coast, who also operates a standard broadcast station "KQO," may, if he likes, use the call "KQO-FM" or he may ask for a new four-letter call "KQOF" for his FM station. This choice will remain entirely with the FM operator.

FM licensees may inspect at the FCC a list of the approximately 4,000 four-letter calls which are available for assignments. This number appears ample to supply calls for all additional standard, commercial television, FM stations and non-broadcast classes for some time to come. (The Commission wishes to call attention to the fact, however, that all three-letter calls have already been assigned.)

All call letters beginning with "W" are assigned to stations east of the Mississippi River; all station calls beginning with "K" are located west of the Mississippi and in the territories. A breakdown of the 4,000 four-letter calls available shows approximately 2,900 "K" calls and 1,100 "W's" still unassigned.

FM stations are asked to have their requests, indicating a preference in call letters, filed with the Commission by October 1. If no request has been received from an FM licensee by that date, the FCC will, at its discretion, assign a new four-letter call to that station.

It is recommended that FM operators, who wish a new four-letter call, list their first, second and third choices, and in the event two stations seek identical call letters the request first received by the Commission will be honored.

All FM stations will use their new call letters on the air effective November 1, next.

Under the old system the first letter of an FM call, either K or W, indicated the geographical position of the station in relation to the Mississippi River, the number designation showed the frequency on which that station was operating and the last letter or letters gave a clue to the city from which the broadcast emanated. (FM stations are licensed in the 43,000 to 50,000 kilocycle band, on frequencies from 43,000 to 49,000 kc., progressing by 200 kilocycle steps.) Thus the call K37LA indicates a station operating on 43,700 kc. at Los Angeles; W53D, a station on 45,300 kc. at Detroit, etc.

The Commission's decision to discard the combination of letter-numeral calls for FM stations arose out of several disadvantages and inherent limitations in the system based upon the past experience of FM broadcasters themselves, and the advisability of making the change at this time when transmitter construction is halted because of the war. Licensees of FM stations have found that the letter-numeral system is somewhat cumbersome and does not meet with general public acceptance. In addition, a change in frequency of an FM station under the old system involved a change in its call with consequent confusion to the listening public. Finally, it was felt that as FM broadcast stations were licensed in more and more cities, it would become increasingly difficult to identify the station call with a particular city through the use of an initial letter or letters.

MISCELLANEOUS

WILM—Delaware Broadcasting Co., Wilmington, Del.—Granted license to cover construction permit which authorized move of transmitter approximately 30 feet from present site and use of WDEL's south tower of directional array; granted authority to determine operating power by direct measurement of antenna power. (B1-L-1694; B1-Z-1495)

WDEL—WDEL, Inc., Wilmington, Del.—Granted license to cover construction permit as modified, for increase in power and installation of new transmitter and directional antenna for day and night use; granted authority to determine operating power by direct measurement of antenna power. (B1-L-1751; B1-Z-1496)

WORK—York Broadcasting Co., York, Pa.—Granted license to cover construction permit as modified, for installation of new directional antenna system for night use only; granted authority to determine operating power by direct measurement of antenna power. (B2-L-1769; B2-Z-1529)

National Broadcasting Co., Inc., New York, N. Y.—Granted extension of authority to transmit programs to Station CMX, Havana, Cuba. (B1-FP-114)

KFAR—The Midnight Sun Broadcasting Co., Fairbanks, Alaska—Denied request for authority to conduct tests for a period of 10 days on **610 kc.,** with power of 10 KW, between midnight and 4 a. m.

APPLICATIONS FILED AT FCC

740 Kilocycles

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Modification of license to move main studio from 87 East San Antonio St., San Jose, Calif., to 140 Jessie St., San Francisco, Calif.

770 Kilocycles

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Extension of special service authorization to operate on **770 kc.,** 25 KW night, 50 KW daytime, unlimited hours of operation, using transmitter as specified in construction permit (B5-P-2783 as modified), for the period 10-1-43 to 4-1-44.

1260 Kilocycles

WNAC—The Yankee Network, Inc., Boston, Mass.—License to cover construction permit (B1-P-3445 as modified) which authorized increase in power, installation of directional antenna for night use, changes in equipment and move of transmitter.

WNAC—The Yankee Network, Inc., Boston, Mass.—Authority to determine operating power by direct measurement of antenna power.

1450 Kilocycles

KFMB—Worcester Broadcasting Corp., San Diego, Calif.—Transfer of control of licensee corporation from The First National Trust and Savings Bank of San Diego, as Trustee under Declaration of Trust for Warren B. Worcester, to O. L. Taylor and Jack O. Gross, 7500 shares of stock.

MISCELLANEOUS APPLICATION

KWIX—The Associated Broadcasters, Inc., San Francisco, Calif.—License to cover construction permit (B5-PIB-40) which authorized construction of a new international broadcast station.

FEDERAL TRADE COMMISSION DOCKET

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Associated Merchandising Corp., 1440 Broadway, New York, and its 21 member corporations which operate department stores in some of the largest cities of the country, are charged in a complaint with violation of the Robinson-Patman Act by knowingly inducing manufacturers, producers and suppliers to discriminate in price in their favor by selling them merchandise of like grade and quality at lower prices or higher discounts than those accorded competing stores. (5027)

Columbia River Packers Association, Inc., Astoria, Ore., packing, canning and distributing salmon, shad and other sea food products, is charged in a complaint with violation of the brokerage section of the Robinson-Patman Act. (5033)

Dawe's Products Co., Inc., trading as Dawe's Vitamelk Co., 4800 South Richmond St., Chicago, with branch offices at Denver, Colo., and Portland, Ore., is charged in a complaint with misrepresentation. (5029)

Harvest House, 50 West 17th St., New York, selling and distributing a book entitled "The Complete Guide to Bust Culture," is charged in a complaint with misrepresentation. (5028)

Modern Home Diathermy, 505 W. 8th St., Los Angeles, selling and distributing diathermy machines designated "Vitatherm Short Wave Diathermy," is charged in a complaint with misrepresentation and false advertising. (5032)

Samuel B. Smith, United Mine Workers Bldg., Springfield, Ill., using the name "Central Clearing House Occupational Information," and formerly engaged in selling and distributing printed mailing cards intended to be used by creditors and collection agencies in obtaining information concerning debtors, is charged in a complaint with misrepresentation. (5030)

Zonite Products Corp., Chrysler Bldg., New York, engaged in the sale of Forhan's Toothpaste, a cosmetic preparation, and Erwin, Wasey & Company, Inc., 420 Lexington Ave., New York, advertising agency, which has participated in the preparation and dissemination of advertising matter for Forhan's Toothpaste, are charged in a complaint with misrepresentation. (5031)

CEASE AND DESIST ORDER

The Commission issued the following cease and desist order last week:

Dentists' Supply Company of New York, 220 W. 42d St., New York, said to be the largest manufacturer and distributor of artificial teeth in the country, has been ordered to cease and desist from violation of the Robinson-Patman Act. (4915)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Chattanooga Medicine Co., Chattanooga, Tenn., selling medicinal preparations designated "Syrup of Black-Draught", "Black-Draught", and "Black-Draught (Granulated)", and Nelson Chesman Co., Chattanooga, an advertising agency which disseminates advertising for the products, have stipulated to cease and desist from representing that the preparations contain a tonic, help to tone lazy intestinal muscles or the digestive system, or have any effect upon a sallow complexion. They further agree not to publish any advertisement which fails to reveal that the preparations should not be used when abdominal pain, nausea, vomitting or other symptoms of appendicitis are present; provided, however, that such advertisements need only contain the statement: "CAUTION, USE ONLY AS DIRECTED", if the directions for use, whether appearing on or in the labeling, contain a caution or warning to the same effect. (03132)

S. P. S. Chemical Co., 3404 Calumet Ave., Chicago, selling a medicinal preparation designated "S. P. S. Scalp Food", has stipulated to discontinue representing that his preparation will feed or nourish the scalp; that it is a cure or remedy for, or has therapeutic value in the treatment of, itching scalp, eczema, conditions which cause falling hair, or dandruff, except insofar as its use will facilitate the mechanical removal of the loose scales of dandruff; or that it will grow, promote the growth or improve the grade of hair. He further agrees to cease and desist from representing through the use of the term "Scalp Food", or any other term of similar import, that the preparation will feed or nourish the scalp. (03130)

Espiridion Gonzalez, Laredo, Tex., selling a medicinal preparation designated "Pomade Gonzalez", has stipulated to cease and desist from representing that excellent results may be obtained by using the preparation in cases of ringworms, warts or skin sores or that it will get rid of all kinds of skin eruptions or pimples. He further agrees to desist from disseminating any advertisements which fail to reveal that the preparation contains 50 percent salicylic acid, and that a preparation of this strength, when repeatedly applied to the skin, other than two or three applications for hard corns and calluses, will cause local irritation; provided, however, that such advertisements need only contain the statement: "CAUTION, USE ONLY AS DIRECTED", if the directions for use appearing on the label or in the labeling contain a caution or warning to the same effect. (03128)

Histex Corp., 604 No. Wells St., Chicago, selling a medicinal preparation designated "Histeen Tablets", and United Advertising Companies, 205 No. Michigan Ave., Chicago, an advertising agency disseminating advertising for the product, have stipulated to cease and desist from disseminating any advertisement which fails to reveal that the product should not be taken by persons having heart or kidney ailments, except on competent medical advice, and that the product may cause serious blood disturbances if taken frequently or continuously; provided, however, that such advertisements need only contain the statement, "CAUTION, USE ONLY AS DIRECTED", if the directions for use, whether appearing on the label or in the labeling, contain a caution or warning to the same effect. (03133)

Posture-Aid Company, 509 Centre St., Dallas, Tex., selling a health device designated "Posture-Aid", and John Brough and Evelyn Brough, trading as John and Evelyn Brough, Stewart Bldg., Dallas, conducting an advertising agency disseminating advertising for the product, have stipulated to cease and desist from representing that the device relieves constipation, headache, backache, nervousness, fatigue or tenseness; pulls muscles into place, relaxes or strengthens the muscles, relieves tired or cramped muscles or teaches the muscles to hold the body erect; corrects misplaced vertebrae, double chin, round shoulders, swayback or flat chest; lifts the chest or gives greater room for lung expansion, or flattens the stomach; promotes health, appetite, well-being, new energy, beauty of figure or improved posture; exercises the muscles of the neck, or tones, relaxes, straightens or stretches the spine. (03129)

Uncas Manufacturing Co., 623 Atwells Ave., Providence, R. I., selling jewelry, has stipulated to cease and desist from representing by quality markings on rings and other articles of jewelry, or otherwise, the ratios of the weight of the gold alloy overlay to the weight of the metal of any such article, or the gold fineness of the gold alloy when the actual ratio of the weight of the gold alloy overlay to the total weight of the metal is less than indicated by the markings, or the actual gold fineness is less than that indicated by the markings. (03131)

Williams Gold Refining Co., 2978 Main St., Buffalo, manufacturing and selling dental gold specialties, has stipulated, in connection with the offering for sale or sale of its products, to cease and desist from use of the figures "585" or "650" to describe or designate gold solder products not containing, respectively, 585/1000ths or 650/1000ths of fine gold content; and from the use of such figures or other indicia or symbols in any manner which may have the capacity or tendency to confuse, mislead or deceive purchasers respecting the quantity or quality of the gold content of such products. (3700)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 36, September 3, 1943

ROBERT T. BARTLEY NAB WAR DIRECTOR

Karl A. Smith, Special Counsel

Two new appointments by Neville Miller reinforce NAB's war-depleted staff with a War Director and Special Legislative Counsel.

Robert T. Bartley, vice-president of the Yankee Network, will take the War Director's post, a newly created position, between September 15 and October 1.

Karl A. Smith, Washington attorney, will act as special legislative counsel and will work with the NAB special legislative committee, which authorized the appointment.

Cooperation with government bureaus and departments requires a directing head with wide experience in Washington. Bartley is well qualified for this important task as war director. He will also assume many of the duties of Russell Place, former counsel for NAB, who is now with the Office of Strategic Services.

Born in Ladonia, Texas, May 20, 1909, Mr. Bartley attended Southern Methodist university and was married to Ruth Adams of Washington in 1936. They have two children, Robert, Jr., 5, and Jane, 2.

Following his employment as assistant to Walter M. W. Splawn, special counsel to the house committee on Interstate and Foreign Commerce, in 1932-33, Mr. Bartley continued with Mr. Shawn when he became a member of the Interstate Commerce Commission in 1934. During these years, Speaker Sam Rayburn of the House, who is Mr. Bartley's uncle, was chairman of the House Interstate Foreign and Commerce committee.

When the Federal Communications Commission was formed in 1934, Mr. Bartley transferred there as telegraph division director, a post abolished in 1937 with Mr. Bartley becoming senior securities analyst with the Securities and Exchange Commission.

In March, 1939, he became John Shepard's executive secretary in the Yankee Network, and was elected a vice president of that organization in August, 1942, resigning effective September 25, 1943, to assume his NAB duties.

Mr. Smith will continue his connection with his law firm and act in a special consulting capacity for NAB.

MORE DISTRICT PUBLIC RELATIONS CHAIRMEN APPOINTED

The names of three more district public relations chairmen have been received at headquarters. They are Walter Tison, general manager, WFLA, Tampa, Fla., appointed by James W. Woodruff, Jr., fifth district director; P. G. Paltridge, director of public relations, Earle C. Anthony, Inc., Los Angeles, appointed by Calvin J. Smith, director of the sixteenth district; and Edward E. Lindsay, WSOY, Decatur, Ill., appointed by Director Leslie C. Johnson of the ninth district.

Only four NAB Districts remain without Public Relations Chairmen. They are 3, 6, 11 and 14. Willard Egolf expects to complete the panel prior to the Public Relations Committee meeting in New York, September 15-16, if District Directors will furnish him with the names of their appointees.

FIFTH DISTRICT AND FLORIDA MEETINGS

The fifth district will meet in Atlanta Sept. 10.

The Florida Broadcasters Association will meet at the George Washington Hotel, Jacksonville, Sept. 12.

NEWSPAPER-RADIO COMMITTEE RESOLVES ON NEWSPAPER OWNERSHIP OF STATIONS

The steering committee of the Newspaper-Radio Committee, which is headed by Harold V. Hough, of KGKO, has adopted a resolution requesting legislation to do away with discrimination against newspaper ownership of broadcasting stations.

The resolution is:

> "Resolved—that the Newspaper-Radio Committee should immediately advocate legislation which will make it impossible for there to be any present or future discrimination against newspaper ownership of broadcasting stations, and that this advocacy should include the support of provisions intended to accomplish this end in the White-Wheeler bill, the Holmes bill, as well as other legislation relating to the subject."

Appearance of members of the committee before hearings on the bills mentioned above and active support by them of other pertinent legislation which may be introduced was action approved.

Steering committee members present at the meeting in New York recently are: Walter J. Damm, WTMJ, committee vice chairman; H. Dean Fitzer, WDAF, treasurer; John E. Person, WRAK; Gardner Cowles, Jr., KSO-KRNT; A. H. Kirchhofer, WBEN; Truman Green, WFLA; Harry M. Ayers, WHMA, and Mr. Hough.

Labor

CIO PETITION REFERRED TO ENTIRE FCC BY COMM. CASE

A decision on the CIO petition (see below) requesting a hearing on the radio industry's alleged unfair programming of labor programs now rests with the full FCC, following a preliminary hearing Wednesday, Sept. 2, before Commissioner Norman S. Case, sitting as a single delegated member.

(Continued on page 368)

NAB Reports
The National Association of Broadcasters
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Arthur C. Stringer, *Director of Promotion.*

CIO PETITION REFERRED TO ENTIRE FCC BY COMM. CASE

(Continued from page 367)

Commissioner Case, in referring the petition to the full Commission, said that a broad matter of policy was involved. Consideration of the petition is scheduled for the Tuesday, Sept. 7, regular Commission meeting.

CIO, in its petition, requests that the hearings on its allegations be made a part of public hearings on the transfer of the Blue network (changed to the American Broadcasting System by the new owner) from RCA to Edward J. Noble, now scheduled for Sept. 10 in Washington.

Eugene Cotton, representing CIO, presented oral arguments on the petition before Commissioner Case and was answered by Gustav B. Margraf, for RCA, who claimed that the subject matter of the petition was broad and irrelevant to the transfer hearings. John P. Lipscomb represented Mr. Noble and Willard D. Egolf represented NAB as counsel and secretary of the NAB Code Compliance Committee.

Following, in the order named, are the CIO petition and NAB's release answering the petition:

CIO PETITION

The Congress of Industrial Organizations, acting to secure "relief necessary when labor organizations are not permitted either to buy time or to receive free time to put their programs on the air," today petitioned the Federal Communications Commission for permission to intervene in the transfer of the Blue Network from RCA to new owners.

The petition, filed by Lee Pressman, general Counsel of the CIO, follows in full:

The Congress of Industrial Organizations petitions the Federal Communications Commission to intervene in the above proceeding to be held on September 10, 1943, and states:

1. The Congress of Industrial Organizations is a labor organization representing approximately five million organized workers who with their families comprise over twenty million persons in the population of the United States.

2. The membership of the labor organizations affiliated to the Congress of Industrial Organizations have a vital interest in the operation of radio broadcast stations and radio networks. This interest arises from the fact that organized labor represents a substantial portion of the listening audience and is the largest single organization of persons composing that audience. Organized labor is also interested because it uses time on radio broadcast stations and radio networks.

3. This hearing affords an opportunity to present certain problems of organized labor in relation to radio broadcasting both to the Federal Communications Commission and to the radio broadcasting industry. Through the influence of the spoken word, and its ability to reach audiences numbered in the millions, radio is the outstanding medium of mass communication. To achieve its greatest benefits organized labor must use this medium, and the radio industry in performing its role in the public interest must serve organized labor which forms so large a part of its listening audience.

4. Members of unions affiliated to the Congress of Industrial Organizations desire to present to the public at large as well as to potential members and themselves radio programs regarding the merits of collective bargaining and the value of membership in a trade union, the legislative programs of the unions, discussions of public affairs, and labor's point of view on current public issues.

5. At the present time business and commercial concerns buy time from radio broadcast stations and the networks not only for the purpose of selling their particular product but to a growing extent for goodwill programs and institutional advertising. Sustaining free time or a sustaining program is given by one of the networks at the present time to the National Association of Manufacturers. This is a half hour program weekly. From time to time spokesmen for employing interests on the other end of the bargaining scale from labor are given time for speeches to present their program.

6. Organized labor, however, has one fifteen-minute sustaining program once a week on one of the major networks. From time to time officials of labor organizations and other spokesmen secure free time for speeches.

7. Although organized labor also is anxious to present programs for the purpose of securing the goodwill of the community, certain restrictions exist which prevent labor's full participation in the public service of radio broadcast stations. Labor may not buy time on the networks or on a large number of individual stations.

It has not been given a large proportion of the regularly organized sustaining programs on networks. Labor may not solicit memberships on the air. These restrictions are based on the code of the National Association of Broadcasters.

8. The National Association of Broadcasters is, of course, a trade association of the owners of broadcast stations. Some years ago this association adopted a code which provided that time is not to be sold for programs involving controversial issues but sustaining time may be given for such program. Individual stations belonging to the National Association of Broadcasters, either acting on their own or with advice of the National Association of Broadcasters staff, have for practical purposes uniformly held that labor programs are controversial. It should be noted that the National Association of Broadcasters code has no provision that any time or a certain proportion of time need be given at all for controversial issues, so that a station or a network may abide by the code by neither giving nor selling labor any time on the air at all. In the spring of this year, this code was further amended to provide that solicitations of membership in organizations are deemed to be unacceptable under the basic theory of the code and therefore time should be neither given nor sold for this purpose. The major activity of labor organizations is to extend their membership and the benefits achieved by them to workers as yet unorganized. To the extent that broadcast stations and networks abide by this provision of the code, labor organizations are seriously crippled in one of their major activities.

9. A recent instance of the unfairness of the operation of the code, and indeed an example of the dangers inherent in the code, is the treatment accorded certain transcriptions of the United Automobile, Aircraft, Agricultural Implement Workers of America, affiliated with the Congress of Industrial Organizations, dealing with price control. The National Association of Broadcasters circulated its members on July 23, 1943, regarding these transcriptions for which the United Automobile, Aircraft, Agricultural Implement Workers of America sought to purchase time at commercial rates on various broadcast stations. The National Association of Broadcasters informed its members that this was a controversial program and should not be presented on paid time.

10. The above review of the National Association of Broadcasters code and its effects in restricting labor's use of the air points to a serious defect in the control and

operation of broadcast stations and networks. Decisions to exclude labor from the air are made either by the individual broadcaster, the owners of the network, or by the commercial broadcasters represented in the code committee of the National Association of Broadcasters. In none of these bodies is there representation of the public, including labor, nor is there any machinery for appeal or relief from unfair and discriminatory actions of the code committee.

11. Operation of radio broadcast stations and radio networks in the public interest requires that the Federal Communications Commission and radio broadcast station managements recognize:

(a) That a larger proportion of free time should be made available to labor organizations in the form of organized weekly recurring sustaining programs.
(b) That labor organizations should suffer no blanket restriction on their purchase of time on stations or on the networks.
(c) That labor organizations should suffer no blanket restrictions on their solicitation of memberships or use of broadcasting programs in an organizing campaign.
(d) That machinery should be promptly established for the relief necessary when labor organizations are not permitted to either buy or to receive free time to put their programs on the air.

MILLER ANSWERS PETITION

(Released by NAB News Bureau)

American Labor is entitled to and has the same access to the facilities of American broadcasting stations as any other individual or group, Neville Miller, NAB president, declared.

Mr. Miller's statement was in answer to a petition sent by the Congress of Industrial Organizations to the Federal Communications Commission, requesting that FCC afford CIO time during the FCC hearings on the transfer of the BLUE network to present CIO's grievance against NAB and the radio industry in not giving CIO all the radio time it wants.

The NAB president pointed out that organized labor was given more than 100 broadcasts on the networks in 1942 and this gesture by radio to labor was heartily commended by William Green, A. F. of L. president, and Philip Murray, CIO president.

It was also recalled that at the NAB Code Compliance Committee meeting June 16-17 the four members of the Radio Committee of the National Council on Freedom from Censorship, Thomas R. Carskadon, chairman, met with the NAB group. As a result of that meeting, Carskadon himself issued the following statement to the effect that "labor has ample opportunity for the use of broadcasting facilities in this country."

Mr. Carskadon, who is also radio committee chairman of the American Civil Liberties Union, had the concurrence of Roger Baldwin, ACLU president, when he further stated that "no changes are recommended" in the NAB code.

Mr. Carskadon also suggested that labor organizations avail themselves of the opportunities to become educated as to what their broadcast privileges are and how better to take advantage of them.

In referring to Mr. Carskadon's suggestion, Mr. Miller said: "The ACLU has stated that labor should become better acquainted with its opportunities for the use of broadcasting facilities. This position is supported by the radio industry.

"A public hearing would not only reveal radio's cooperation with labor throughout the United States, but might also provide the education apparently most needed by the CIO."

CHECK YOUR TURNTABLE NEEDS

A three sentence NAB memo on turntables, distributed at the Fourth District meeting in Asheville on September 3, read:

Patch up your present turntables as long as you can but—anticipate new turntable requirements for the first half of 1944 and place orders now:

"Apparently, turntables are to remain a hard-to-get item. It will be easier for factories to deliver on time if they know your needs months in advance."

PETRILLO HEARING SEPT. 7

Gilbert Edmund Fuller, president of Raymond Whitcomb Co., Boston, has been appointed to succeed Henry Woodbridge as Industry Member of the War Labor Board Panel for the Petrillo Case. The Panel will start its public hearing Tuesday, September 7, in New York.

SAN FRANCISCO WLB DISAPPROVES RULING

The Regional War Labor Board, San Francisco, has disapproved an arbiter's award which set the technicians scale at Station KPAS at $1.68 per hour.

The Board substituted a scale ranging from $1.25 to $1.70, depending upon length of service.

The NAB intervened in the proceedings after the arbiter had found that all technicians were entitled to the same rate of pay, no matter what size station they worked in.

Public Service

4 SAN FRANCISCO STATIONS CITED FOR FINE WORK BY TUBERCULOSIS ASSOCIATION

The following report compiled by the San Francisco Tuberculosis Association shows the amount of radio activity engendered by four local stations on behalf of the station over the last two years. The stations are KSAN, KJBS, KSFO and KYA.

Edward W. Koehler, association public relations director, wrote the report and it was sent to NAB by NAB Director Arthur Westlund, of KRE.

SERIES ONE

"The Tuberculosis Battle" as sponsored by the Department of Public Health and the San Francisco Tuberculosis Association, was originated by Dr. Edward A. Schaper. The first broadcast on KSAN was on September 6, 1941. This was a half-hour transcribed program, 15 minutes of which were given over to the discussion of the various phases of tuberculosis by qualified physicians. The second portion of the program was given over to a question and answer period in which Dr. Schaper answered questions sent in by listeners.

Between September 6, 1941 and June 27, 1942 there were forty-three weekly broadcasts from KSAN. The time was donated by the management of the station. The transcriptions were made at the expense of the San Francisco Tuberculosis Association, more than $2,100 being expended for this purpose.

These same transcriptions were rebroadcast over KALW, the Board of Education's frequency modulation station, to all schools in San Francisco. Between February 20, 1942 and June 19, 1942 fifteen weekly half-hour broadcasts were made.

SERIES TWO

In order to utilize fully the transcriptions it was felt that they should be offered to various other radio stations in San Francisco. The management of radio station KJBS agreed to use the transcriptions if only the first portion could be used. They felt that a full half-hour was too much for their listening audience.

Between February 14, 1942 and July 22, 1942 KJBS rebroadcast nineteen 15-minute transcriptions of "The Tuberculosis Battle."

KALW rebroadcast thirteen 15-minute programs from the same series of records between December 5, 1942 and March 23, 1943.

All of the radio time was donated free of charge by the radio stations as a public service. The only expense was that of having the transcriptions made.

SERIES THREE

Resuming on KSAN sixteen 10-minute transcribed programs were broadcast between September 5, 1942 and December 26, 1942. The Association expended approximately $365 for this series.

The management of KSFO selected and rebroadcast fourteen of the 10-minute programs originally produced for KSAN between January 7, 1943 and April 8, 1943.

KALW rebroadcast this same 10-minute series and between May 26, 1943 and January 12, 1944, eighteen records will have been broadcast to the schools of San Francisco.

KYA rebroadcast this same 10-minute series and between May 26, 1943 and January 12, 1944, eighteen records will have been broadcast to the schools of San Francisco.

KYA rebroadcasts this 10-minute series each Thursday evening and between July 6, 1943 and September 28, 1943 thirteen 10-minute records will have been broadcast.

SERIES FOUR—"live" programs

10-minute "live" programs were released through KSAN starting January 2, 1943.

The first 5 of these broadcasts originating from the Telenews Theater featured tuberculosis specialists and public health nurses.

Fifteen additional "live" 10-minute broadcasts featured personnel of the following organizations:

WACS
WAVES
SPARS
Maritime Service
Navy
Coast Guard
U. S. Maritime Corps Women's Reserve
State Bureau of Vocational Rehabilitation
California Tuberculosis Association
Booker T. Washington Community Center
San Francisco Tuberculosis Association
U. S. Army
Board of Education

The scripts for these programs were written and produced by the San Francisco Tuberculosis Association with the official sanction of the various services and the Office of War Information. This new format consisted of an 8-minute discussion of the particular branch of the armed service, their traditions, and uniforms. Two minutes were given over to a discussion of the type of examination for tuberculosis given by their particular branch of the service, the kind of X-ray equipment used, and the method of follow-up used when an inductee was found to have active tuberculosis.

One particular broadcast featuring Lt. Dorothy Davis of the U. S. Navy Nurse Corps resulted in more than 15 Bay Area nurses joining this organization. Between January 2, 1943 and May 5, 1943 there were twenty 10-minute "live" broadcasts from KSAN.

Because the management of KSFO liked the format used on KSAN they requested that we continue over KSFO as a "live" program. The scripts were rewritten and brought up-to-date for use over KSFO and between April 15 and July 1, 1943 there were 12 "live" broadcasts from this station. Mrs. Leo J. Clayburgh was guest speaker on the concluding broadcast over KSFO on July 1, 1943.

Approximately $2,550 were expended to produce transcriptions between September 6, 1941 and December 26, 1942. Between September 6, 1941 and January 12, 1944 there will have been 178 weekly broadcasts of "The Tuberculosis Battle" without cost of radio time to the Association. This is approximately 36 hours of free radio time.

THE STORY OF WNAX AND THE 'TYPICAL MIDWEST FARMER'

Station WNAX recently undertook to name the "typical Midwest farmer." As indicated in a fine report of this activity to NAB by Phil Hoffman, vice president of WNAX, it was a "giant" undertaking based on the desire to afford some recognition to that great soldier of the home front—the farmer.

September 4 is the day on which the climax of all the activities connected with this plan came to be.

More than two thousand bankers in the Dakotas, Minnesota, Iowa and Nebraska submitted case histories on outstanding farm families with Charles Worcester, CBS farm director in Washington, acting as judge.

An outstanding farm family for each state was selected for the five states and these families were invited to Yankton, South Dakota, on the big day.

Celebrities and notables present included the governors and senators of the five states, Commissioner John P. Carmody, Maritime Commission, and Commissioner M. Clifford Townsend, of the Food Commission, who together acted as a jury to select the one family of the five represented to be the typical Midwest farm family, and to award the family a tractor as a prize.

The evening doings saw Gardner "Mike" Cowles, jr., of the Cowles stations (of which WNAX is one) dedicate America's tallest radio tower—the new WNAX radiator, which was dedicated to the typical farmer and all Midwest farmers.

Speeches were an integral part of the day's activities, of course, with Governor Sharpe of South Dakota making the keynote address.

The Maritime Commission will name a Liberty ship "Midwest Farmer" and the wife of the typical farmer will be sent to the west coast with her entire family to dedicate the ship, which will be launched about Sept. 12.

Mary Little, Des Moines Register and Tribune radio columnist, handled publicity for the events, while Bob Hawk of the "Thanks to the Yanks" program was on hand with "Ma Perkins" to help glorify the Midwest farmer. Three CBS network "feeds" were made during the course of the day and evening.

All in all, an outstanding job by a great radio station.

Engineering

10 ENGINEERING COMMITTEEMEN NAMED; 7 TO COME

Ten NAB district directors have notified NAB of appointments to the engineering committee. Howard Frazier, NAB director of engineering, asks that the chairmen for the remaining districts be appointed as soon as possible. It is anticipated that the growing shortage of transmitting tubes and technical manpower will require the committee's early attention.

The ten chairmen already appointed and the NAB district director making the respective appointments are listed below:

District 1 Paul W. Morency, Director
F. M. Sloan, Chief Engineer
Radio Station WBZ-WBZA
275 Tremont Street
Boston, Massachusetts

District 3 Roy Thompson, Director
T. C. Kenney, Chief Engineer
Radio Station KDKA
Grant Building
Pittsburgh, Pennsylvania

District 4 Richard Shafto, Director
Clyde M. Hunt, Chief Engineer
Radio Station WTOP
Earle Building
Washington, D. C.

District 5 James W. Woodruff, Jr., Director
J. C. Bell, Chief Engineer
Radio Station WBRC
2nd Ave. & 18 St. N.
Birmingham, Alabama

District 7 Nathan Lord, Director
Lester H. Nafzger, Chief Engineer
Radio Station WBNS
33 North High Street
Columbus, Ohio

District 8 John E. Fetzer, Director
A. Friedenthal, Chief Engineer
Audio Division
Radio Station WJR
Detroit, Michigan

District 10 John J. Gillin, Jr., Director
Henry E. Goldenberg
Radio Station WHB
Scarritt Building
Kansas City, Missouri

District 13 Hugh Halff, Director
George W. Ing, Chief Engineer
Radio Station KONO
317 Arden Grove
San Antonio, Texas

District 15 Arthur Westlund, Director
George Greaves, Chief Engineer
Radio Station KPO
420 Taylor Street
San Francisco, California

District 17 Harry R. Spence, Director
Joseph Kolesar, Chief Engineer
Radio Station KMO
914 Broadway
Tacoma, Washington

TURNER APPOINTED TO FCC ENGINEERING STAFF

The FCC announces the appointment of George S. Turner as chief of the field division of the FCC's Engineering Department, replacing William D. Terrell, who retired from government service today after 40 years' outstanding work in the field of communications. Mr. Turner has been Assistant Chief of the Field Division since 1940.

A native of Independence, Md., Mr. Turner has the degrees of Bachelor and Master of Law from the Atlantic Law School in Atlanta, Ga. During World War I he served as radio instructor at the Great Lakes Naval Training Station and was subsequently commissioned Ensign in the Volunteer Naval Reserve.

After the war, Mr. Turner became the original radio operator-engineer at stations 9XAB, Kansas City, Mo., one of the first experimental radio broadcast stations in the Middle West, and in 1921 was employed by the Southwestern Bell Telephone Co. in Kansas City. From 1924 to 1931 he served with the Department of Commerce, first as a Radio Inspector and later as Assistant Radio Supervisor of the Radio Division. Mr. Turner came with the Federal Radio Commission in 1931 as Radio Inspector in Charge at Atlanta. He is a member of the Institute of Radio Engineers and the Georgia bar.

ALFRED STEELE NAMED WAR BOND RADIO ADVISOR

Alfred M. Steele, vice president of the D'Arcy Advertising Agency of St. Louis, was today appointed by Secretary of the Treasury Henry Morgenthau, as radio advisor of the War Finance Division, in charge of production of the various War Bond air programs.

Mr. Steele is at present responsible for such radio programs as the Andre Kostelanetz program, the Spotlight Band series; the Morton Downey-Raymond Paige programs; the Home Front Reporter programs and others.

REYNOLDS HITS AGAIN

A program titled "Armed Forces Week" to stimulate sale of war bonds during the impending Third War Loan drive has been accepted by Vincent F. Callahan, War Savings Staff advertising, press and radio director, according to John E. Reynolds, now with the Marine Corps, and formerly manager of station WJRD.

Private Reynolds is author of the program idea just accepted and also of the highly successful "War Bond Week" idea originated by him at WJRD and accepted by the Treasury last January.

"Armed Forces Week" would include naming each day during a specified week of the drive as "Navy Day", "Marine Day", etc. On each of these days special programs and stunts could be originated which would include the Armed Forces personnel represented on the particular day. Speeches by returned heroes could be made, letters from overseas could be read, etc.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WDSU—J. H. Uhalt (transferor), E. A. Stephens, H. G. Wall, and Fred Weber (transferees), WDSU, Inc., New Orleans, La.—Granted consent to transfer control of WDSU, Inc., licensee of Station WDSU, from J. H. Uhalt to E. A. Stephens, H. G. Wall, and Fred Weber, for a consideration of $200,000 cash plus additional consideration. (B3-TC-327)

Columbia Broadcasting System, Inc., New York, N. Y.—Granted extension of authority to transmit programs to Stations CFRB and CKAC and other stations under the control of the Canadian Broadcasting Corp. (B1-FP-113)

WCAR—Pontiac Broadcasting Co., Pontiac, Mich.—Granted special service authorization to operate from 7 a. m. to local sunrise with 250 watts power for the remainder of the license period. (B2-SSA-71)

LICENSE RENEWALS

WSAY—Brown Radio Service & Laboratory (Gordon P. Brown, owner), Rochester, N. Y.—Granted renewal of license for the period ending not later than April 1, 1945. (B1-R-892)

KVSF—New Mexico Broadcasting Co., Santa Fe, N. Mex.—Granted renewal of license for the period ending not later than June 1, 1945. (B5-R-840)

WLBJ—The Bowling Green Broadcasting Co., near Bowling Green, Ky.—Granted renewal of license for the period ending not later than June 1, 1945. (B2-R-1076)

KWLK—Twin City Broadcasting Corp., Longview, Wash.—Granted renewal of license for the period ending not later than August 1, 1945. (B5-R-959)

WEOA—Evansville on the Air, Inc., Evansville, Ind.—Granted renewal of license for the period ending not later than August 1, 1945. (B4-R-883)

WSAM—Saginaw Broadcasting Co., Saginaw, Mich.—Granted renewal of license for the period ending not later than August 1, 1945. (B2-R-1062)

ACTION ON RELAY BROADCAST STATIONS

Upon consideration of a further report of its Committee on Critical Radio Materials, the Commission announced that under certain enumerated conditions it would be in the public interest to authorize judicious use of idle equipment to increase the power of relay broadcast stations when existing power is insufficient, to make other changes in relay equipment to render improved service, and to construct new relay broadcast stations for the following purposes:

(a) To be used as an emergency program link between the studio and the main transmitter in case of failure of the normal wire lines.

(b) To facilitate the transmission of programs in connection with the war effort, particularly from camps and other places where adequate telephone line facilities are not available or where the cost is prohibitive.

(c) To facilitate the broadcast of programs from remote points where the shortage of lines has made it impossible or extremely difficult to obtain these facilities.

Applications for authorizations to change facilities or to construct new relay broadcast stations for the purposes set forth herein may be granted upon a satisfactory showing that:

(1) All required materials may be obtained without priority assistance for either construction or maintenance;

(2) Such applications involve no inconsistencies with the Commission's Rules and Regulations;

(3) Such applications tend toward a fair, efficient, and equitable distribution of radio service, are consistent with sound allocation principles, and offer substantial improvement in relay broadcast service; and

(4) Such applications are otherwise in the public interest.

Applications to change facilities or to construct new relay broadcast stations, which have been dismissed without prejudice pursuant to the policy announced in Memorandum Opinion of April 27, 1942, may be reinstated for consideration in the light of the new circumstances upon the filing of petitions within thirty (30) days of this date showing (1) that such applications are in conformity with the foregoing conditions; and (2) any and all changes with respect to facts and circumstances given in original applications.

MISCELLANEOUS

WBEZ—Board of Education, City of Chicago, Ill.—Granted license to cover construction permit for new non-commercial educational broadcast station. (B4-LED-9)

In re Harold Gilliam, Fairbanks, Alaska.—Adopted order for substitution of parties in the proceedings in Dockets 5646, 5647, 5656, 5709 and 5710, to change the name of the applicant to Thomas H. Appleton and Thomas M. Donohoe, administrators of the estate of Harold Gilliam.

APPLICATIONS FILED AT FCC

570 Kilocycles

WNAX—WNAX Broadcasting Co., Yankton, S. Dak.—Modification of construction permit (B4-P-3288 as modified) which authorized increase in power and installation of directional antenna for night use requesting extension of completion date from 9-7-43 to 11-7-43.

620 Kilocycles

KWFT—Wichita Broadcasting Co., Wichita Falls, Tex.—Voluntary assignment of license to Wichita Broadcasters, a partnership, Joe B. Carrigan, Mrs. Joe B. Carrigan, P. K. Smith, Trustee, P. K. Smith, Mrs. Claude M. Simpson, Jr.

790 Kilocycles

KVOS—KVOS, Inc., Bellingham, Wash.—Modification of construction permit (B5-P-3237 as modified) which authorized change in frequency, increase in power, installation of new transmitter and directional antenna and move, FOR decrease in power from 1 KW to 250 watts, using present licensed transmitter and antenna at licensed site, and extension of commencement and completion dates.

820 Kilocycles

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Acquisition of control of licensee corporation by Aurelia S. Becker through the purchase of 50 shares of stock from Leon E. Pamphilon.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Construction permit to change frequency from **820 kc.** to **1450 kc.** and hours of operation from limited to unlimited time.

930 Kilocycles

WJAX—City of Jacksonville, Jacksonville, Fla.—Construction permit to install an auxiliary transmitter.

1240 Kilocycles

KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—Involuntary transfer of control of licensee corporation from John A. Kincaid to George Kincaid, Executor of the Last Will and Testament of John A. Kincaid, Deceased (64% of stock).

1320 Kilocycles

KXYZ—Harris County Broadcast Co., Houston, Tex.—Special service authorization to operate on **1320 kc.**, unlimited time, with power of 5 KW day and 2½ KW night, employing temporary non-directional antenna, for the period ending 10-1-44.

KXYZ—Harris County Broadcast Co., Houston, Tex.—Authority to determine operating power by direct measurement of antenna power under above application for special service authorization.

1340 Kilocycles

WSAV—WSAV, Inc., Savannah, Ga.—Acquisition of control of licensee corporation by Harben Daniel and Catherine Murrey Daniel through transfer of 32 shares of stock from E. E. Murray, Sr., to Catherine Murrey Daniel.

WDAK—L. J. Duncan, Leila A. Duncan, Josephine A. Keith, Effie H. Allen, Aubrey Gay, d/b as Valley Broadcasting Co., Columbus, Ga.—License to cover construction permit (B3-P-3529) which authorized move of station from West Point, Ga., to Columbus, Ga.

WDAK—L. J. Duncan, Leila A. Duncan, Josephine A. Keith, Effie H. Allen, Aubrey Gay, d/b as Valley Broadcasting Co., Columbus, Ga.—Authority to determine operating power by direct measurement of antenna power.

MISCELLANEOUS APPLICATIONS

W8XAL—The Crosley Corp., Cincinnati, Ohio.—Extension of special experimental authorization and modification requesting authority to operate a 1-KW transmitter on **6080 kc.**, with 1 KW power, A-0 and A-1 emission for identification purposes only to be used with WLWK and WLWO, for the period ending 11-1-44.

KDNT—Harwell V. Shepard, Denton, Tex.—Construction permit to increase power from 100 watts to 250 watts and make changes in transmitting equipment.

NEW—World Publishing Company, Omaha, Nebr.—Construction permit for a new high frequency broadcast station (FM) to be operated on **45,500 kc.**, with coverage of 11,660 square miles.

FEDERAL TRADE COMMISSION DOCKET

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Good Value Bargain House, 643 E. 9th St., New York, engaged in buying and selling new and old, worn and previously used articles of clothing, including dresses and overcoats, is charged in a complaint with violation of the Wool Products Labeling Act of 1939 and the Federal Trade Commission Act. (5034)

Mid-West Drug Co., Inc.—A complaint has been issued charging Mid-West Drug Co., Inc., Fort Wayne, Ind., and its officers, J. R. Dale and W. O. Duane, with misrepresenting the therapeutic properties of Ju-Van, advertised as a treatment for obesity, and with failing to reveal in advertisements that use of the preparation may be injurious to health. (5036)

Peggy Shop, 1412 Chestnut St., Philadelphia, selling women's clothing, is charged in a complaint with violation of the Wool Products Labeling Act of 1939, and the Federal Trade Commission Act. (5035)

CEASE AND DESIST ORDER

The Commission issued the following cease and desist order last week:

Utilities Engineering Institute, 1314 Belden Ave., Chicago, has been ordered to cease and desist from representing that students who complete its correspondence courses of instruction in refrigeration, air-conditioning and welding qualify as experts in those fields and have unusual opportunities for employment. (4532)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Thomas W. Dunn Co., 546 Greenwich St., New York, selling and distributing various products, has stipulated that in connection with the sale and distribution of food gelatine it will cease and desist from representing that it makes or manufactures any such product unless it actually owns and operates, or directly and absolutely controls, a plant or factory wherein is made any and all products sold or offered for sale by it under such representation. (3702)

Dwarfies Corporation, Council Bluffs, Iowa, selling and distributing a breakfast cereal designated "Dwarfies Wheatmix," has stipulated to cease and desist from the use of any statement or representation the effect of which tends to convey the belief or impression that the product can be depended upon to provide increased energy, vigor or "pep"; supply children with vim, vigor or vitality, or put color in their cheeks; promote growth or energy, benefit the nervous system, improve the appetite, or result in strong nerves or nerve strength.

It also agrees to discontinue representing that the product, due to its iron or copper content, makes "red blood" or is a blood builder, or that it contains iron or copper in such significant or substantial amount as to render the product of therapeutic value in the treatment of any type of anemia. (3704)

Fusion Engineering, 1836 Euclid Ave., Cleveland, Ohio, and conducting an experimental and research laboratory for the development of formulas for solders to meet specific industrial needs, has stipulated that, in connection with the advertising, sale or distribution of its products in commerce, it will cease and desist from use of the words "Silver Fuse" as a brand name for the products; and from use of the word "silver" in any way as descriptive of said products, so as to imply that they are composed of silver. If the products are composed of silver in substantial part, and the word "silver" is used to designate such silver content, then the word "silver" whenever used shall be immediately accompanied by some other words printed in type equally as conspicuous so as to indicate clearly that the product is not composed of silver or of silver in excess of the quantity actually contained therein. (3706)

Miller's Furs, Inc., 1235 G St., N. W., Washington, D. C., selling and distributing furs and fur garments, has entered into a stipulation in which it agrees to cease and desist from using the words "Civet Cat" or words of like meaning, either alone or in connection with other words, to describe furs or fur garments made from the peltries of little spotted skunks or any peltries other than civet cat peltries; the word "Mink" or other word of like meaning to describe furs made from rabbit or muskrat peltries or peltries other than mink peltries; the word "Sable" or other word of like meaning to describe or refer to furs made from rabbit, muskrat or any peltries other than sable peltries; the word "Beaver" to describe garments made from rabbit peltries or peltries other than beaver peltries; the word "Seal" or other word or term of like meaning to describe or refer to furs or fur garments made from rabbit peltries or any peltries other than seal peltries; the word "Caracul" to describe furs or fur garments made from kid peltries; or the word "Marmink" or other word connoting mink to describe furs or fur garments made from marmot peltries or any peltries other than mink peltries; unless each of the foregoing words or terms is compounded with the word "Dyed" and, when so compounded, is immediately followed in equally conspicuous type by the true name of the fur. (3701)

Northern Research Industries, 402 East First St., Dayton, Ohio, selling cosmetic preparations designated "Vita-Fluff," "Lovili" and "Glamour," has stipulated to cease and desist from representing that Vita-Fluff adds natural sheen or any sheen or luster to the hair; that Lovili is not similar to Vita-Fluff or that they are not identical except for a small content of synthetic oil added to Lovili; that Lovili creates a true sheen which will last indefinitely or for any longer time than that produced by ordinary oil shampoos; that Glamour is made from actual lemon, or that, as an acid-free product, it may be relied upon to accomplish results equivalent to those obtained from a lemon rinse. (3699)

Pharmacal Products Co., Inc., 480 Lexington Ave., New York, selling and distributing electrically operated shaving devices called "Roto-Shavers," has stipulated to discontinue use of the statement "Thousands have been sold for $18.75" and from use of any statement or representation which may convey the belief that the product is of an indicated value in excess of what is actually the fact, or that it has been regularly sold for a stated amount which is fictitious or in excess of the amount for which it has been customarily sold in the usual course of business. (3707)

Plato Training Service and formerly as Plato Institute, 15224 Plato Ave., Cleveland, Ohio, engaged in the sale and distribution of correspondence school courses of home study intended to assist students to pass civil service examinations, have stipulated to cease and desist from use of the word "Institute" as part of the trade name under which they carry on their business and from use of other words implying that the business conducted by them is an organization for the promotion of learning, such as philosophy, art or science, and has equipment and faculty such as to entitle it to be designated an institute; from referring to any persons as "President" and "Secy. Treas." of Plato Training Service and from any other representation which may convey the belief or impression that the business is incorporated; and from representing that a course of instruction or enrollment in the school conducted by them is a condition precedent to qualifying for a civil service position or that subscription to or completion of such course or any other home study course of instruction is a prerequisite for success in passing civil service examinations. (3703)

Morris Schwartz Corp., 363 Seventh Ave., New York, engaged in the sale and distribution of furs, has stipulated to cease and desist from use of the words "Menton Beaver", "Beaver" or words of like meaning, either alone or in connection with other words, to describe furs or fur products made of other than beaver peltries; from use of the words "Hudseal Sealine", "Norm. Sealines" or other words or terms to describe furs or fur products made of peltries other than seal peltries, and from use of the word "Persian" or any other word of like meaning to designate furs or fur products made of peltries other than true or pure bred Persian lamb peltries, unless in each case the word or term is compounded with the word "dyed" or the word "processed", and, when so compounded, is immediately followed in equally conspicuous type by the true name of the fur. (3705)

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NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 37, September 10, 1943

NAB 4TH DISTRICT MEETS AT ASHEVILLE; CAMPBELL ARNOUX ELECTED DIRECTOR

Broadcasters of the fourth district, NAB, met at Asheville, N. C., Sept. 3-4, and elected Campbell Arnoux, WTAR, district director to succeed G. Richard Shafto, WIS, who presided over the meeting sessions.

NAB Director-at-Large Don Elias and his WWNC staff were hosts at the gathering, which was termed enthusiastic and successful by all present.

First session was opened in the Grove Park Inn by Mr. Shafto who, after a brief talk, introduced Neville Miller, NAB president, who spoke on the need of legislation to clarify the powers of FCC due to the recent Supreme Court decision.

After general discussion on legislation, the following resolution was passed:

"Resolved: That the membership of the fourth district of the NAB, comprised of the owners and managers of radio stations in North Carolina, South Carolina, Virginia, West Virginia and the District of Columbia, view with alarm the possible effect of the May 10th decision of the Supreme Court of the United States, holding that the FCC was endowed with heretofore unsuspected, expansive powers.

"Be it Further Resolved: That the membership of this fourth district, in conjunction with other members throughout the United States, urges the Congress to adopt legislation which will definitely and clearly prescribe the powers which they wish delegated to the FCC and that the first step in obtaining this legislation be taken immediately by the United States Senate through the passage of the White-Wheeler bill or such other legislation as will provide for the security and safety of a free radio."

Discussion of the afternoon session, first day, centered around the A. F. of M. recording ban, with Cy Langlois, Lang-Worth; Carl Haverlin, BMI; Mr. Miller, Mr. Shafto, Mr. Elias, Ed Allen, Fred Fletcher and others participating. The broadcasters agreed all possible positive steps to solve the problem should be taken.

D. Hiden Ramsey, general manager, *Asheville Citizen Times*, talked on public relations (see account of this talk at end of this report), after which Harold Essex, of WSJS-W41MM, put on an FM demonstration and talk. A question and answer discussion ensued.

Senator Ed (Cotton Ed) Smith, of South Carolina, was scheduled as dinner speaker, but illness prevented his appearance. Mr. Shafto read Senator's Smith's speech, after which Toastmaster Elias introduced Sol Taishoff, editor, *Broadcasting;* Leonard Callahan, SESAC, and Earl Gammons, of CBS, Washington, all of whom made talks.

Second day sessions were opened by two breakfasts, one for sales managers, presided over by Stanton P. Kettler, WMMN, and the other for public relations directors, over which Irvin Abeloff, WRVA, presided.

Remainder of the meeting was taken up with discussions of the recording ban, election of Mr. Arnoux and a talk by Lewis H. Avery, NAB director of broadcast advertising, who described the Retail Promotion Plan presentation, which "opens" in Washington October 5 and then will tour the nation.

Following are additional resolutions passed at the meeting:

Resolutions Passed at Fourth District Meeting

September 3-4, 1943

1) Resolved: That the members of the Fourth District of the NAB do here express their gratitude and appreciation to the management of the Grove Park Inn for the very courteous and efficient manner in which it has entertained Fourth District meeting.

2) Resolved: That the membership of the Fourth District extend its thanks and appreciation to Don Elias and the staff of WWNC for their untiring effort and gracious hospitality as hosts of this meeting.

3) Resolved: That the Fourth District membership does here express its deep appreciation to D. Hiden Ramsey for his clear, masterful, and sympathetic exposition of some of radio's most pressing problems. Be it further resolved that our appreciation be also extended to the Asheville Citizen Times Company for its generous cooperation.

4) Resolved: That the membership of the Fourth District of NAB extend its gratitude and appreciation to G. Richard Shafto for his unselfish devotion and his splendid contribution to the affairs and interests of his constituents in this District.

5) Resolved: That the membership of the Fourth District of NAB express to Honorable Ellison D. Smith, Senior Senator from South Carolina, sincere regret that illness precluded his attendance at this meeting, and resolved further, that we the members are deeply grateful for the sympathetic understanding of our problems so ably expressed in his address as delivered by Director Shafto.

Mr. Ramsey's Talk

Mr. Ramsey discussed the activities of the press in the field of community service and told the radio officials that they must consistently strive to associate their industry with local affairs if they are to make the public fully conscious of its value on the American scene.

"If you would take a leaf from the book of experience of newspapers, make a local imprint with your radio station. Newspapers long ago learned that people are most vitally interested in the things they know—that an American gets a lot more excited about a dog fight in the next block than he does about a famine in China," Mr. Ramsey said.

"Radio has been too cosmopolitan," he continued; "you have bragged too much about the programs you bring the

(Continued on page 376)

NAB Reports
The National Association of Broadcasters
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Arthur C. Stringer, *Director of Promotion.*

NAB 4TH DISTRICT MEETS AT ASHEVILLE; CAMPBELL ARNOUX ELECTED DIRECTOR

(Continued from page 375)

people from New York; you have not had enough local interests; there has not been enough of continuous community service."

Mr. Ramsey said that the press long ago learned the truth of the expression, "Eternal vigilance is the price of liberty," and stated that the threat to the freedom of radio will not be lifted with the passing of certain individuals or groups from high places in public life.

"Efforts to take away this freedom are not peculiar to this administration or this generation," Mr. Ramsey said. "To give men long periods of power is to make men despotic. Even Thomas Jefferson, who had done more than any other man in behalf of freedom of the press up to his time, wondered at one time whether or not the press should be regulated.

"The decision which gave rise to grave fears for the freedom of radio was not a decision of Mr. Frankfurter, it was a decision of the supreme court of the United States. It is not only Mr. Fly who is going to carry out this decision; it will be other officials in the years that are to come."

Mr. Ramsey ended his address by warning his hearers that "there can be no secure independence for the individual unless you have government by law and not by men."

The speaker had referred to the supreme court decision of last May 10 which held that the Federal Communications Commission had power to regulate, under the present communications act, not only the frequency and power assignments of radio but also to regulate the composition of the traffic, or programs.

Broadcasters and guests who attended the 4th district meeting are: Irvin G. Abeloff, WRVA; Edward A. Allen and Mrs. Allen, WLVA-WBTM-WSLS; Campbell Arnoux, WTAR; W. E. Bray, WMRC; Harry Bright and Mrs. Bright, WGBR; Stanley H. Brown, WRAL; Carl Burkland and Mrs. Burkland, WTOP; Leonard Callahan, SESAC; Ollie L. Carpenter, WPTF; Charles Crutchfield, WBT; Don S. Elias and Mrs. Elias, WWNC; Harold Essex and Mrs. Essex, WSJS-W41MM; W. C. Ewing, WFNC, and Francis Fitzgerald, WSOC.

Fred Fletcher, WRAL; R. A. Furr, WIS; Earl Gammons and Mrs. Gammons, WTOP; Mahlon A. Glascock, WRC; James A. Hagan and Mrs. Hagan, WWNC; Wilbur M. Havens, WMBG; Carl Haverlin, BMI; Grady Hipp, WIS; Herman Hipp, WIS; W. Russ Holt, WOLS; Cecil B. Hoskins and Mrs. Hoskins, WWNC; Walter Huffington and Mrs. Huffington, OWI; W. C. Irwin, WSOC; J. F. Jarman, WDNC; R. A. Jolley, WMRC; Alice Keith, National Academy of Broadcasting; Herbert Kendrick, WJLS, and Frank Kesler, WDBJ.

Peter Kettler, WMMN; J. W. Kirkpatrick, WSPA; C. Y. Langlois, Lang-Worth; Ezra McIntosh and Mrs. McIntosh, WWNC; Richard H. Mason, WPTF; Neville Miller, NAB; Robert E. Mitchell, WMBG; Durham Moore, WRAL; R. S. Morris, WSOC; Paul Moyle, WFNC; John New, WTAR; Edwin Otis, MBSE; Royal Penny, WBT; Lieut. Graham Poyner, Navy public relations; John M. Rivers, WCSC; Odes E. Robinson and Mrs. Robinson, WCHS, and J. D. Saumenig, WIS.

G. Richard Shafto, WIS; G. O. Shepherd, WAYS; George W. Smith and Mrs. Smith, WWVA; Carleton Smith, WRC; Stewart Spencer, WPTF; Sol Taishoff and Mrs. Taishoff, *Broadcasting;* Harold H. Thoms and Mrs. Thoms, WAYS; Zeno Wall, Jr., and Mrs. Wall, WWNC; Jonas Weiland, WFTC; E. S. Whitlock, WRML; Bevo Whitmire, WFBC; A. D. Willard, WBT; Easton Woolley, NBC, and T. Doug Youngblood, WFIG.

MEETINGS NOTICE

James W. Woodruff, Jr., WATL, as director of the NAB 5th district, will be host to and will preside over the 5th district meeting at Atlanta, Georgia, September 10 (today).

Willard D. Egolf, NAB assistant to the president, will represent NAB and will discuss new radio legislation, the latest developments in manpower, materials, etc., in Washington and public relations. John Outler, WSB, will describe the Retail Promotion Plan presentation.

Mr. Egolf will also attend the Florida Broadcasters Association meeting September 12 at Jacksonville.

RADIO NEWS COMMITTEE APPOINTED; TO MEET IN NEW YORK WITH P.R. GROUP

Neville Miller has completed appointments to the newly-formed NAB Radio News Committee and has announced that this committee will meet with the NAB Public Relations Committee at the Waldorf-Astoria hotel in New York City September 15-16.

Committee personnel is: Karl Koerper, managing director, KMBC; William Dowdell, news editor, WLW; Tom Eaton, news editor, WTIC; Rex Howell, manager, KFXJ; L. Spencer Mitchell, WDAE; Paul White, director of news broadcasts, CBS, and Bill Brooks, director of news and special events, NBC. Walt Dennis, NAB news bureau chief, will serve the committee as secretary.

The News committee will meet jointly with the Public Relations committee the opening session Wednesday and at the luncheon that day to which the Association of Radio News Analysts members have been invited. Major George Fielding Eliot, ARNA president, and H. V. Kaltenborn will make brief talks.

The News committee will convene separately Wednesday afternoon and will hear Charter Heslep, radio division, Office of Censorship, speak on "After 12,000 Newscasts," and Russell Hogin, division of information, War Production Board, on "A Government Press Agent Looks at Radio News."

Thursday's sessions will be taken up with discussions on standards of newscast handling; recognition of the medium, its news and its personnel; radio and its own news; editorializing on the air and the future of radio news.

Bruce Robertson, associate editor of *Broadcasting* magazine, will address the Thursday luncheon of the News committee on "News of Radio Within the Industry."

Principal business of the Public Relations committee sessions will be discussion of the NAB public relations working plan, in preparation by Willard Egolf, NAB assistant to the president, since last June, and hearing of reports concerning the activities of Mrs. Dorothy Lewis, NAB coordinator of listener activity. The committee also will discuss NAB participation in the Peabody Awards during the coming year.

Edgar Bill, WMBD, is chairman of the Public Relations committee and Mr. Egolf is secretary.

FCC DENIES CIO PETITION

The CIO petition to intervene in the hearings on the BLUE network transfer (see pp. 367-68-69 NAB "Reports") was denied without prejudice by the Commission last week.

CIO in a long bill of particulars charged the radio industry with being unfair to labor in restricting labor's use of radio facilities on either a free or commercial basis. The petition asked FCC permission to bring these charges, which named NAB, before the hearings. FCC refused, but said CIO could appear with any matters relevant to the BLUE network transfer.

REVISED RESOLUTION AGAINST HITCH-HIKES

The following resolution, passed by the 2nd district NAB meeting in Syracuse, is a revised issue of the one which appeared on page 361 of the NAB "Reports," Aug. 27, 1943:

"WHEREAS, the so-called hitch-hike and cow-catcher announcements presently used on Network, National Spot and Local commercial programs tend to lower the standards of good radio broadcasting, because they are a confusing annoyance to the radio listener, and,

"WHEREAS, the use of such announcements are considered to be incompatible with the responsibility placed upon radio station licensees to operate in the "public interest, convenience and necessity," and,

"WHEREAS, the use of such announcements is a growing concern to the Radio industry,

"NOW THEREFORE BE IT RESOLVED that Kolin Hager, chairman of the second district of the NAB, is instructed to advise the Board of Directors of the NAB of their views and request said Board of Directors to include this subject of hitch-hike and cow-catcher announcements on the agenda of the next National Convention of the NAB. Mr. Hager is further instructed by this resolution to request the NAB offices to inform, by adequate means, other districts of this resolution to the end that said districts may take whatever action on the subject which they deem advisable. Should the National Convention pass a resolution similar to this one, it is suggested that such resolution be brought to the attention of all advertising agencies, advertisers, networks and others engaged in the planning, production and presentation of commercial radio programs."

HORSE BETTING RACKET

The old "place-a-bet" racket, familiar in many industries, is getting into the radio industry, according to a report furnished NAB by an alert broadcaster.

Here's the operation: Someone purporting to be a well-known broadcaster, or a friend of a w.k. broadcaster, will arrive in a town and call a station manager and say: "I'm a friend of Ted Husing" or "your friend, Benny, told me to look you up when I got here and as I'm a stranger, will you do a little favor for me . . . etc."

The "favor" is for the station manager to place bets on some horses for the visiting fireman. If the horses win, the station manager is to send the check or checks to a certain address by mail; if the nags lose, the fireman will send a check to the station manager—*but he never does.*

If you get a call on this subject, the best answer is "no, I don't bet on horses, I just eat them."

Fortune Reprint

The *Fortune* magazine reprint of the article "The Promise of Television" has been received at NAB headquarters and will be sent all NAB members next week (Sept. 17).

USES TO RECOMMEND DEFERMENTS

Instructions for referring to the United States Employment Service of cases involving selective service registrants engaged in critical occupations in war production or a war supporting activity were issued September 1, 1943, by the Selective Service Bureau of the WMC. The cases would be referred before the registrants affected are ordered to report for induction.

Under this procedure the USES may recommend that a registrant be deferred in his present employment or place him in more essential production. Broadcast occupations listed as critical are set forth in NAB Selective Service Handbook Supplement No. 13. This new regulation is fully covered by NAB Selective Service Supplement No. 14, mailed with this issue of the NAB "Reports."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, September 13. They are subject to change.

Monday, September 13

To Be Heard Before Commissioner Durr

WNYC—City of New York Municipal Broadcasting System, New York, N. Y.—For special service authorization; **830 kc.,** 1 KW, 6 a. m. to 10 p. m.; directional antenna.

Wednesday, September 15

Oral Argument Before the Commission

WCOP—Massachusetts Broadcasting Corporation, Boston, Mass.—C. P., **1150 kc.,** 1 KW, DA-night, unlimited.

Thursday, September 16

Further Hearing

KRBA—Ben T. Wilson, R. A. Corbett and Thomas W. Baker, Copartners, d/b as Red Lands Broadcasting Association, Lufkin, Tex.—Renewal of license, **1340 kc.,** 250 watts, unlimited.

KRBA—Ben T. Wilson, R. A. Corbett and Thomas W. Baker, Copartners, d/b as Red Lands Broadcasting Association (Assignor).—Voluntary assignment of license, **1340 kc.,** 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WLOL—Beatrice L. Devaney, Executrix of Estate of John P. Devaney, David J. Winton, and Charles J. Winton, Jr. (Transferor), Ralph L. Atlass (Transferee), Minneapolis, Minn.—Granted consent to acquisition of control of Independent Merchants Broadcasting Co., licensee of station WLOL, by Ralph L. Atlass (transferee), from Beatrice L. Devaney, Executrix of the Estate of John P. Devaney, David J. Winton, and Charles J. Winton, Jr. (transferors), for a total consideration of $6,319 (B4-TC-324).

National Broadcasting Co., Inc., New York City.—Granted extension of authority to transmit recorded programs to all broadcast stations under the control of the Canadian authorities that may be heard consistently in the United States (B1-FP-115). Granted extension of authority to transmit programs to Stations CBM and CBL and other stations under the control of the Canadian Broadcasting Corp. (B1-FP-116).

KFI—Earl C. Anthony, Inc., Los Angeles, Cal.—Adopted an Order (1) granting the petition for reconsideration filed by KFI directed against the action of the Commission granting the application of Iowa State College of Agriculture and Mechanic Arts (WOI), Ames, Iowa, for special service authorization to operate on **640 kc.** from 6 a. m. to local sunrise, CST, with 1 KW power, for the period ending February 1, 1944; (2) set aside said action; and (3) designated the application for hearing upon specified issues. The Commission further ordered that Earle C. Anthony, Inc. (KFI), Los Angeles, be made a party to such hearing.

DOCKET CASES

The Commission adopted a Decision and Order (B-190) granting application of O. R. Richardson, Fred L. Adair and Robert C. Adair, d/b as Radio Station WJOB (WJOB), Hammond, Ind., for a construction permit to make changes in transmitting equipment and increase operating power on **1230 kc.** from 100 watts to 250 watts, unlimited time.

* * *

At the same time the Commission adopted an Order (B-174) granting application of WIBC, Indiana Broadcasting Corp., Indianapolis, Ind., for construction permit to make modifications in the equipment of Station WIBC (which is now authorized to operate with 1 KW power night, 5 KW day), for operation of the station with 5 KW power, unlimited hours, employing a directional antenna during nighttime hours, subject to the express conditions that (a) objectionable interference will not be caused to the secondary nighttime service of Station CBA, Sackville, N. B., within the terms of the North American Regional Broadcasting Agreement, and (b) that as soon as materials become available or upon notice from the Commission the permittee will provide and install equipment necessary to comply in all respects with the Standards of Good Engineering Practice.

* * *

In another action, the Commission adopted Proposed Findings of Fact and Conclusions (B-189) granting application of WGAR, The WGAR Broadcasting Co., Cleveland, Ohio, for construction permit to change frequency from **1480** to **1220 kc.**, increase nighttime power from 1 to 5 KW, make changes in directional antenna for nighttime use, and move transmitter site locally. This grant is subject to condition that (a) applicant shall take whatever steps are necessary to improve the signal of WGAR over the Cleveland business district to comply with the Commission's Rules and Regulations when materials and equipment again become available for construction of broadcast facilities; and (b) that applicant shall submit proof that the proposed radiating system is capable of producing a minimum effective field of 175 mv/m at one mile for 1 KW power (or 392 mv/m for 5 KW power).

Contingent upon the above action on the WGAR application a grant of construction permit was also made to WHBC, The Ohio Broadcasting Co., Canton, Ohio, to make changes in transmitting equipment, install directional antenna for nighttime use, change frequency from **1230** to **1480 kc.**, and increase power from 250 watts to 1 KW.

At the same time the application of WADC, Allen T. Simmons, Talmadge, Ohio, to use the **1220 kc.** channel, increase power to 50 KW, and move transmitter site locally was denied. This station now operates on **1350 kc.** with 5 KW, unlimited time, using directional antenna both daytime and nighttime.

* * *

The Commission in a fourth action adopted Proposed Findings of Fact and Conclusions (B-188) denying without prejudice the application of United Broadcasting Co., WHKC, Columbus, Ohio, to change frequency from **640** to **610 kc.**, increase power from 500 watts to 1 KW, and hours of operation from limited to unlimited time, relocate transmitter site, and install directional antenna for nighttime operation.

This action is in conformity with the policy announced by the Commission in its Memorandum Opinion of April 27, 1942, with respect to use of critical materials during the war period.

DESIGNATED FOR HEARING

WFTL—Ralph A. Horton (Assignor), The Fort Industry Co. (Assignee), Fort Lauderdale, Fla.—Designated for hearing application for assignment of construction permit and license of broadcast station WFTL and license of relay stations WAAD and WRET, from Ralph A. Horton to The Fort Industry Co. (B3-APL-15; B3-ALRY-16; B3-ALRE-27).

WFTL—Ralph A. Horton, Fort Lauderdale, Fla.—Designated for hearing application for license to cover construction permit (for change in frequency from **1400** to **710 kc.**, increase in power from 250 watts to 10 KW, install new transmitter and directional antenna for night use, and move transmitter) and authority to determine operating power by direct method (B3-L-1755; B3-Z-1500).

WFTL—The Fort Industry Co., Fort Lauderdale, Fla.—Designated for hearing application for modification of license to move main studio from Fort Lauderdale to Miami, Fla. (B3-ML-1163).

LICENSE RENEWALS

Granted renewal of license of following stations for the period beginning October 1, 1943, and ending not later than October 1, 1945:

KEUB, Price, Utah; KFAM, St. Cloud, Minn.; KORE, Eugene, Ore.; WCHV, Charlottesville, Va.; WFMJ, Youngstown, Ohio; WGL, Fort Wayne, Ind.; WGOV, Valdosta, Ga.; WHDL, Allegany, N. Y.; WHMA, Anniston, Ala.; WKIP, Poughkeepsie, N. Y.; WMVA, Martinsville, Va.; WNAB, Bridgeport, Conn.; KDNT, Denton, Tex.; KGFF, Shawnee, Okla.; WASK, Lafayette, Ind.; WLEU, Erie, Pa.; WHIT, New Bern, N. C.; WHLN, Harlan, Ky.; WHLS, Port Huron, Mich.

KIUL—Garden City Broadcasting Co. (Homer A. Ellison and Frank D. Conrad), Garden City, Kans.—Granted renewal of license for period ending not later than April 1, 1945 (B4-R-848).

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted renewal of license for period ending not later than August 1, 1945 (B2-R-750).

MISCELLANEOUS

Congress of Industrial Organizations (CIO).—Referred to the Commission petition to intervene in re the application of Radio Corp. of America (Transferor) and American Broadcasting System, Inc. (Transferee), for consent to the transfer of control of Blue Network Company, Inc., licensee of Stations WJZ, New York, WENR, Chicago, and KGO, San Francisco, and 48 relay broadcast stations (Docket 6536).

WNAX—WNAX Broadcasting Co., Yankton, S. Dak.—Granted modification of construction permit which authorized increase in power and DA for night use, for extension of completion date to 11-7-43 (B4-MP-1722).

WGOV—E. D. Rivers, Valdosta, Ga.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-1539).

W6XLA—Television Productions, Inc., Los Angeles, Cal.—Granted modification (B5-MPVB-104) of construction permit for new television relay broadcast station, for extension of completion date only, from September 1 to November 1, 1943.

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Adopted Decision and Order denying petition for rehearing filed by Arkansas Broadcasting Co. (KLRA), directed against the action of the Commission granting the application of Baylor University and Carr P. Collins for a construction permit for new broadcast station in Corpus Christi, Tex.

National Broadcasting Co., Inc.—Denied petition for modification of Regulation 3.104.

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Granted petition to dismiss without prejudice application for construction permit to increase power to 5 KW on **970 kc.,** unlimited time.

Ira Chase Koehne as a creditor and in behalf of all other creditors of Blue Network and as Counsel for Petitioning Creditors.—Denied without prejudice petition to intervene in the matter of Radio Corp. of America (Transferor) and American Broadcasting System, Inc. (Transferee), applicants for consent to transfer of control of Blue Network Company, Inc., licensee of Stations WJZ, New York, WENR, Chicago, KGO, San Francisco, and 48 relay broadcast stations.

The American Network, Inc.—Referred to the Commission petition to intervene in re application of Blue Network transfer of control.

APPLICATIONS FILED AT FCC

740 Kilocycles

KTRH—KTRH Broadcasting Co., Houston, Tex.—Authority to determine operating power by direct measurement of antenna power in accordance with terms of above authorization.

KTRH—KTRH Broadcasting Co., Houston, Tex.—Special service authorization to operate on **740 kc.,** with power of 50 KW day and 25 KW night, employing a temporary directional antenna at night, for the period ending 2-1-44.

950 Kilocycles

KPRC—Houston Printing Corp., Houston, Tex.—Special service authorization to operate with power of 2½ KW night and 5 KW daytime, employing temporary non-directional antenna, for the period ending 8-1-44.

KPRC—Houston Printing Corp., Houston, Tex.—Authority to determine operating power by direct measurement of antenna power under terms of above application for special service authorization.

1240 Kilocycles

WTAX—WTAX, Inc., Springfield, Ill.—Authority to determine operating power by direct measurement of antenna power.

1250 Kilocycles

WDAE—Tampa Times Company, Tampa, Fla.—Special service authorization to operate on **770 kc.,** with power of 5 KW, unlimited time, employing directional antenna at night, for the period ending 8-1-44.

1400 Kilocycles

WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—License to cover construction permit (B1-P-3530) which authorized installation of new transmitter.

1450 Kilocycles

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine.—Authority to determine operating power by direct measurement of antenna power.

WMVA—Martinsville Broadcasting Co., Inc., Martinsville, Va.—Modification of license to change location of the main studio to E. of State Highway Route No. 108, 1.3 miles north of Martinsville, Va.

WGPC—J. W. Woodruff and J. W. Woodruff, Jr., d/b as Albany Broadcasting Co., Albany, Ga.—Construction permit to change frequency from **1450 kc.** to **1490 kc.** and move transmitter and studio from Albany, Ga., to West Point, Ga.

KWBW—William Wyse and Stanley Marsh, d/b as The Nation's Center Broadcasting Co., Hutchinson, Kans.—Voluntary assignment of license to William Wyse, Stanley Marsh and Bess Wyse, d/b as The Nation's Center Broadcasting Company.

MISCELLANEOUS APPLICATIONS

NEW—The Times Herald Company, Port Huron, Mich.—Construction permit for a new high frequency (FM) broadcast station to be operated on **47,700 kc.,** with coverage of 5,600 square miles.

NEW—Mutual Broadcasting System, Inc., Chicago, Ill.—Authority to transmit programs to Mexican stations known as "Radio Mil's Network."

FEDERAL TRADE COMMISSION DOCKETS

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Detroit Soda Products Company, Wyandotte, Mich., packing and distributing a baking soda (bicarbonate of soda) designated "Crystal Brand Baking Soda," recommended for use in the treatment of and as a remedy for various human ailments, and Aarons, Sill & Caron, Inc., Architects Bldg., Detroit, an advertising agency that has acted as agent in the dissemination of advertisements of the preparation, are charged in a complaint. (5037)

Ox'o-Gas Company, Palisades Park, N. J., selling and distributing a solution designated "Ox'o-Gas" for mixing or blending with gasoline, is charged in a complaint with misrepresentation. Under the name "Ox'o-Gas," he also has sold gasoline mixed with the solution. (5040)

Trans-Pac Services, Inc.—Misrepresentations of the therapeutic value of a medicinal preparation known as "OCA" and "OCA Pinkovels" is alleged in a complaint against Trans-Pac Services, Inc., 233 West 14th St., New York, which sells the product, and Dorland International, Rockefeller Center, New York, the advertising agency which aids in the preparation and dissemination of advertisements of the preparation. (5039)

Wyeth Chemical Co., Jersey City, N. J., selling and distributing a medicinal preparation designated "Hill's Cold Tablets," and Hill Blackett and Glen Sample, trading as Blackett-Sample-Hummert, 221 No. La Salle St., Chicago, an advertising agency employed by the Wyeth Chemical Co., are charged in a complaint with misrepresentation and false advertising in radio continuities and in advertisements in newspapers, magazines and other periodicals. (5038)

CEASE AND DESIST ORDERS

The Commission issued no cease and desist orders last week.

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Crescent Yarns, Mascher St. and Allegheny Ave., Philadelphia, selling and distributing knitting yarns, has stipulated to cease and desist from use of the word "Saxony" or any other word or words connoting any foreign geographical origin as a designation for or as descriptive of a product not imported from or made of materials imported from the country or locality indicated by the geographical designation or term. (3713)

Fogel Refrigerator Co., 5400 Eadom St., Philadelphia, and selling and distributing refrigerators and refrigerating units, has stipulated to cease and desist from use of the words "Lifetime Vision" or other word or words of like meaning as descriptive of their refrigerator cases; from representing that purchasers of the units are afforded unlimited protection, or any protection in excess of that actually provided, against display case worries such as fogging or sweating of glass fronts or other factors deterrent to clear vision; and from use of the words "Insurance Policy," or other words of like meaning, as a designation for or descriptive of an undertaking under the terms of which they agree to replace glass or other parts of such refrigerators for a consideration. (3714)

Gantner-Williams, Inc., Golf, Ill., entered into a stipulation to cease and desist from certain misrepresentations in connection with the sale of a device designated "Auto-Serv Kleenex Dispenser," designed to dispense Kleenex tissues in automobiles. (3711)

Hanovia Chemical & Manufacturing Co., Chestnut St. and New Jersey Railroad Ave., Newark, N. J., has entered into a stipulation to cease and desist from misrepresentation in the sale of its Hanovia Alpine Sun Lamp, advertised as having curative properties and as being safe for unsupervised home use. (3708)

George V. Harnetty, P. O. Box 1736, San Diego, Calif., selling a publication designated "My Own Story of My Diabetes," has stipulated to cease representing that by reading the publication a person "can learn a cure for diabetes." He further agrees not to publish or cause to be published any advertisement concerning the publication which fails to reveal the material fact that the treatment referred to in the advertisement involves the use of a chemical or drug which will have irritant effects and may seriously interfere with the proper functioning of injured or diseased kidneys, and that its prolonged use may injure kidneys that are normal. (03136)

Hy-Grade Fur Corp.—A stipulation to cease and desist from misrepresentations in the sale of fur garments has been entered into by Hy-Grade Fur Corp., Baltimore. (3709)

National Retailer-Owned Grocers, Inc., Merchandise Mart, Chicago, selling dry dog food preparations designated "Roxey Dog Food Mix," "Roxey Dog Food," in kibbled and meal form, and "Roxey Rations Dog and Cat Food Meal," and referred to generally as "Roxey Brand Dog Food," has stipulated to cease and desist from representing that the products contain meat or beef, or causing to be published or disseminated any testimonials containing any representations contrary to the foregoing agreement. (03137)

Permaflex Products Co., 1844 North Front St., Philadelphia, selling a mastic preparation designated "Permaflex," has stipulated to cease and desist from representing that the product is wearproof or the only hard mastic. (03138)

Religious House and M. B. Waterman & Co., Not Inc., 333 So. Market St., Chicago, selling certain religious articles, has stipulated to cease and desist from representing that a crucifix advertised by him is hand-carved. (03139)

San-Nap-Pak Manufacturing Co., Inc., 144 Broadway, New York, stipulated that, in connection with the sale of the sanitary tissue napkins it manufactures, it will discontinue representing by means of statements or picturizations that their absorbency exceeds that of other reputable brands by an apparent 50 percent or in any degree not established by competent scientific evidence. The corporation also agrees to cease using any other unwarranted statement or representation which tends to discredit or disparage competitors or their products. (3710)

Schiff Bio-Food Products, 3265 Joy Road, Detroit, selling medicinal preparations, designated "Crysta-Jell" and "Reducers Skin Lotion," has stipulated to cease and desist from representing that Crysta-Jell will restore energy or health; preserve health, youth or appearance, cure obesity, satisfy hunger, or effect a loss of 3 to 4 pounds of weight per week or in any other definitely stated amount within any given period of time; that it contains no drugs or chemicals; that it is a vegetable gelatin compound or a vegetable concentrate; or that Reducers Skin Lotion will keep the skin firm. (03135)

Yarn Novelty Co., 42 North Ninth St., Philadelphia, selling and distributing knitting yarns, has stipulated to cease and desist from the use of the word "Shetland" or any other word of similar import as a designation for or as descriptive of any product not composed entirely of fibers from fleece of Shetland sheep grown on the Shetland Islands; provided, however, that in the case of a product composed in substantial part of such fiber, the word "Shetland" may be used as descriptive of the Shetland fiber content if there are used in immediate conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials; and from use of the words "Scotch," "Spanish," "Saxony" or other words connoting any foreign geographical origin as designations for or as descriptive of products not imported from or made of materials imported from the country or locality indicated by use of the geographical designation or term. (3712)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 38, September 17, 1943

Petrillo Hearing Continued

Hearings before the panel of the War Labor Board continued on Thursday, September 9, when Mr. Socolow completed his presentation on behalf of the electrical transcription manufacturers. Mr. Padway, as counsel for the Union, thereupon requested and received an adjournment of one week to study the evidence before putting in the Union's case. The hearings are, therefore, expected to resume on Monday, September 20.

In addition to the completion of the transcription companies' case by Mr. Socolow, Mr. Milton Diamond made a statement on behalf of World Broadcasting System. In his presentation, Mr. Diamond said that the fact that the phonograph record cannot be controlled by the manufacturer and is used for any purpose which the purchaser chooses "presents a problem to us as manufacturers of records and we are not here in this proceeding as manufacturers of records . . . it presents a problem equally serious to the members of the American Federation of Musicians."

Mr. Diamond also said that the manufacturers of transcriptions should not be considered as record manufacturers at all but rather as rendering a service analogous to that of networks; and he thought that the relationship between transcription companies and the AFM should perhaps be re-evaluated in the light of the analogy.

Mr. Petrillo in response praised Mr. Diamond for asserting that the union had a problem in connection with the use of phonograph records and for his approach to this problem. Mr. Petrillo also threatened "that 160 radio stations in this country which have not employed musicians are going to employ musicians within the next 60 days. . ." Mr. Petrillo stated that he had received this information from the NAB, and he apparently was under the impression that the NAB had made public a list of 160 broadcasting stations affiliated with networks which did not employ musicians.

In this Mr. Petrillo is mistaken. The 160 stations to which he refers are actually 165 in number. These are the 165 stations which according to a survey made by the American Federation of Musicians are located in towns in which there is no local of the American Federation of Musicians. The NAB has never challenged this figure of 165 because the discrepancies between the NAB's information on this point and the union's acknowledged absence of locals is a minor one. With respect to network affiliated stations, Mr. Petrillo himself put into the record at the Senate hearing last January a list of 201 affiliated stations which he claimed did not employ union musicians.

In this connection it is of interest to note that on September 10, Judge Love of the Supreme Court of Monroe County in Rochester refused to grant WSAY a temporary injunction restraining the AFM from preventing Mutual and Blue from feeding to WSAY musical programs for so long as WSAY failed to employ a quota of musicians satisfactory to the local union.

FREC Meeting

A meeting of the Executive Committee of the Federal Radio Education Committee has been called by Chairman John W. Studebaker, United States Commissioner of Education, for Friday, September 17, at the Statler Hotel in Washington, D. C. This is the first under the new plan adopted in April to hold meetings semi-annually rather than quarterly for the duration, and to formalize them to the extent of having different members prepare papers on assigned topics.

A sub-committee was appointed by Chairman Studebaker to be responsible for the planning of programs. Made up of the Washington, D. C. members, the committee, under the chairmanship of Neville Miller, NAB President, comprises George P. Adair, Assistant Chief Engineer of the Federal Communications Commission, Willard E. Givens, Executive Secretary of the National Education Association, Rt. Rev. Msgr. George Johnson, Director, Department of Education, National Catholic Welfare Conference, with Gertrude G. Broderick serving as secretary.

At the opening session Friday morning, four members are expected to discuss the general topic *How Can Radio Be More Effective as an Aid to Teaching?* Dr. Lyman Bryson, Director of Education of CBS, will consider it from the angle of what the network broadcaster considers his responsibility to be in the planning of educational programs. Dr. Bruce E. Mahan, Director of Extension Division, State University of Iowa, will evaluate the efforts of the networks to develop programs from the standpoint of education. The use of radio by State departments of education will be reported by Dabney S. Lancaster, State Superintendent of Public Instruction, Virginia. Some of the extra-curricular uses of radio that might make it seem important in a school system that may not be giving attention to its use as a classroom teaching aid will be discussed by Rt. Rev. Msgr. George Johnson, National Catholic Welfare Conference.

The luncheon and afternoon sessions are to be given over largely to a discussion of *FM and Its Possibilities as an Education Aid.* Heading the discussion at the luncheon session will be James Lawrence Fly, Chairman, Federal Communications Commission, after which George P. Adair, Assistant Chief Engineer at the FCC will outline in detail the present utilization of the five channels reserved exclusively in the ultra-high frequency band for education. Harold B. McCarty, Director, Station WHA, University of Wisconsin, will discuss what FM will mean to the college-owned station and what the attitude of the National Association of Educational Broadcasters is toward the development of FM educational stations.

Each topic will be followed by discussion of what FREC's responsibility may be in connection with the problem under consideration.

A preliminary report of the FREC Sub-Committee to Study Post-War Problems in Educational Radio, will be presented by the chairman, Levering Tyson, President of

(Continued on page 382)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Arthur C. Stringer, *Director of Promotion.*

FREC MEETING

(Continued from page 381)

Muhlenberg College. This sub-committee was appointed at the April meeting of the committee and is made up of Judith C. Waller, Mid-West Educational Director of NBC at Chicago, George P. Adair, of the FCC, and Dr. Tyson.

OWI Shuffle

Palmer Hoyt, domestic director of OWI, announces a strengthening of organization and a realignment of personnel in his branch. "This realignment," Mr. Hoyt said, "will produce these results:"

"It will improve our effectiveness in serving the media of information and the war agencies of the government. It will strengthen control over our varied programs, so as to carry out the policies laid down by Congress. It will effect many economies, but we will get the maximum possible return out of every dollar and every man and woman on the job."

James Allen continues as Assistant Director, while Stephen E. Fitzgerald becomes Assistant Director in Charge of Operations. Donald Stauffer likewise continues as Chief of the Radio Bureau.

Among the functions which the Domestic Branch will continue to perform, according to Mr. Hoyt's statement, are to serve as a channel between war agencies and the radio industry; coordinate and allocate all government requests for radio time; prepare radio war messages; and clear government war radio programs.

The major cuts in OWI operations are the elimination of certain production activities, including radio transcriptions, and the elimination of field offices.

Public Relations and News Committees in Session

The NAB Executive Committee on Public Relations and the Radio News Committee held a joint session in New York on Wednesday (15) and are continuing in session at the time the REPORTS go to press. A complete statement of the discussions and conclusions reached will be given in next weeks NAB REPORTS.

BMI TOP TUNES

These songs are currently listed by VARIETY as being among those most played on the networks for the week of August 23:

"Do You Know"
"I Heard You Cried Last Night"
"Paper Doll"
"Things That Mean So Much to Me"
"Brazil—'Saludos Amigos'"
"I'm Thinking Tonight of My Blue Eyes"
"Pistol Packin' Mama"

Radio Backs National War Fund Campaign

Indicative of the widespread industry support to the forthcoming National War Fund is the list of industry men behind the guns on the Radio Committee. They are:

RADIO COMMITTEE

Neville Miller, President, NAB, chairman
Burridge Butler WLS, Chicago
Martin Campbell WFAA, Dallas
Carl M. Everson WHKC, Columbus, Ohio
Leo Fitzpatrick WJR, Detroit
Clarence T. Hagman WTCN, Minneapolis
Wiley P. Harris WJDX, Jackson, Miss.
Harold A. Lafount 730 Fifth Avenue, New York City
Miller McClintock, president, MBS
Clair McCollough WGAL, Lancaster
Paul W. Morency WTIC, Hartford
William S. Paley, President, CBS
Eugene Pulliam WIRE, Indianapolis
Harry Spence KXRO, Aberdeen
Major E. M. Stoer Hearst Radio, New York City
Niles Trammel, president, NBC
Lee B. Wailes KYW, Philadelphia
Lewis Allen Weiss, Don Lee Network
Arthur Westlund KRE, Berkeley
Mark Woods, president, Blue
Ed Yocum, KGHL, Billings

RADIO ADVERTISING COMMITTEE

The Radio Advertising Committee consists of:

Joseph R. Busk, Ted Bates, Inc., Chairman
Hubbell Robinson, Young and Rubicam
Cadwell S. Swanson, J. Walter Thompson Co.
S. Heagen Bayles, Ruthrauff and Ryan
Harold Wengler, H. M. Kiesewetter Agency
Maurice H. Bent, Blackett, Sample and Hummert

OFFICE OF WAR INFORMATION

OWI personnel engaged in the radio campaign are:

Herman S. Hettinger, deputy director, OWI
Donald D. Stauffer, chief, Domestic Radio Bureau
Philip H. Cohen, deputy, Domestic Radio Bureau
William Spire, chief, allocation section, Domestic Radio Bureau
John Hymes, chief, station relations

Jesse Butcher is director of the radio department of the National War Fund. Associates are: Rene Kuhn, Jane Moore, and Joan MacDonald.

A radio kit, dated Sept. 10 has been mailed all stations.

Fifth District Resolves on New Legislation

NAB Fifth District, meeting in Atlanta, Georgia, September 10, with James W. Woodruff, Jr., presiding, resolved that legislation was the greatest problem facing the radio industry, as follows:

"BE IT RESOLVED by the Fifth District of NAB:

1. That sound adequate basic legislation defining the rights and responsibilities of broadcasters and protecting the freedom of radio is the most important matter before the industry today.

2. That the Legislative Committee of NAB be instructed to proceed forthwith to prosecute the passage of such legislation through the White-Wheeler, Holmes or other bills which might prove, after adequate hearing and consideration, to be the best for the public and all interests of the industry.

3. That a Legislative Committee, composed of Harry Ayers of Anniston; Henry Johnston, Birmingham; Leonard

Reinsch, Atlanta; Walter Tison, Tampa, be appointed in the Fifth District to cooperate with the National Legislative Committee."

Discussion of the Petrillo situation resulted in a second resolution:

"A motion that this District go on record urging the Board of Directors and the Staff of the National Association of Broadcasters to prosecute with every means at their command methods to prevent the industry from being persecuted by any action of the American Federation of Musicians."

Addressing more than fifty registered delegates from Georgia, Alabama, and Florida, Willard D. Egolf, Assistant to the President, NAB, discussed the status of new legislation, the White-Wheeler bill, the Holmes bill and prospective hearings on both. Up to date reports on manpower, materials and selective service were also given. Many participated in the open discussions on all topics.

James W. Woodruff, Jr., appointed the following Legislative Committee: Thad Holt, WAPI, Birmingham, Ala.; Frank King, WMBR, Jacksonville, Fla.; Walter Tison, WFLA, Tampa, Fla.; and Red Cross, WMAZ, Macon, Ga.

Luncheon speaker, Lou Gordon, Director of Public Relations for the Citizens and Southern Bank, paid radio high compliments for its promotion of the sale of War Bonds and requested generous contributions of time and talent in the Third War Loan Campaign.

Florida Broadcasters Discuss ASCAP Law

The Florida Association of Broadcasters met in Jacksonville on Sunday, September 12, where Jack Hopkins, WJAX, assumed the office of President, following L. Spencer Mitchell, WDAE, Tampa, past incumbent.

Discussion of new radio legislation by Willard D. Egolf, NAB Assistant to the President, with additional remarks from the floor, was followed by passage of the resolution adopted by the Fifth NAB District in Atlanta two days previously, urging new laws. A report on manpower, materials, selective service and other phases of industry activities was also heard.

The afternoon session was devoted exclusively to a discussion of the Florida "anti-ASCAP" law, originally passed in 1937, which places prohibitions upon the operations of ASCAP, SESAC, AMP and BMI in that state. Further legislation was passed in 1939 and this year additional legislation was vetoed by the Governor.

Assistant Attorney General, John C. Wynn, explained the action of the Attorney General in filing a suit against these organizations for clarification of the law and his obligations as an enforcement officer, which the legislation prescribes. Action was taken by the Association to insure satisfactory conclusion to this and a suit previously filed by Palm Taverns, Inc., of West Palm Beach, in a "friendly" action against ASCAP.

Thirteen of the twenty members of the Association were present.

Technician Training

Three youngsters have just received first-class radiotelephone licenses and six others have received second-class radiotelephone licenses in Portland, Oregon. All completed training in the Benson Polytechnic School which is a division of the Portland Public Schools. William E. Richardson is head instructor, War Production Training, Radio School.

The boys and girls vary in age from sixteen to seventeen years according to word received by Howard S. Frazier, NAB director of engineering. Stations located in and around Portland that are interested in this group should communicate with Mr. Richardson.

Members of the group are:

FIRST-CLASS LICENSE:
John Backman
Lyle Eastlund
James Holland

SECOND-CLASS LICENSE:
Miss Susanna Johnson
Emmett Bernard
Leslie Smith
Richard White
Don Kerlee
Rudolph Peterson

FEDERAL COMMUNICATIONS COMMISSION

Fly on Broadcasting in the Public Interest

Discussing the transfer of the Blue Network at his press-radio conference on Monday, FCC Chairman James Lawrence Fly said that such an investigation gives the Commission a chance to look into questions which involve the broad general policies that fix the scope of broadcast operations. Fly said that it has to be borne in mind the necessity of having a broad general public service in radio, not a tendency to constrict and exclude, particularly in the field of public discussion, the presentation of views on important current issues, political, social and economic in character.

To the extent that broadcasting fails to meet that most important public need, to that extent it is deficient, Fly said. There seems to be something of a tendency in the industry generally to restrict and exclude rather than to lay down sound policies that will give us broader and more wholesome public service. He said: "It is time for the industry itself to take hold of this whole problem and see how opportunities can be made to render broader service and to agree on rendering more fundamental services. It is conceivable it may be the easiest way out to constrict and exclude, but it is not so clear that the easiest way out is the most constructive way."

To the extent that the industry might not "see the light," he was questioned, and the Chairman said "That would be a matter for the consideration of the Commission. It is something of a defensive complex, you know, that enters into this sort of thing, a tendency of the industry to avoid these vital questions on the public issues, to take refuge behind shibboleths rather than move out in a fundamental and vital way and grasp the issues and do something about rendering a public service in regard to them."

Continuing on this subject the Chairman said: "I rather suspect that if the present tendency continues, the overall utility of the broadcasting will tend to diminish from day to day, month to month, year to year, simply because of the ease of adopting restrictions and constrictive and exclusive measures. We seem to be simply sticking to the point that so long as an outfit is big enough and has some product to sell over a national network, it will get the time, and if not it won't get it. That's too easy a standard. Then, too, I would suppose it doesn't help that situation any where we permit that small restricted group to promote their own ideas and their own philosophies and press those upon the public's attention. You have that in a number of instances, which only accentuates the fact that you don't render a broad public service.

"I heard a so-called news program last night. It always is supposed to be a news program. Through the months it has been tending more and more to get away from the news of the day to the philosophies of the particular sponsor. Things like that are done in a somewhat subtle if not over-subtle manner. Only by careful listening do you discover that he is not giving you news or comment on the world news, but is peddling ideas to you from the company headquarters. Where ideas and ideals and philosophies are promoted they ought to be promoted openly, and in any case when they are promoted they should be counterbalanced by other presentations so that the public will have the benefit of both sides of the controversial issues."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, September 20th. They are subject to change.

Monday, September 20

Further Hearing

WOKO—WOKO, Incorporated, Albany, N. Y.—Renewal of license (Main and Auxiliary), **1460 kc.**, Main, 500 watts night, 1 KW day; Auxil., 500 watts, unlimited.

Further Hearing

To be heard before the Commission en banc in room 6121, New Post Office Bldg.

WJZ, WENR, KGO and 48 relay broadcast stations—Radio Corporation of America, (Transferor), and American Broadcasting System, Inc., (Transferee), New York, N. Y.—For consent to transfer of control of the Blue Network Co., Inc., Licensee of Radio Stations WJZ, WENR, KGO and 48 relay broadcast stations.

Thursday, September 23

To Be Heard Before Commissioner Durr

WNYC—City of New York Municipal Broadcasting System, New York, N. Y.—For Special Service Authorization, **830 kc.**, 1 KW, 6 a. m. to 10 p. m., directional antenna.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KROC—Agnes P. Gentling, Executrix of the Estate of Gregory P. Gentling, Deceased, (Transferor), Lawrence C. Miller, et al., Trustees (Transferees), Rochester, Minn.—Granted consent to transfer control of station KROC from Agnes P. Gentling, Executrix of the Estate of Gregory P. Gentling, Deceased, to Lawrence C. Miller, et al., Trustees of the estate of Gregory P. Gentling, Deceased. No monetary consideration is involved in this application, only a transfer of 2505.5 shares of stock from the Executrix to a Trusteeship, as provided in the will of the Deceased (B4-TC-326).

KRLH—Clarence Scharbauer, Deceased (Assignor), Millard Eidson, Independent Executor of his estate (Assignee), Midland, Texas.—Granted consent to involuntary assignment of license (B3-AL-379), of station KRLH from Clarence Scharbauer, Deceased, to Millard Eidson, Independent Executor of his Estate.

KRLH—Millard Eidson, Independent Executor of the Estate of Clarence Scharbauer, Deceased, Midland, Texas.—Granted renewal of license (B3-R-877).

WSAI—The Crosley Corp., Cincinnati, Ohio.—Granted petition to operate booster amplifier by remote control, waiving requirements of Sec. 2.53 of the Rules, subject to certain conditions.

MISCELLANEOUS

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-1532).

W9XG—Purdue University, W. Lafayette, Ind.—Granted modification (B4-MPVB-103) of construction permit which authorized changes in equipment, frequencies, decrease in power and addition of aural channel using special emission for FM, for extension of completion date from 9-24-43 to 9-24-44.

WFLA—The Tribune Co., Tampa, Fla.—Granted request for oral argument and scheduled same for September 29, 1943, in re (B-184).

American Network, Inc.—Denied without prejudice to the right of petitioner to seek intervention in any future proceedings involving a change in the name of the operating company of the Blue Network Company, Inc., to the American Broadcasting System, Inc., or any similar name which would involve confusion with that of petitioner (Docket No. 6536).

WHDH—Matheson Radio Company, Inc., Boston, Mass.—Denied petition to correct existing station license so as to permit the operation of WHDH at night with a directional antenna after local sunset at Gainesville, Fla., instead of after local sunset at Boston, Mass.

WNYC—City of New York Municipal Broadcasting System, New York, N. Y.—Adopted order cancelling hearing scheduled for September 23, removed from the hearing docket and granted application for Special Service Authorization to permit station WNYC to operate until 10 p. m.

APPLICATIONS FILED AT FCC

620 Kilocycles

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Modification of Construction Permit (B1-P-2868 as modified) which authorized increase in power, installation of new equipment and directional antenna for extension of completion date from 9-11-43 to 9-25-43.

1240 Kilocycles

KROY—Royal Miller, Marion Miller, L. H. Penney, Gladys W. Penney and Will Thompson, Jr., a partnership, d/b as Royal Miller Radio, Sacramento, Calif.—Voluntary Assignment of License to Royal Miller, Marion Miller, L. H. Penney, Gladys W. Penney d/b as Royal Miller Radio.

1400 Kilocycles

KRKO—The Everett Broadcasting Co., Inc., Everett, Wash.—Modification of License to increase power from 100 watts night, 250 watts daytime to 250 watts day and night.

1490 Kilocycles

NEW—L. J. Duncan, Leil A. Duncan, Josephine A. (Keith) Rawls, Effie H. Allen, d/b as Valley Broadcasting Co., West Point, Ga.—Construction Permit for a new standard broadcast station to be operated on **1490 kc.**, 250 watts, unlimited time.

MISCELLANEOUS APPLICATION

NEW—The Regents of the University of Michigan, Ann Arbor, Mich.—Construction Permit for a new Non-Commercial Educational Broadcast Station to be operated on **42900 kc.**, power of 1 KW and special emission for frequency modulation, unlimited hours of operation.

FEDERAL TRADE COMMISSION DOCKETS

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Bell's Homeopathic Pharmacy, 222 Greenwich Street, New York, selling and distributing a preparation designated "Bell's Liquo Garlic," advertised as a competent treatment for ailments of dogs and cats, is charged in complaint with misrepresentation. (5043)

Benjamin Chaitt, Isaac Chaitt, Max Chaitt, and Mrs. Elizabeth Carl, conducting clothing stores in various cities, are charged in a complaint with violation of the Wool Products Labeling Act of 1939 and the Federal Trade Commission Act. (5041)

Mayo Brothers Vitamins, Inc., trading as Mayo Bros., 639 South Spring St., Los Angeles, and its officers, Irby L. Mayo, Oran Frank F. Mayo and Paul Murry, are charged in a complaint with falsely advertising that they are connected with the Mayo Clinic at Rochester, Minn., and that the medicinal preparations they sell are sponsored or produced by the Mayo Clinic. The complaint also alleges that they have misrepresented the therapeutic value of the preparations which are designated "May Bros. Vitamin B Complex," "Mayo Bros. Vitamin B1," and "Mayo Bros. Family Formula." (5044)

Motloid Company, Inc., and Wallace A. Erickson, 325 West Huron St., Chicago, engaged in the sale and distribution of a denture base designated "Moldent," are charged in a complaint with misrepresentation of the product. (5042)

Danville Engraving Company, 220 North Logan Ave., Danville, Ill., making, selling and distributing photo-engraving plates, is charged in the complaint with disparagement of competitors and misrepresentations of his products. (5045)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Barnes Advertising Agency, Marceline, Mo., selling and distributing calendars, has stipulated that, in soliciting the sale of or selling calendars or other printed, mimeographed or multigraphed matter in commerce, she will cease making use of any alleged samples of calendars or other material in any manner, the effect of which may tend to convey the belief that such so-called samples are representative of or actually are samples of the calendars or other material to be delivered to purchasers, when such articles of merchandise as delivered are not comparable with the samples in quality, workmanship, material, design and appearance. (3716)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Manhattan Brewing Company, 3901 Emerald Ave., Chicago, brewing and selling beer and ale, among which are brands designated "Canadian Ace Brand Beer," "Canadian Ace Brand Ale," and "Old Wisconsin Lager Brand Beer," has been ordered to cease and desist from misrepresentation in the sale of its products. (4572)

Modern Marketing Service, Inc., a purchasing organization with headquarters in Chicago, and a group of wholesale grocery firms for which it buys Red and White private brand foodstuffs and allied commodities, have been ordered to cease and desist from violation of the brokerage section of the Robinson-Patman Act. (3783)

FTC CASES CLOSED

The Federal Trade Commission has closed without prejudice two cases growing out of complaints which alleged violation of Section 2 (a) of the Robinson-Patman Act.

One complaint (4506) was against Callaway Mills, Lagrange, Ga., and the other (4744) against Tennessee Tufting Co., Nashville, Tenn. The respective respondents are engaged in the manufacture and sale of tufted bedspreads, bath mats, rugs and allied products.

The complaints alleged that the respondents, in the sale of products of like grade and quality to different purchasers, had discriminated in price by selling to some of their customers at prices lower than those at which they sold to other customers and by allowing certain purchasers rebates or discounts which were not granted to others.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 39, September 24, 1943

WORLD PREMIER RETAIL PROMOTION COMMITTEE PLAN

WASHINGTON, D. C., OCTOBER 12

One Hundred and Sixteen Presentations Planned

Culminating over eighteen months of painstaking effort on the part of leaders in the retailing and radio field, the Retail Promotion Committee Plan is ready for debut. Chairman Paul W. Morency, under whose able leadership this ambitious undertaking has been carried out, has announced the Premier Showing for Washington, D. C., on Tuesday, October 12. Capital city stations participating in the plan have formed a committee headed by Carlton Smith, WRC; the other members being Carl Burkland, WTOP; Henry Seay, WOL; Ben Baylor, WMAL, and Bennett Larson, WWDC. This committee will join with representative Washington retailers in sponsoring the inaugural showing in the Congressional Room of the new Hotel Statler. Reaction to the preliminary announcement indicates widespread interest on the part of government officials and industry leaders and every indication points to a large attendance. This showing will set the pattern for one hundred sixteen presentations to be made in as many cities from coast to coast.

MC's Selected

From the ranks of the radio industry fifteen men have been picked to serve as masters of ceremony for the showings. These men will be carefully trained in their MC duties in two especially arranged schools, one to be held in Detroit the week of October 4 and the other in New York the week of October 11. These men are M. F. Allison, WIW-WSAI, Cincinnati; Lew H. Avery, NAB, Washington, D. C.; Harry Burke, WOW, Omaha, Nebraska; Donald D. Davis, WHB, Kansas City, Missouri; James Gaines, NBC, New York; Arthur Hull Hayes, WABC, New York; Kingsley F. Horton, WEEI, Boston; Walter Johnson, WTIC, Hartford, Connecticut; John Nell, WOR, New York; John M. Outler, Jr., WSB, Atlanta, Georgia; Clyde Pemberton, KFJZ, Fort Worth, Texas; William C. Roux, NBC, New York; Frank Webb, KDKA, Pittsburgh, Pennsylvania; Frank P. Wright, San Francisco Retail Radio Bureau; and E. Y. Flanigan, WSPD, Toledo, Ohio.

All cities in which Master Showings are to be made have been notified of the dates and as soon as confirmations are received a complete schedule will be made public. Meantime Chairman Morency has released a list of the cities to be covered:

ALABAMA
  Mobile
  Montgomery

ARKANSAS
  Little Rock

CALIFORNIA
  Los Angeles
  Oakland
  San Diego
  San Francisco

COLORADO
  Denver

CONNECTICUT
  Bridgeport
  Hartford

FLORIDA
  Gainesville
  Jacksonville
  Miami

GEORGIA
  Atlanta
  Columbus
  Macon

INDIANA
  Evansville
  Fort Wayne
  Indianapolis

IOWA
  Cedar Rapids
  Davenport
  Des Moines
  Dubuque
  Fort Dodge
  Sioux City

KANSAS
  Wichita

KENTUCKY
  Louisville

LOUISIANA
  New Orleans
  Shreveport

MAINE
  Portland

MARYLAND
  Baltimore

MASSACHUSETTS
  Boston
  Fall River
  Greenfield
  Pittsfield
  Springfield
  Worcester

MICHIGAN
  Flint
  Kalamazoo

MINNESOTA
  Albert Lea
  Duluth
  Minneapolis
  St. Paul

MISSOURI
  Kansas City
  St. Louis

NEBRASKA
  Lincoln
  Omaha

NEW HAMPSHIRE
  Manchester

NEW JERSEY
  Newark

NEW YORK
  Albany
  Buffalo
  New York
  Rochester
  Utica

NORTH CAROLINA
  Asheville
  Charlotte
  Durham
  Fayetteville
  New Bern
  Raleigh
  Winston-Salem

NORTH DAKOTA
  Fargo
  Grand Forks

OHIO
  Akron
  Canton
  Cincinnati
  Cleveland
  Columbus
  Dayton
  Springfield
  Toledo
  Youngstown

OKLAHOMA
  Oklahoma City
  Tulsa

PENNSYLVANIA
  Altoona
  Philadelphia
  Pittsburgh

RHODE ISLAND
  Providence
SOUTH CAROLINA
  Charleston
  Columbia
  Greenville
  Spartansburg
TENNESSEE
  Bristol
  Chattanooga
  Kingsport
  Knoxville
  Memphis
  Nashville
TEXAS
  Austin
  Beaumont
  Dallas
  El Paso
  Fort Worth
  San Antonio
UTAH
  Provo
VIRGINIA
  Danville
  Lynchburg
  Newport News
  Norfolk
  Richmond
  Roanoke

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Arthur C. Stringer, *Director of Promotion.*

WASHINGTON
- Seattle
- Spokane
- Tacoma

WEST VIRGINIA
- Beckley
- Charleston
- Huntington
- Parkersburg
- Wheeling

WISCONSIN
- La Crosse
- Milwaukee
- Racine
- Wausau

The committee which has devoted much time and energy to the successful production of this plan to its present point of showing is, in addition to Chairman Morency, as follows:

Robert E. Bausman, WISH, Indianapolis, Ind.
Gene L. Cagle, Texas Star Network, Fort Worth, Texas.
Dietrich Dirks, KTRI, Sioux City, Iowa.
John Esau, KTUL, Tulsa, Okla.
James V. McConnell, NBC, New York, N. Y.
Kenneth K. Hackathorn, WHK-WCLE, Cleveland, Ohio.
Arthur Hull Hayes, WABC, New York, N. Y.
Walter Johnson, WTIC, Hartford, Conn.
C. L. McCarthy, KQW, San Jose, Calif.
John M. Outler, Jr., WSB, Atlanta, Ga.
Oliver Runchey, KOL, Seattle, Wash.
William Crawford, WOR, New York, N. Y.

Lewis H. Avery, NAB Director of Broadcast Advertising has served as secretary.

DECCA-WORLD MAKE A.F.M. SETTLEMENT

Decca Records, Inc. and World Broadcasting System, Inc. announced to the War Labor Board this week that they had concluded a contract with the A. F. of M. for a period ending December 31, 1948, and that the contract would be put in writing by Monday, September 27th.

Decca and World under the terms of the verbal arrangement began recording at once, although it is believed that the recordings so made cannot be released by the companies until the contract is actually signed.

A. Walter Socolow speaking on behalf of the remaining transcription companies urged that the men return to work simultaneously for the other companies so that World and Decca would not receive any undue advantage, but the Union opposed this request and the Chairman of the Panel reserved decision on it.

Although Decca and World refused to make the terms of their deal with the Union public at the Panel hearing, a press release distributed on behalf of these companies gave some of the essential terms. The release shows the following schedule of payments:

¼¢ on 35¢ records
½¢ " 50¢ "
¾¢ " 75¢ "
1¢ " $1 "
5¢ " $2 "

On library transcriptions 3% of the gross rental fee of the transcriptions. No payment is to be made on transcriptions used only once.

World and Decca announced that no part of these payments would be passed along to the consumer.

It is not yet clear whether the payment is to be made to the musicians who are actually employed by World and Decca, or directly to the Union itself. It will be remembered that the Statement of Principle to which all of the record and transcription companies including World and Decca subscribed on February 23, 1943, included a statement that the companies would not accept the principle of making payments directly to the Union. This Statement of Principle received the support of the last NAB Convention.

Mr. Socolow stated to the Panel of the War Labor Board that the other transcription companies which are party to the proceeding would not accept the principle of making payment directly to the Union and that if this were part of the contract they wanted the case to continue before the Panel upon its merits. The Chairman of the Panel has announced that the War Labor Board will continue its jurisdiction in the dispute and that if the terms of the deal between the Union on the one hand and World and Decca on the other are not made public on Monday, he will again entertain the motion of other companies that the strike be ended as to all companies.

Meanwhile, WOR Recording Studios, which was never a party to the proceeding, which is engaged solely in the manufacture of commercial transcriptions, has agreed to execute any contract with respect to commercial transcriptions that may be executed by World and has received the right to commence the manufacture but not the distribution of transcriptions at once.

An editorial with respect to the principles in the proposed contract which appeared in the *New York Times* of September 23rd is reprinted herewith:

Why Petrillo Wins

One of the phonograph record companies has succumbed in large part to Mr. Petrillo's demands. It has signed a four-year contract with him agreeing to pay fees on every record it sells, ranging from one-quarter of a cent on records selling for 35 cents to 5 cents on a $2 disk. It has still not been made entirely clear to whom these fees are to be paid. According to earlier reports they were to be paid to the musicians actually engaged in making the recordings. It was understood that the musicians, in turn, would be taxed by the Petrillo union to aid its unemployed members. Later reports, however, are that the fees will be paid by the record company direct to the union and not to the musicians making the disks.

Either of these arrangements would be unsound in principle, though the second would be the worse. In either case Mr. Petrillo would be levying a private tax—in one case on employers, in the other on members of his own union. The second arrangement would be unobjectionable if the members of his union were in fact as well as theory merely voluntary members free to remain with or to leave the union as they saw fit. But their membership is, in fact, obligatory. Through the irresponsible powers that Mr. Petrillo is free to exercise under existing law a musician, no matter how competent, can be effectively prevented from making a livelihood unless he is a member of the Petrillo union. Nevertheless, the membership of the union would presumably retain at least a nominal control over the funds that they were forced to turn into its treasury.

If the fees on record sales are to be paid directly to the Petrillo union, however, the resulting situation would be much worse. In that case Mr. Petrillo would be levying his private tax on employers. At best he would be administering a private system of unemployment relief. But there would be no public control whatever of the manner in which he used these funds. If only a small part of the funds actually went for paying unemployed musicians, if the bulk of them were used instead to increase the salaries or expense accounts of Mr. Petrillo and other union leaders, neither the record companies nor the consuming public that ultimately paid this private excise tax through higher record prices would have anything to say about the matter. If Mr. Petrillo can succeed in getting this principle established, he will render himself and his fellow union leaders financially independent even of the members of their own unions.

It would be lacking in clarity of thought to put the primary blame for the resulting situation either on Mr. Petrillo personally or on any record company that succumbs to his terms. The primary blame must be placed on the Administration and Congress, who, by their official labor policy, have placed in the hands of labor leaders the private irresponsible powers which enable them to drive such anti-social bargains.

HOUSE JUDICIARY COMMITTEE REJECTS DURR'S PETITION TO OUST H. I. C. CHAIRMAN COX

Asserting "no jurisdiction," and "no responsibility as a committee with reference to the subject matter," Representative Sumners, (D. Texas) Chairman of the House Judiciary Committee, this week made public his Committee's decision to reject F.C.C. Commissioner Durr's petition to oust Representative Cox (D. Georgia) as Chairman of the special House committee investigating the F.C.C. Durr's petition claimed "bias and personal interest."

Last May, Commissioner Durr directed his petition to Speaker of the House, Sam Rayburn (D. Texas), who referred it to the House Judiciary Committee. When Congress convened this month, Durr addressed himself directly to the Judiciary Committee, asking to be heard on the petition.

Durr's letter of September 14 charged that the procedures of the Cox committee "have more than confirmed my original feeling that an investigation by a committee created and staffed as this one is, could serve no purpose except to prostitute the investigatory powers of Congress."

Broadcast Advertising

LOCAL WAR ADVERTISING POOL

Community support is needed to insure the success of the various war campaigns to buy bonds, to combat the black markets, to fight inflation, to lessen absenteeism, etc. In a number of cities the media have joined together to raise a local war advertising pool by donations of space, radio time and money from local advertisers, which has been administered by a local committee which allocates the pool among the advertising media and among the various war campaigns in accordance with the campaign's importance under local community conditions. Such a plan has been very successfully operated by all media jointly in Cleveland and in some other cities.

Immediate Action Needed

Representatives of the War Advertising Council last summer worked on a proposal for a national plan which it was hoped could be put into operation in most of the cities of the country. However, announcement of a national plan has been abandoned, although the War Advertising Council still believes the plan is sound and would be helpful in all cities which could promote it. If such a plan is not in operation in your city, it is suggested that you give it serious consideration now, jointly with other media if possible, or separately if joint action is impossible.

Outline of Plan

Due to the fact that the NAB does not know the circumstances existing in each city, we are outlining a general plan which can be modified to fit local conditions.

Raising the Pool—Donations should be requested from local advertisers of advertising space, radio time and money. Assurances should be given that each donor will not be again solicited for support of war programs for a stated period.

Committee—A committee should be formed composed of community leaders. Radio and newspaper executives perhaps will have to take the lead, but local business executives from all branches of business should be included.

Allocation of fund—The local committee should allocate the pool among the local media participating.

Preparation and execution of the plan—The local committee should have charge of the preparation and execution of the plan. In many cities where the plan has been in operation, a local advertising agency has been retained to assume responsibility for the execution of the plan, working under direction of the local committee.

Campaigns—Food will be the subject of a national campaign in November, followed by anti-inflation in December. There will be local campaigns on absenteeism, womanpower, etc. Complete information on all these campaigns will be supplied by OWI.

Contact Your Local Newspaper

Rowan D. Spraker, representative of the National Editorial Association, on the War Advertising Council has just announced a plan similar to the one outlined above entitled "Small Community War Advertising Plan," which has been sent to the publishers of small community newspapers. This plan recommends joint action, stating:

"It should be emphasized in connection with each request that the plan is not the plan of any one group or of any one advertising medium, but that it is a *community* plan for community war advertising which should include the combined support of all business, agricultural and civic interests in the community."

Therefore, it is suggested you contact your local newspaper publisher, as it is believed that the plan will be more successful in most cities if all media join in the promotion of a joint plan.

Local Responsibility

This type of plan has operated successfully in many cities. However, its success depends upon action of the local executives of radio stations, newspapers and billboard companies. The OWI will continue to furnish complete information on all campaigns, but the raising of the pool, its allocation, the keying of the campaigns to local conditions and the execution of the plan depends upon action by the local committee.

The NAB will be glad to supply additional information and advice on request.

YOUNG & RUBICAM'S TRIBUTE TO MEDIA

Young & Rubicam will publish shortly full page advertisements paying tribute to the contribution to the war program made by newspapers, magazines and radio. These advertisements will appear in the *New York Times*, *Time*, *Newsweek*, *Fortune*, *Editor & Publisher* and *Broadcasting Magazine*. The tribute to newspapers will appear September 26, followed a week later by the tribute to magazines, and the following week by the tribute to radio.

Copies of advertisements will be sent to the respective media. All stations will receive a copy of the radio advertisement shortly after October 10. Watch for it as it will tell a story of which you will be proud and will want to retell in your own community.

NAB NEWS COMMITTEE TO WORK UP PROPOSED NEWS TRAINING CURRICULUM

(Released by NAB News Bureau)

Practical plans to assist schools and colleges to install courses in radio news technique and broadcasting is the first major undertaking of the newly-organized Radio News Committee of the National Association of Broadcasters, it was announced at the closing session of the Committee's first meeting here today.

Curricula already established in such centers of news education as Columbia and Northwestern Universities will be studied and educators will be consulted to expedite placing such courses in as many universities and schools as possible to help alleviate the serious personnel shortage in radio news bureaus.

The Committee, meeting at the Waldorf-Astoria hotel in a two-day session, heard Charter Heslep, radio division, Office of Censorship, in a talk entitled "After 12,000 Newscasts" offer the following comments on broadcast news operations:

1. Accuracy: copyreading of material to be broadcast is highly essential; complete authority of the news operation should be vested in the news editor.

2. Honesty: broadcasters should do away with phony buildups of news analysts; false labels of personnel and service; lack of credit lines on sources; overworking of the terms "bulletin" and "flash"; establishing of a 30-minute pre-broadcast deadline for "bulletin" material.

3. Integrity: there should be no sponsor "censorship" of news; controversial issues in line with the broadcast code should be played impartially and fairly; broadcasters should be alert to propaganda; time "chiselers" should be banned from the air.

4. Responsibility: news editors should be aggressive in asserting their rights and responsibilities; radio stations should provide the most complete coverage within their means; there should be more coverage of local news to establish a closer bond between the community and the radio station.

Heslep spoke his own opinions formed after monitoring more than 12,000 newscasts in the Office of Censorship in the last year.

Russell Hogin, division of information, War Production Board, talked on "A Government Press Agent Looks at Radio" and said radio is giving too much "what" treatment of news without the "why"—too much bulletin stuff and not enough detail and qualification. He recommended that radio continually experiment to find new techniques in news broadcasting to give the listener the fullest service possible.

In a joint luncheon the first day with the NAB Public Relations Committee, the Radio News Committee had as guests the Association of Radio News Analysts. Neville Miller, president of NAB, was toastmaster and H. V. Kaltenborn, ARNA vice president, talked briefly on the place of the news analyst in broadcasting.

Bruce Robertson, associate editor of Broadcasting Magazine, spoke at the second day's luncheon on "News of Radio Within the Industry" and discussed trade press news presentation and standards.

In considering problems of radio newscast operation and standards of news broadcasting, the Radio News Committee took no action at the initial meeting, preferring to hold over definite recommendations to the industry to the next meeting after due consideration of the material presented.

In considering the problem of editorializing on the air and the operation and functions of news commentators and analysts, the Committee took the following position jointly with the Public Relations Committee:

"Responsibility for all broadcasting, including talks by news analysts, rests and must continue to rest on individual station and network managements. The industry recognizes and accepts this responsibility and the Radio News Committee of the National Association of Broadcasters is certain that various management policies, however they may occasionally differ, are designed to further the public interest."

Members of the Radio News Committee are: L. Spencer Mitchell, WDAE, Tampa, Fla., temporary chairman; Paul White, director of news and special events, CBS; Bill Brooks, director of news and special events, NBC; Tom Eaton, news editor, WTIC, Hartford, Conn.; Rex Howell, manager, KFXJ, Grand Junction, Colo.; Bill Dowdell, news editor, WLW, Cincinnati, Ohio, and Walt Dennis, NAB news bureau chief, secretary. Karl Koerper, managing director, KMBC, Kansas City, Mo., chairman, was not able to attend.

P. R. COMMITTEE ADOPTS WORKING PLAN

(Released by NAB News Bureau)

A complete working plan of public relations for the radio industry was adopted by the Public Relations Committee of NAB at its two-day meeting in New York Sept. 15-16.

The "grass roots" policy of this Committee, announced after its first session in Chicago in April, finds concrete expression in the finished working plan, which calls for active participation of local station management.

A completed panel of District Public Relations Chairmen was presented to the Committee by Willard D. Egolf, NAB Assistant to the President, who perfected the details of the working plan. The panel was completed yesterday with the appointment of three more district chairmen, C. T. Hagman, WTCN, Minneapolis, (11); Mrs. G. M. Phillips, KIDO, Boise, Idaho, (14), and W. H. Summerville, WWL, New Orleans, Louisiana, (16). An outline of activities will be given all seventeen district chairmen in the immediate future.

"Under the plan adopted by the Committee," said Edgar Bill, WMBD, Peoria, Ill., chairman, following the meeting, "radio's place in American life will be asserted and substantiated wherever there are broadcast facilities."

Mrs. Dorothy Lewis, coordinator of listener activity for NAB, presented reports of her contemplated fall tour of twenty-two cities in the interest of radio's role in the war, as well as details of the organization of the Association of Women Directors of NAB, of which there are now more than 600 members.

Also present at the two day meeting, Committee members and district chairmen, were Leslie Joy, KYW, Philadelphia; Edgar H. Twamley, WBEN, Buffalo; Frank M. Russell, NBC, Washington; George Crandall, CBS, New York; Neville Miller, NAB President, Washington; Edward E. Hill, WTAG, Worcester; Michael R. Hanna, WHCU, Ithaca; George D. Coleman, WGBI, Scranton; Vernon H. Pribble, WTAM, Cleveland, and John W. Elwood, KPO, San Francisco.

EGOLF ANNOUNCES FULL LIST OF P. R. CHAIRMEN

Completed panel of district public relations chairmen for the 17 NAB districts as announced by Willard Egolf at the recent Public Relations Committee meeting in New York is as follows:

DISTRICT 1—Edward E. Hill, Director, Radio Station WTAG, Worcester Telegram Publishing Co., Inc., Worcester, Mass.

DISTRICT 2—Michael R. Hanna, Manager, Radio Station WHCU, Cornell University, Ithaca, New York.

DISTRICT 3—George D. Coleman, Radio Station WGBI, Scranton Broadcasters Inc., Scranton, Pennsylvania.

DISTRICT 5—W. Walter Tison, General Manager, Radio Station WFLA, The Tribune Company, Tampa, Florida.

DISTRICT 6—W. H. Summerville, Manager, Radio Station WWL, Loyola University, New Orleans, Louisiana.

DISTRICT 7—Vernon H. Pribble, Radio Station WTAM, 815 Superior Avenue, Cleveland, Ohio.

DISTRICT 8—Clarence Leich, Manager. Radio Stations WGBF-WEOA, Evansville on the Air, Inc., Evansville, Indiana.

DISTRICT 9—Edward E. Lindsay, Manager, Radio Station WSOY, Commodore Broadcasting Inc., Decatur, Illinois.

DISTRICT 10—Merle Jones, General Manager, Radio Station KMOX, Columbia Broadcasting System, St. Louis, Missouri.

DISTRICT 11—Clarence T. Hagman, Radio Station WTCN, Minnesota Broadcasting Corp., 115 East Grant Street, Minneapolis, Minnesota.

DISTRICT 12—Robert D. Enoch, General Manager. Radio Station KTOK, Oklahoma Broadcasting Company. Inc., Oklahoma City, Oklahoma.

DISTRICT 13—Karl O. Wyler, Manager, Radio Station KTSM, Tri-State Broadcasting Company, Inc., El Paso. Texas.

DISTRICT 14—Mrs. C. G. Phillips, Manager, Radio Station KIDO, Boise Broadcast Station, Boise, Idaho.

DISTRICT 15—John W. Elwood, General Manager. Radio Station KPO, National Broadcasting Company, San Francisco, California.

DISTRICT 16—J. G. Paltridge, Director of Public Relations, Earle C. Anthony, Inc., Radio Stations KFI-KECA. 141 North Vermont Avenue, Los Angeles, California.

DISTRICT 17—Harry Buckendahl, Radio Station KALE; KALE, Incorporated, Portland. Oregon.

Engineering

"RADIO TECHNICAL PLANNING BOARD" ORGANIZED BY NINE INDUSTRY AND SERVICE GROUPS

Nine industry and service groups have joined in organization of a "Radio Technical Planning Board" for studies to develop postwar radio services and products. Preliminary organization of the RTPB technical advisory group, which will formulate recommendations to the Federal Communications Commission and other organizations concerned, was effected at a meeting of the nine groups on September 15 at the Roosevelt Hotel, New York City. The organization plan for RTPB, sponsored and presented jointly by the Radio Manufacturers Association and the Institute of Radio Engineers, was approved unanimously by the initially invited "sponsors." These included, in addition to RMA and IRE, the following:

American Institute of Electrical Engineers
American Institute of Physics
American Radio Relay League
FM Broadcasters, Inc.
International Association of Chiefs of Police
National Association of Broadcasters
National Independent Broadcasters

Other sponsors are expected to later join RTPB for work on many technical projects, including utilization of the broadcast spectrum and systems, standardization for many public radio services, including television and frequency modulation.

The general plan for organization of RTPB, approved unanimously at the New York meeting on September 15, will be developed in detail at another meeting in New York on September 29. President Paul V. Galvin of the Radio Manufacturers Association and Dr. L. P. Wheeler, President of the Institute of Radio Engineers, have issued the invitation for the RTPB meeting on September 29 for detailed panel and other organization procedure.

Neville Miller and Howard S. Frazier will represent the National Association of Broadcasters.

MILLER CITED FOR MERITORIOUS SERVICE

Neville Miller, member of the National War Fund Committee, of which Winthrop W. Aldrich is President, has received a citation for meritorious service from the National War Fund "in behalf of those in our country's service, our valiant allies, and our neighbors at home. for his outstanding contribution to the 1943 National War Fund Campaign."

SHARP TO WPB RADIO AND RADAR DIVISION

Harold R. Sharp of Philadelphia has been appointed assistant director of labor of the WPB Radio and Radar Division. according to an announcement made Friday by Ray C. Ellis, director of the division.

Mr. Ellis has designated to Mr. Sharp responsibility within the division for handling labor problems, determining manpower needs in critical plants and areas, and securing appropriate inter-agency action to alleviate plant and community hindrance to the most effective use of available manpower. Mr. Sharp also will analyze individual plant manpower requirements upon request, in conjunction with Selective Service National Headquarters. advise regional WPB radio specialists on labor problems and make any necessary recommendations as to readjustment of production schedules.

RADIO TO PLAY PROMINENT PART IN UNITED CHURCH CANVASS

Final plans are nearing completion for the United Church Canvass, in which all churches and synagogues have been invited to participate.

Niles Trammel, president, National Broadcasting Company, is radio chairman and Neville Miller is NAB representative.

The eight practical results of the canvass, according to Mr. Trammel are:

1. Increased church attendance.
2. Cooperation of laymen.
3. Increased community interest in church affairs.
4. Good will between local churches.
5. Sharing of common problems.
6. Cooperation of the finance committees of the churches.
7. A spiritual revival of interdenominational unity and consecration.
8. Increased giving.

During October and early November local committees will increase the tempo of their activities to peak as Canvass Day approaches. It is recommended by the United Church Canvass committee that the local canvass take place between November 21 and December 12.

Partial List of Sponsors

Among the national sponsors are:

Charles E. Wilson, Washington, D. C., Chairman; Vice Chairman, War Production Board; former President, General Electric Company.

Judge Florence E. Allen, Cleveland.

Dr. Ferdinand Q. Blanchard, Cleveland, Moderator. Congregational Christian Church.

Dr. Paul H. Bowman, Bridgewater, Va., Moderator, Church of the Brethren.

Dr. John Stewart Bryan, Williamsburg, Va., President, William and Mary College.

Bishop A. R. Clippinger, Dayton, United Brethren in Christ.

Dr. Henry Sloane Coffin, New York. Moderator, Presbyterian Church in the U. S. A.

William H. Danforth, St. Louis. Chairman of the Board, Ralston Purina Mills.

David Davies, Newport, Ky.

Judge Hubert Delaney, New York, Court of Domestic Relations.

Dr. Harold M. Dodds, Princeton, N. J., President, Princeton University.

Bishop S. H. Gapp, Bethlehem, Pa., President, Moravian Church in America.

Dr. L. W. Goebel, Chicago, President, Evangelical and Reformed Church.

Mrs. Maurice L. Goldman, President, National Council of Jewish Women.

William Green, Washington, D. C., President, American Federation of Labor.

Bishop J. A. Hamlett, Kansas City, Kans., Colored Methodist Episcopal Church.

Judge William H. Holy, Chicago, United States District Court.

Herbert Hoover.

Dr. Douglas Horton, New York, Executive Secretary, Congregational Christian Church.

James L. Kraft, Chicago, President, Kraft-Phenix Cheese Corp.

Dr. John Howland Lathrop, Brooklyn, First Unitarian Congregational Society.

Herbert H. Lehman, New York, Director, Office of Foreign Relief and Rehabilitation.

Dr. C. E. Lemmon, President, Disciples of Christ.

Henry R. Luce, New York, Editor, "Time."

William G. Miller, Treasurer, Moravian Church in America.

George L. Morelock, Chicago, Executive Secretary, Board of Lay Activities of The Methodist Church.

John R. Mott, New York.

C. D. Pantle, St. Louis.

Mrs. Howard S. Palmer, New Haven, President, Women's American Baptist Home Mission Society.

Bishop W. W. Peele, Richmond, Chairman, Council of Bishops, The Methodist Church.

Rev. Jacob Prins, Grand Rapids, President, General Synod, Reformed Church in America.

Dr. William Barrow Pugh, Philadelphia, Stated Clerk, Presbyterian Church in the U. S. A.

Stanley Resor, New York, President, J. Walter Thompson Co.

Dr. Joseph C. Robbins, Newton Center, Mass., President, Northern Baptist Convention.

Hon. Owen J. Roberts, Washington, D. C., Justice of the Supreme Court.

Harl L. Russell, Marshalltown, Iowa, President, Council of Men's Work, Church of the Brethren.

Governor Leverett Saltonstall, Massachusetts.

Dr. Charles Seymour, New Haven, President, Yale University.

Harper Sibley, Rochester, N. Y.

Frank J. Sladen, M.D., Detroit, Chief Physician, Henry Ford Hospital.

Miss Cornelia Otis Skinner, New York.

Governor Charles A. Sprague, Oregon.

Former Governor Harold E. Stassen, Minnesota.

Paul Sturtevant, New York.

Charles P. Taft, Cincinnati, Assistant Coordinator, Federal Security Agency.

John H. Trent, New York, Vice President, Johns-Manville Corp.

Rt. Rev. Henry St. George Tucker, New York, Presiding Bishop, Protestant Episcopal Church.

Bishop Ernest Lynn Waldorf, Chicago, The Methodist Church.

Dr. Luther A. Weigle, New Haven, Dean, Yale Divinity School.

Judge Curtis B. Wilbur, San Francisco, U. S. Circuit Court.

Wendell L. Willkie, New York.

Dr. W. Bruce Wilson, Pittsburgh, General Secretary, United Presbyterian Church.

FREC EXECUTIVE COMMITTEE PLANS FUTURE ACTION

James Lawrence Fly, addressing the executive committee of the Federal Radio Education Committee in Washington last Friday, discussed the five educational channels that have been set aside by FCC in the ultra high frequency band for exclusive non-commercial broadcasting and urged that "educators actually get busy and fill them with educational stations." (Full text of Chairman Fly's speech may be found in Federal Communications Commission section.)

Harold B. McCarty, representing the National Association of Educational Broadcasters, took issue with Chairman Fly for adopting what he described as "scare tactics" but he was assured by both Chairman Fly and by George P. Adair, who later addressed the meeting on procedures for licensing an FM educational station, that there was no intention to do anything more than to try to create an awareness in the minds of educators throughout the country of the need for making plans now which will justify retention of the frequencies for educational use when pressure for them for commercial use is intensified.

Under the general topic, "How Can Radio Be More Effective as an Aid to Teaching?" Dr. Lyman Bryson, Director of Education of CBS, addressed the meeting from the angle of what the network broadcaster considers his responsibility to be in the planning of educational programs. Dr. Bruce E. Mahan, Director of Extension Division, State University of Iowa, evaluated the efforts of the networks to develop educational programs. The use of radio by State departments of education was reported by Dabney S. Lancaster, State Superintendent of Public Instruction, Virginia. Some of the extra-curricular uses of radio that might make it seem important in a school system that may not be giving attention to its use as a classroom teaching aid were discussed by the Rt. Rev. Msgr. George Johnson, of the National Catholic Welfare Conference.

Training Standards

The FREC, for many years, has published an annual list of colleges offering courses in radio but no attempt has been made to evaluate the courses. The need for some sort of evaluation of the work being done and the creation of standards for vocational training in radio as well as for teacher training courses, was regarded as a legitimate function of the FREC. The chairman was instructed to appoint a committee to develop a set of criteria for consideration at the next meeting of the committee.

The new network program-listing service for schools is to be launched late in September, when lists will be circulated to State Departments of education for re-circulation and promotion among city and county school systems.

Post-War Planning

Dr. Levering Tyson, heading the sub-committee for the study of post-war educational radio, made a brief report of his committee, which included (1) that steps be taken to guarantee the continuity of the FREC; (2) that the educational world in general be kept informed continuously and accurately through the FREC, of the technical developments in radio in relation to education, with particular emphasis at this time upon the utilization of FM facilities reserved exclusively for education; (3) that the FREC assist in the formation of local and regional radio councils and committees for the promotion of better understanding of the use of radio in the public interest; (4) that FREC continue its efforts to stimulate interest in the use of radio by teachers and to raise the standards of teacher training courses in colleges and universities; (5) that FREC study the financial implications of developing radio as an educational medium, and wherever possible to recommend adequate support for it by school administrators throughout the country.

The program for the meeting was planned by a subcommittee comprising the members residing in Washington, D. C., under the chairmanship of Neville Miller, NAB President. Members were guests of the NAB at luncheon at the Hotel Statler. Another meeting is slated for mid-December.

FEDERAL COMMUNICATIONS COMMISSION

Talk by James Lawrence Fly, Chairman, Federal Communications Commission, before the Luncheon Session of the Executive Committee of the Federal Radio Education Committee, September 17, 1943, Hotel Statler, Washington, D. C.

When your Chairman, Commissioner Studebaker, asked me to have lunch with you this noon and to address you on educational FM radio stations, I told him that I would be delighted to have the lunch, but as for a talk afterward, I had only one thing to say. "Say it," was the reply.

Now I find that George Adair, the assistant chief engineer of the F.C.C. is to follow me on the program at 2:30 this afternoon, and that he has a great deal to say about FM and radio in education. So I want to get my word in edgewise here, and leave the rest of the subject to George.

My own single thought can be briefly stated. Following a prolonged struggle, which began long before the present Federal Communications Commission was set up, the present Commission has found it possible to set aside five educational channels the country over exclusively for the use of non-commercial educational institutions. Those five channels afford room for hundreds of FM stations all over the country. It is not unlikely that every school board or other educational body which so desires can find room on one of these channels for a long time to come. Moreover, the five are among the choicest channels in the spectrum; they immediately adjoin the 35 channels set aside for commercial FM broadcasting, so that programs broadcast on these channels will be audible not merely on special school receivers but on most ordinary FM home receivers as well. The rules of the Federal Communications Commission specifically provide for adult educational and other programs aimed at the community generally to be broadcast over the school stations, provided only that they remain non-commercial. Thus education now has what it has sought through bitter battle over more than a decade—a home of its own on the air.

But—and this is the point I want chiefly to stress—those choice channels were not set aside for *absentees*. The ether is far too crowded, the pressure from other interests seeking to use radio far too great, to permit continued reservation of those channels, unless educators actually get busy and fill them with educational stations. There is no room for what the railroad industry calls "deadheading." If education doesn't want and doesn't need those channels, and if it doesn't prove its desires and needs by actually making intensive use of them, history is going to repeat itself, and education will again find that it is left with memories of a lost opportunity.

Some of you have memories long enough to recall what I mean. You will remember that in the early 1920's, when broadcasting was first capturing the attention of the American people and opening up vistas of unlimited service in the cause of human enlightenment, educational institutions—the colleges chiefly but the schools as well—were among the first to pioneer in this new medium. A considerable proportion of all the early radio broadcasting licenses issued were to educational institutions.

One by one the majority of those early educational stations have fallen by the wayside. There have been exceptions! I need only mention Harold McCarty's Station WHA which has survived lean years and fat at the University of Wisconsin, serving the state well throughout the years. And other examples of survivors could be mentioned. But certainly you will have to look a lot farther for a bona fide educational station in the standard broadcast band today than you would have 15 years ago.

Some persons have blamed the old Federal Radio Commission, predecessor to the present Communications Commission, for that tendency of educational stations to fall by the wayside. Others have placed the blame on monopolistic policies within the broadcasting industry which have one by one either ousted or absorbed the pioneer educational stations. Here again I want to express no opinion. But I do want to suggest, talking here to a group of educators, that educators themselves were not altogether free of blame. As competition in the radio field became more and more intense, as equipment became better and therefore more expensive, as program quality rose and therefore required more effort, too many educational stations tended first to lag behind, and thereafter to abandon their licenses. After 1929, when educational budget problems became particularly acute, educational radio stations were among the first to feel the axe.

All that is now ancient history, and FM opens a new chapter. It was George Canning who said more than a century ago:

> "I called the New World into existence to redress the balance of the Old."

Similarly it may be suggested that, at least as far as educational broadcast stations are concerned, the new FM radio band has been called into existence to redress the balance of the old standard broadcast band.

The Commission, I think I can fairly state, has now done everything in its power to redress that balance. It has assigned a sufficient number of choice frequencies, and has established rules and regulations governing non-commercial educational FM stations which should allow ample latitude. If in practice any Commission rules or procedures stand in the way of further educational radio progress, I can assure you that suggested changes will be given the fullest attention of the Commission.

But there are some things we cannot do for you. We can't build stations for you. We can't operate stations for you. And we can't supply programs for you. These are things education must supply for itself. And it must do so promptly if its channels are to be maintained. For, as I cannot too strongly suggest, if education does not move into the home set aside for it, there will be plenty of others who will first seek and then demand admission to the vacant rooms.

George Adair, who will speak later, will give you the technical details. He'll tell you roughly how much a station costs to build and to run, what the licensing procedure is, and so on. If you have any doubtful points, ask him questions, either now or later. I'd like to pass on instead to a further point—namely what to do with your stations after they are built.

On the new FM band, let me assure you, you're going to be travelling in fast company. Your programs will be competing, so far as general listeners at least are concerned, with the best that commercial radio can offer. And remember, it's easy to play hookey from a radio school. A mere twist of the dial will shut out 17th century history or trigonometry and bring in Jack Benny or the results of the World Series. I am myself a great believer in competition, and I have a notion that, if educators do their part and do it well, competition between the adjacent commercial and non-commercial FM bands will result in improved program service on both hands.

In one sense, of course, all radio is educational, for better or worse. The local commercial stations and the networks alike are educating listeners every hour of the day and night. I suppose the Symphony and the Opera are music education whether they are treated in the classroom or are sponsored by a roofing company. Similarly the news programs which have done so much to make commercial radio an indispensable part of our daily lives are no less educational because they are not called courses in current events. The techniques for reaching and impressing mass audiences so skillfully developed by commercial radio can and indeed must be applied, though perhaps in somewhat modified form, if the new educational FM stations are to live up to their promise.

By that I don't mean to suggest that such slogans as "the square of the hypotenuse is equal to the sum of the squares of the other two sides" should be set to music and plugged home to the tune of "Twice as much for a nickel, too—Pepsi-Cola is the drink for you." But I do want to suggest that the dramatic and narrative techniques which have proved successful in commercial competition are not without their lessons to the educator seeking to use a new and sensitive medium. Much progress has already been made in the direction of introducing "listener interest" in educational programs. If the new FM stations are to succeed, that progress must continue.

It is certainly not too early to begin plans for these five educational channels. During the war period, of course, equipment and manpower shortages are preventing immediate expansion. After the war, however, equipment will be freely available; plans should be laid now to get going at the earliest possible date. For inevitably, after this war, there will have to be a reshuffle of frequency assignments. Whole new portions of the spectrum, formerly deemed useless, have been opened up through wartime research, while the expanding need for worldwide communications and especially the vast new aviation uses of radio, will in all probability crowd the postwar ether even more tightly than the comparatively smaller spectrum was jammed before the war. In such a reshuffle, the friends of educational radio will certainly want to hold their own. If their plans are ready, and they can show both the real use to which educational frequencies are being put and the proposed use for which plans have been fully laid, the necessary frequencies will no doubt remain available. But if lethargy prevails, and others seeking to expand their own services are able to show that the channels reserved for educational stations are going to waste, then it will almost certainly be either difficult or impossible to continue the reservation of unused frequencies.

I trust that the meeting here today will help prevent that unfortunate result, and that it will take real steps towards the fullest possible utilization of the FM educational band in the service of American education.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, September 27th. They are subject to change.

Wednesday, September 29

Broadcast

Oral Argument Before the Commission

Report No. B-184:

WFLA—The Tribune Company, Tampa, Florida.—C. P. to increase power (night) and make changes in DA. **970 kc.,** 5 KW, unlimited, DA-night. Present power: 1 KW night, 5 KW day.

Report No. B-169:

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—C. P., **1150 kc.,** 1 KW, DA-night, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WCBT—J. Winfield Crew, Jr. (assignor); WCBT, Inc. (assignee), Roanoke Rapids, N. C.—Granted consent to voluntary assignment of license of Station WCBT from J. Winfield Crew, Jr., to WCBT, Inc., a corporation organized by S. Ellis Crew, W. Lunsford Crew, and J. Winfield Crew (brothers), (B3-AL-373).

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted petition for 90 days extension of temporary license pending Commission's decision in so-called Wilkes-Barre cases.

The Commission on September 20 granted petition of five FM stations, Philadelphia, Pa., for waiver of requirements of Rule 3.261 to permit operation under cooperative plan, for the period ending May 1, 1944.

KWJB—Bartley T. Sims, tr/as Sims Broadcasting Co. (assignor), Gila Broadcasting Co. (assignee), Globe, Arizona.—Granted consent to voluntary assignment of license of Station KWJB from Bartley T. Sims, tr/as Sims Broadcasting Co. to Gila Broadcasting Co., for a consideration of $20,000 (B5-AL-376).

WFTL—Ralph A. Horton, The Fort Industry Co., Ft. Lauderdale, Fla.—Adopted Order granting petition of Ralph A. Horton and The Fort Industry Co., asking that the hearing be expedited in re applications of Ralph A. Horton for assignment of license of WFTL, WAAD and WRET (Docket 6542), for license to cover construction permit as modified (Docket 6543), and of The Fort Industry Co. for modification of license (Docket 6544); ordered that a consolidated hearing on said applications be set for October 11, 1943, in the city of Miami, Fla.; and further ordered that the presiding officer at said hearing be authorized to adjourn the same to such other points as he deems necessary for the expedition thereof.

DESIGNATED FOR HEARING

KDRO—Albert S. and Robert A. Drohlich, d/b as Drohlich Brothers (assignor), Sedalia, Mo., Milton J. Hinlein.—Designated for hearing application for assignment of license of Station KDRO from Albert S. and Robert A. Drohlich, a partnership, d/b as Drohlich Brothers, to Milton J. Hinlein of Philadelphia, Pa. (B4-AL-367).

WGPC—J. W. Woodruff and J. W. Woodruff, Jr., d/b as Albany Broadcasting Co., Albany, Ga.—Designated for hearing application for construction permit to move transmitter and main studio from Albany, Ga., to West Point, Ga., and change frequency from **1450** to **1490 kc.** (B3-P-3545). To be heard jointly with application listed in following item.

L. J. Duncan, Leila A. Duncan, Josephine A. (Keith) Rawls, Effie H. Allen, d/b as Valley Broadcasting Co., West Point, Ga.—Designated for hearing application for construction permit for new station at West Point, Ga., to operate on **1490 kc.,** 250 watts, unlimited time, to be heard jointly with application of WGPC (above noted), (B3-P-3543).

LICENSE RENEWALS

Granted renewal of following station licenses for the period beginning October 1, 1943, and ending not later than October 1, 1945:

WJMS, Ironwood, Mich.; WLAP, Lexington, Ky.; WLPM, Suffolk, Va.; WMBH, Joplin, Mo.; WMFJ, Daytona Beach, Fla.; WRLC, Toccoa, Ga.; KFIZ, Fond du Lac, Wisc.; KRBM, Bozeman, Mont.; KRIC, Beaumont, Tex.; KTRI, Sioux City, Iowa; KVAK, Atchison, Kans.; KWBW, Hutchinson, Kans.

WGGA—Blue Ridge Broadcasting Co., Gainesville, Ga.—Granted renewal of license for the period ending not later than April 1, 1945 (B3-R-1151).

WCBT—J. Winfield Crew, Jr., Roanoke Rapids, N. C.—Granted renewal of license for regular period (B3-R-2015).

W39NY—City of New York Municipal Broadcasting System, New York, N. Y.—Granted license to cover construction permit (B1-PH-83 as modified) in part, subject to the condition that licensee take immediate steps to comply fully with the Rules, Regulations and Standards of the Commission when materials and personnel become available (B1-LH-38).

MISCELLANEOUS

R. O. Hardin & J. C. Buchanan, d/b as Nashville Broadcasting Co., Nashville, Tenn.—Granted telegraphic request for extension of time to file request for oral argument in re application for construction permit for new station at Nashville, Tenn.; time extended to September 24, 1943. (Docket 6191)

WJBW—Charles C. Carlson, New Orleans, La.—Granted petition to accept appearance filed late in re application for renewal of license of WJBW. (Docket 6529)

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Granted modification of construction permit which authorized increase in power, installation of new equipment and DA for night use, for extension of completion date to September 25, 1943 (B1-MP-1724).

WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Granted license (B1-L-1772) to cover construction permit which authorized installation of new transmitter.

WAGM—Aroostock Broadcasting Corp., Presque Isle, Maine.—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-1546).

WTAX—WTAX, Inc., Springfield, Ill.—Granted authority to determine operating power by direct measurement of antenna power (B-4-Z-1545).

KFXM—J. C. Lee and E. W. Lee (Lee Bros. Broadcasting Co.), San Bernardino, Calif.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-1531).

WNAC—The Yankee Network, Inc., Boston, Mass.—Granted license (B1-L-1770) to cover construction permit which authorized increase in power from 1 KW night, 5 KW day, to 5 KW day and night, installation of DA for night use; changes in equipment, and move of transmitter from Dorchester St., Quincy, Mass., to corner Vershire St. and Meritt Avenue, Quincy, Mass. Also granted authority to determine operating power by direct measurement of antenna power (B1-Z-1541).

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Adopted Order denying petition requesting reconsideration of Commission action of June 15, 1943, in designating for hearing application for modification of license to increase nighttime power from 1 KW to 5 KW. (Docket 6522)

APPLICATIONS FILED AT FCC

560 Kilocycles

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Modification of construction permit (B4-P-2827, as modified) which authorized change in hours of operation, move of transmitter and directional antenna for change in directional antenna system.

590 Kilocycles

WTBC—State Capital Broadcasting Assn., Inc., Austin, Texas.—Authority to determine operating power by direct measurement of antenna power.

1230 Kilocycles

WPHO—M. C. Reese, Phoenix, Ariz.—Voluntary assignment of license to Phoenix Broadcasting, Inc.

1260 Kilocycles

WSLS—Roanoke Broadcasting Corp., Roanoke, Va.—Authority to determine operating power by direct measurement of antenna power.

NEW—Charles Swaringen, Alex Teitlebaum, Myer Wiesenthal, Jack N. Berkman, Richard Teitlebaum, John J. Laux, Louis Berkman, Joseph M. Troesch, John L. Merdian—partners d/b as Buckeye Broadcasting Co., Akron, Ohio.—Construction permit for a new standard broadcast station to be operated on **1240 kc.,** 250 watts power, unlimited hours of operation. Amended: to change type of transmitter.

1340 Kilocycles

KWOC—A. D. McCarthy, O. A. Tedrick and J. H. Wolpers, d/b as Radio Station KWOC, Poplar Bluff, Mo.—Authority to determine operating power by direct measurement of antenna power.

1420 Kilocycles

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Construction permit to move transmitter from #4 Trujillo St., Ponce, Puerto Rico, to Barrio Cerrillos-Military Road, San Juan to Ponce, Puerto Rico, Puerto Rico, and install new antenna.

1490 Kilocycles

WGPC—J. W. Woodruff and J. W. Woodruff, Jr., d/b as Albany Broadcasting Co., Albany, Ga.—Construction permit to change frequency from **1450 kc.** to **1490 kc.** and move transmitter and studio from Albany, Ga., to West Point, Ga. Amended: re transmitter site.

FEDERAL TRADE COMMISSION DOCKET

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

American Art Clay Co., Indianapolis, manufacturer of educational supplies such as crayons, chalk, paint sets and art materials, is charged in a complaint issued with violation of the Robinson-Patman Act by discriminating in price between different purchasers of its products of like grade and quality and by granting certain favored customers discounts in consideration of the furnishing of merchandising and selling services, which discounts are denied to other customers. (5049)

Imperial Candy Company—Use of lottery methods in the sale of peanuts to ultimate purchasers is alleged in a complaint issued against Imperial Candy Co., 800 Western Ave., Seattle, Wash. (5046)

Rudd Manufacturing Co., 17 West 17th St., New York, designing and cutting fabrics which are manufactured into men's and boys' pants and other articles of wearing apparel, is charged in a complaint with violation of the Wool Products Labeling Act of 1939. (5047)

Standard Business Institute, Inc.—A complaint has been issued charging Standard Business Institute, Inc., of Chicago, with misrepresentation in the sale of its correspondence courses of instruction in accounting and business administration. (5050)

Unity Stamp Co., Inc., 7 West 30th St., New York, processing, manufacturing and selling made-to-order straight line stamps, commonly referred to as rubber stamps, is charged in a complaint with violation of the Robinson-Patman Act. (5048)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Columbia Research Company, 417 South Hill St., Los Angeles, has been ordered to cease and desist from misrepresentation in the sale of envelopes and questionnaires referred to by bill collectors as "lures" and which are designed to obtain information concerning debtors. (4867)

Milk and Ice Cream Can Institute, Cleveland, Ohio, and its eight member manufacturers have been ordered to cease and desist from entering into, carrying out or continuing any combination or conspiracy to fix uniform prices and restrain competition in the sale of metal milk and ice cream cans. (4551)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Artloom Corporation, Allegheny and Front Streets, Philadelphia, selling and distributing upholstery fabrics, including a fabric designated "Artwist," has entered into a stipulation in which it agrees to cease and desist from use of the word "mohair" or other words of like meaning as a designation for any upholstery fabric the face or pile of which does not consist wholly of mohair, the hair of the Angora goat; provided, however, that in the case of an upholstery fabric the face or pile of which is composed in substantial part of mohair and in part of other fibers or materials, such word may be used as descriptive of the mohair content if there are used in immediate connection therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials. (3718)

Bill Adams Company, James Acuff, Richard Mockler, Willard Hoffman, and Wayne Hoffman, trading as "Bill the Diamond Man" and the "Bible Study Club," Omaha Building and Loan Building, Omaha, Nebr., engaged in the mail order distribution of imitation jewelry and books, have stipulated in connection with the sale and distribution of their merchandise, to cease and desist from use of the word "free," the term "absolutely free," or other expression of like import with reference to an article not actually given as a gratuity, the recipient thereof being required to pay the whole or a part of its purchase price, to purchase some other article, or to render some service to obtain it; from representing that an advertised offer is unusual or special so long as no price reduction or other trade concession is made with it; from stating that merchandise sold in connection with an alleged free gift or gratuity has a designated sales value in excess of the price for which it is customarily sold; and from designating their rings as "Rolled Gold Finish" or referring to insets used in their imitation jewelry as diamonds or simulated diamonds. (3723)

Clare-Ann Hat Company and Clare-Ann Hat Co., Inc., 153 North Wabash Ave., Chicago, manufacturing and selling women's hats, has stipulated to cease representing that hats composed in whole or in part of used or second-hand materials are new, by failure to stamp in some conspicuous place on the exposed surface of the inside of the hat in conspicuous and legible terms, which cannot be removed or obliterated without mutilating the hat itself, a statement that the products are composed of second-hand or used materials, provided that if substantial bands, placed similarly to sweat bands in men's hats, are attached to the hats in such manner that they cannot be removed without rendering the hats unserviceable, then such statements may be stamped upon the exposed surface of such bands in conspicuous and legible terms which cannot be removed or obliterated without mutilating the bands; representing in any manner that hats made from old, used, or second-hand materials are new or composed of new materials and from use of the abbreviation "Inc." or any other abbreviation or word connoting the words "incorporated" or "incorporation" as part of his trade name, or in any manner which may convey the belief that his business is conducted by a duly accredited and authorized corporate entity. (3721)

Darrington's, Marshfield, Oreg., selling a dehydrated goat's milk product designated "Dar-Sal," recommended for the treatment of various human ailments, has stipulated to cease representing that the product is made by a secret process; that it possesses unique or special properties which are not present in other dehdydrated goat milk products; that it has any therapeutic value when used in connection with the treatment of run-down conditions, nervous disorders, stomach trouble, eczema, asthma, hyperacidity, rheumatism, paralysis or arthritis; that it is a cold preventive; or that it will improve the user's health or build up the user's resistance to infectious diseases. (03143)

Loye Distributing Company, Wheeling, W. Va., selling a medicinal preparation designated "Blue Bonnet Mineral Water Crystals," has stipulated to cease and desist from representing that use of the preparation will correct excess acidity, build up the system or keep the body healthy, or help one regain good health; will increase resistance to colds, grippe and other ailments; will insure good appetite, sound sleep or restore energy; will be beneficial for conditions of fatigue, listlessness or lack of pep, or that it will rid the system of, or keep it free from, poisons. (03141)

Stanco Incorporated, 216 West Fourteenth Street, New York, selling drug products designated "Mistol Drops" and "Mistol Drops with Ephedrine"; and McCann-Erickson, Inc., 50 Rockefeller Plaza, New York, an advertising agency, which disseminated advertisements for Stanco, Incorporated, have stipulated to cease and desist from disseminating any advertisement which fails to reveal that Mistol Drops and Mistol Drops with Ephedrine should not be administered to undernourished infants, abnormally weak children or debilitated elderly persons; that frequent or excessive use of Mistol Drops should be avoided; that frequent or excessive use of Mistol Drops with Ephedrine may cause nervousness, restlessness or sleeplessness, and that individuals suffering from high blood pressure, heart disease, diabetes or thyroid trouble should not use this preparation except on competent advice, provided, however, that such advertising need contain only the statement: "CAUTION: Use only as directed" if and when the directions for use, whether they appear on the label or in the labeling, contain a caution or warning to the same effect. (03140)

Dr. J. F. True & Co., Inc., Auburn, Maine, selling a drug product called "Dr. True's Elixir," and S. A. Conover Co., 75 Federal St., Boston, an advertising agency disseminating advertisements for the product, have stipulated to cease and desist disseminating any advertisement which fails to reveal that the product should not be used when abdominal pain, nausea, vomiting, or other symptoms of appendicitis are present; provided, however, that such advertisement need contain only the statement, "CAUTION: Use Only as Directed," if and when the directions for use wherever they appear on the label or in the labeling contain a caution or warning to the same effect. (03144)

W. G. Reardon Laboratories, Inc., Port Chester, New York, selling a mouse poison designated "Mouse Seed," and H. B. LeQuatte, Inc., 200 Madison Ave., New York, an advertising agency which disseminated advertisements for the product, have stipulated to cease and desist from representing that mice cannot resist eating "Mouse Seed"; that use of "Mouse Seed" will rid the house of all mice, and that mice, having eaten the preparation in one's house, will not die in the house. (03142)

Bernhard Ulmann Company, Inc., 107-113 Grand St., New York, selling and distributing knitting yarns, has stipulated to cease and desist from use of the word "Saxony" or other words connoting any foreign geographical origin as a designation for or descriptive of a product not imported from or made of materials imported from the country or locality indicated by the use of such geographical designation. (3720)

Universal Trading House, 370 Grand Street, New York, selling and distributing knitting yarns, has stipulated to cease and desist from the use of the word "Angora" or any word of similar import as descriptive of a product that is not composed entirely of the hair of the Angora goat; provided, however, that in the case of a product composed in substantial part of the hair of the Angora goat and in part of other fibers or materials, the word "Angora" may be used as descriptive of the Angora fiber content if there are used in immediate connection therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers and materials; and further provided that in connection with a product composed wholly or in substantial part of Angora rabbit hair, the words "Angora rabbit hair" may be used as descriptive of the product if composed wholly of Angora rabbit hair or as descriptive of such portion of the product as is composed of Angora rabbit hair. (3719)

U. S. Enterprises, Beverly Hills, Calif., assembling and selling so-called first aid kits, and Stephen P. Shoemaker, Los Angeles, preparing the radio advertising disseminated by the other respondents, have entered into a stipulation to cease and desist from representing that the first aid kits sold by them meet with the suggestions of the Office of Civilian Defense, that the kits are adequate for the requirements of homes generally, or that they have been recommended or approved by the Office of Civilian Defense; that the items included in the kits are of such quality, quantity and kind as to comprise an adequate supply of the medical and surgical aids needed in the home or for civilian defense; that such aids would meet the needs in the event of a major catastrophe that might befall a community; that the price at which the kit is offered for sale is a special price, that is, other than the price customarily charged for the kit in the usual course of business; that it can be purchased at the offered price only by those who avail themselves of the opportunity to buy during a specified limited period of time, or that the offered price is less than that for which the items comprising the kit can be purchased separately at retail. (3722)

J. Warshal & Sons, Seattle, Wash., has entered into a stipulation that, in connection with the sale of so-called "Nestle Down" garments, they will cease and desist from use of the words "Nestle Down" or "Down" as a trade name or designation for any product the filling of which does not consist wholly of down, and from use of the word "Down" or other words of like meaning in any manner which tends to convey the impression that a product is composed of or filled with down, when such is not a fact. (3717)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 40, October 1, 1943

REPRESENTATIVE E. E. COX RESIGNS AS CHAIRMAN OF THE SELECT COMMITTEE

(Text of Congressman Cox's resignation speech given September 30 on the House floor is contained in the special legislative bulletin enclosed.)

Representative E. E. Cox, of Georgia, chairman of the Select Committee of the House of Representatives, 78th Congress, to Investigate the Federal Communications Commission, has resigned his chairmanship.

In a speech before the House September 30, Congressman Cox said he was taking this step because of the controversy over his chairmanship which had arisen.

Placing the "best interests of the House" before personal justice to himself, Congressman Cox submitted his resignation both out of a "deep desire" to live up to the sacred obligations of the House and because he was "fortified" in his action by friends and colleagues in whose "friendship and judgment I have the utmost confidence."

The action followed closely a lengthy open letter in the *Washington Post* of September 27 from *Post* Publisher Eugene Meyer to Speaker Sam Rayburn asking that the Speaker take immediate action on FCC Commissioner C. J. Durr's petition to disqualify Congressman Cox as a member of the Select Committee. Commissioner Durr had written Speaker Rayburn on September 24 asking action on his petition, which had been filed with the Speaker on May 13, 1943. The petition was referred to the House Judiciary Committee, which disclaimed jurisdiction to act and referred it back to the House.

CONGRESSMAN KENNEDY OF N. Y. SUBMITS 'FREEDOM OF SPEECH' RESOLUTION

(Text of statement and resolution enclosed in special legislative bulletin.)

Representative Martin J. Kennedy submitted a joint resolution to the House September 30, which stated simply: "Congress shall make no law abridging the freedom of speech by radio or wire communication."

The resolution was preceded by a statement issued from Representative Kennedy's office explaining the reasoning behind the resolution which consisted of only two one-sentence sections.

Broadcast Advertising

RETAIL PROMOTION PREMIERE PLANS BEING COMPLETED

Plans for the World Premiere showing of the Retail Promotion Plan presentation October 12 at the Statler hotel in Washington, D. C., were being completed this week by a special committee of Washington broadcasters headed by Carleton Smith, WRC manager.

Approximately 800 government, retailing, broadcasting and other industry leaders will be invited to see the showing.

Prelminary showings of the presentation "Air Force and the Retailer" held in New York City for retailing and broadcasting industry leaders who have been assisting in planning the show have engendered considerable enthusiasm among these men, who predict a high degree of success for the film.

The 16 masters of ceremonies who will tour 126 cities with the 16 units of the presentation will also attend the Washington showing as a "baptismal" experience, Paul W. Morency, WTIC, Retail Promotion Committee chairman, has announced.

Other members of the Washington committee are: Carl Burkland, WTOP; Ben Baylor, jr., WMAL; Henry Seay, WOL, and G. Bennett Larson, WWDC.

DU PONT RADIO AWARDS PERPETUATED BY TRUST

Three annual awards, each including payment of $1,000, have been established by Mrs. Jessie Ball du Pont, wife of the late Alfred I. du Pont, Jacksonville, Florida.

(Continued on page 400)

The Petrillo - Decca Contract

Full text of the contract, which has been signed by Decca and World with the A. F. of M. together with a statement concerning the contract, will be found in the special A. F. of M. bulletin enclosed.

NAB Reports
THE NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Arthur C. Stringer, *Director of Promotion.*

DU PONT RADIO AWARDS PERPETUATED BY TRUST

(Continued from page 399)

A trust agreement has been entered into with The Florida National Bank of Jacksonville, which, according to a communication to NAB from Mrs. du Pont, "establishes, and I hope guarantees for all time, the Alfred I. du Pont Radio Awards." Facsimilies of the trust agreement were mailed to all radio stations and commentators for their permanent reference and information.

Two Radio Station Awards shall be conferred in each calendar year to two radio stations in the continental United States for outstanding and meritorious service in encouraging, fostering, promoting and developing American ideals of freedom and for loyal and devoted service to the nation and to the communities served by these stations respectively. One award shall go to a large radio station, as defined from the standpoint of power and range of coverage, the other to a small radio station, similarly defined in the trust agreement. Both awards shall be of equal size, dignity and merit, the agreement sets forth.

The Radio Commentator Award shall be conferred in each calendar year to one individual, who shall be a citizen of the United States, in recognition of distinguished and meritorious performance of public service by aggressive, consistently excellent and accurate gathering and reporting of news by radio and the presentation of expert, informed and reliable interpretation of news and opinion for the purpose of encouraging initiative, integrity, independence and public service through the medium of radio, according to the language of the agreement, which also provides for a Committee of Awards to determine the winners.

Awards will be made during March for the preceding calendar year.

A.F.A. DISTRICT URGES CLARIFIED RADIO LEGISLATION

The 10th (Southwest) District of the Advertising Federation of America, meeting in Dallas, Texas, September 13-14, passed the following resolution:

Be it resolved that, in view of the recent interpretation of the Communications Act of 1934 by the Supreme Court of the United States, holding that the Federal Communications Commission is empowered to supervise, not only the traffic, but also the content of radio broadcasting, the 10th District, A.F.A., hereby petitions the Congress of the United States to so amend the said Communications Act as to rigidly define the authority, powers and duties of the Federal Communications Commission. We do not believe that the Congress intended to confer upon any bureau or bureaucrat the un-American power of censorship of the spoken word, and we urge the Congress to so clarify this legislation as to insure freedom of speech and communications against any possibility of capricious legislation.

EGOLF APPOINTED CHAIRMAN OF A.F.A. WAR ACTIVITIES

Willard Egolf, assistant to the president of NAB and vice-president of the Advertising Federation of America, was appointed chairman of the A.F.A. War Activities Committee at a meeting of the officers and board of directors in New York, Sept. 28.

Remainder of the Committee, consisting of prominent figures in advertising, are being notified by Joe Dawson, president of Tracy-Locke-Dawson advertising agency, New York, also president of A.F.A.

Mr. Egolf succeeds Allan T. Preyer, executive vice-president of Vick Chemical Company, last year's chairman of the committee which correlates and promotes the use of advertising in the war throughout the United States, principally assisting local advertising clubs in outlining and expediting campaigns for the home front.

OWI RECOGNIZES WRVA FOR "EXTRA" CONTRIBUTION

Signal recognition of Station WRVA, Richmond, Virginia, and Irvin Abeloff, program director, for his ingenious method of inserting OWI messages in Army and Navy shows, was accorded by John Hymes, chief of the OWI station relations division, in his bulletin to regional chiefs September 17. Text of the bulletin follows:

For quite some time Station WRVA, Richmond, Virginia, has been devoting a large portion of its public service features to the armed services in the way of special programs emanating from Army and Navy camps within the station's coverage area. Mr. Irving Abeloff, War Program Manager of WRVA, has adopted the policy for his station for granting time for such broadcasts only on the condition that they provide more than entertainment and service themes. Before WRVA grants time to an armed service for a program they must agree to devote some portion of their broadcast time to a message that would aid the over-all war objectives; in other words, an OWI message. This, of course, is an extraordinary situation, but it is an attitude which presents a national idea to us.

Mr. Abeloff, WRVA, and our regional chief in Richmond, Walter Huffington, have accordingly been very successful in incorporating OWI messages into these armed service programs, and because of their success we are passing an adaptation of their plan along to you with the suggestion that you work out similar schedules with the stations in your region. Some of you are already doing this on a spasmodic basis, and it is our hope that these allocations will be done nationally on a regular basis.

Because we believe this plan has great possibilities for more effective placement of OWI messages, we are suggesting that you attempt to set up an armed service program-OWI Allocation Plan on the stations in your region, and offer you the following procedure for a plan of operations in putting this into effect:

1. Contact all War Program Managers in your region and obtain from them a list of the local programs they carry which are either produced by an armed service personnel or by the stations for any armed service. This list should include all sustaining shows emanating either from military posts or from station studios.
2. Together with this list of shows, have the War Program Manager give you the military office and the personnel which the station contacts for production on each of these shows.
3. Write to this military contact and ask him if he would be willing to incorporate or include an OWI message in his armed service program. For your "sales story," suggest to them that in doing so they would be contributing largely towards the home front war effort, and that the spot coming from a military post would be extremely effective. In addition, you might state that it is certainly to the armed services' benefit that OWI messages

be given as wide and as effective coverage as possible. In contacting the Army it was suggested that you request them to "schedule an OWI message in addition to your Army theme."

4. When you receive acceptances, then contact the War Program Manager of the station over which the show is being broadcast. Advise the War Program Manager to submit accordingly one of his OWI messages each week to the production man on the particular show for routining into the program. This message can be on any one of the OWI campaigns which the station is currently carrying, the selection being dependent on importance, appropriateness or military acceptance. The station can submit the live copy to the program production chief for use either as a straight announcement or for a re-write into the script. In the case of a studio show, if desired, a transcribed announcement could be used.

In some cases you may run into armed service programs which would like to give particular OWI messages a complete or a more thorough treatment. On WRVA, for example, camp writers have effectively worked the messages into the script either in a comedy or a dramatic vein, or in one way or another. In such instances, furnish the program writers with fact sheets or background material on the subject. I think these cases, however, will be the exception rather than the rule, and I would say that we should be satisfied with straight messages.

We are grateful, and hereby express our appreciation to Mr. Abeloff, Station WRVA, and Mr. Huffington for suggesting this plan to us, and for helping us in working it out.

Bill Spire, our government liaison chief, has checked and cleared this plan with the Navy and War Departments, Commander Reichner representing the Navy and Major Pellegrin representing the War Department. Incidentally, they both suggested that it would be more effective if the requests came from stations rather than from OWI. I do not feel, however, that the average War Program Manager would be sufficiently interested or could devote the time to doing this and believe it should be our job to make the solicitation. If you find individual cases to the contrary, you are at liberty to take advantage of such a situation.

Radio Councils

GREATER BOSTON RADIO COUNCIL ORGANIZED

Dean Howard M. Le Sourd, of Boston University, has been named president of the newly-organized Radio Council of Greater Boston.

Other officers are: Mrs. Benjamin F. Kraus, Federated Women's Club; Dr. Carl Friedrich, Harvard University, and Adelaide Fitzgerald, vice-presidents; Carolyn La Vers, recording secretary; Elizabeth Boudreau, Boston Public Library, and Charles G. Bernard, Kiwanis Club, treasurer.

The executive board includes representatives of seven Boston radio stations, chairman of standing committees and the six members-at-large.

N. J. COUNCIL EDUCATION COMMITTEE HOLDS MEETING; PLANS ACTIVE RADIO WORK

First meeting of the education committee of the Radio Council of New Jersey was held September 22 in Elizabeth, with members agreeing that:

1. The committee should endeavor to impress upon New Jersey educators the really tremendous and rapidly growing importance of American radio as a factor in modern life and that they should more thoroughly and effectively realize this in planning educational activities.
2. There should be a radio division in the New Jersey State Department of Public Instruction or some person should be given the specific responsibility of encouraging and promoting the use of radio and sound equipment.
3. There should be in each school building radio and other sound equipment adequate for the needs of the entire student body.
4. There should be an extension of opportunities for teachers, librarians, and others to learn about radio and sound equipment and how they can be used as educational aids, both in and out of school.
5. Encouragement should be given to libraries as well as to other educational institutions to establish script libraries, make collections of recordings, and also to further the study of radio in their communities.
6. Radio stations should be encouraged to continue to expand the production of programs which have educational significance and thereby develop closer cooperation between educators and broadcasters.

The first and most important task of the committee will be to survey the public, private and parochial schools to determine to what extent the radio is a factor in education today. This questionnaire will ascertain what receiving and broadcasting equipment is available including stationary and portable radios, microphones, recording devices, loud speakers, amplifying systems, and recordings. An effort will be made to learn to what extent schools participate in broadcasts, how radio techniques are utilized in regular classes, and the use of the radio and sound equipment both in and out of school.

The committee discussed at some length the possibilities of using radio and sound equipment as a supplement to the usual teaching techniques and procedures. Its significance as an educational factor was presented from many angles. The committee recognized that teachers need to be trained in the use of the radio and sound equipment and that educational administrators must be sold on the growing importance of audio aides in teaching-learning situations. Several educational institutions in the state are to be urged to make application for FM radio stations. The attention of educators will be called to the fact that the use of radio and sound equipment means more than listening to programs in school and out and in visiting local stations. The appreciation by youth of the better type of programs is one of the major responsibilities of educators.

Those present included: Charles W. Hamilton, assistant in secondary education of the State Department of Public Instruction, chairman; Anne Hoppock, assistant in elementary education, and Lloyd H. Jacobs, supervisor of distributive education, also of the State Department; Max J. Herzberg, principal of Weequahic High School of Newark and president of the National Council of Teachers of English; Mrs. Marjorie Merritt Quinn, associate extension editor of the N. J. College of Agriculture; Miss Hannah Severns, librarian of Moorestown; Prof. Paul S. Nickerson, Montclair State Teachers College; Robert B. Macdougall, Trenton State Teachers College; Mrs. Robert W. Cornelison of Somerville, chairman of the department of education of the New Jersey State Federation of Women's Clubs and president of the Radio Council of New Jersey; Mrs. Carl Bannwart of Newark, chairman of the radio committee of the N. J. State Federation of Women's Clubs; Leon C. Hood, teacher of English in Clifford J. Scott High School of East Orange; Dr. Frederick L. Hipp, editor of the N. J. Educational Review and Director of Democratic Discussions, and Rt. Rev. Msgr. William F. Lawlor, superintendent of schools of the Archdiocese of Newark. Guests were Mrs. Dorothy Lewis, coordinator of listener activity of NAB and Miss Dorothy Rowden, assistant to the director of education of the Columbia Broadcasting System.

DES MOINES COUNCIL GETS BOOST FROM NEWSPAPER

(The following editorial is reprinted from the Des Moines *Tribune* of September 10 and is self-explanatory.)

Radio Council

The Federal Communications Commission has power to yank the broadcasting licenses of radio stations if the commission doesn't think they operate "in the public interest, convenience, and necessity."

But in addition to this, the stations themselves regard it as their chief duty to entertain the listeners and to sell time to advertisers, so they keep constant check on what the advertisers and listeners get for their money through various "listener surveys."

Every little while there is a wave of public indignation or hysteria over something to add to their worries, like the Mae West wisecracks of a few years back, the Orson Welles "invasion from Mars," or parental concern over the quantity and quality of children's programs.

Each of these waves of excitement has left permanent marks on the broadcasters in the form of new "don'ts" and "do's."

In the last few years, the National Association of Broadcasters has been promoting the local "radio council" as a device for more continuous and helpful contact between broadcasters and their public. Cedar Rapids, Ia., has had one for several years; Des Moines has a new one, organized last June and expecting to be in full swing by October.

These radio councils have two chief functions—to afford a channel for constructive and representative criticism of radio programs, and to help the local radio stations make the best use of free time given to local civic organizations.

The new Des Moines radio council, formed with the co-operation of all three local stations and of the National Association of Broadcasters, has an allocation committee to divide up the time donated by the stations to local non-profit organizations, a continuity committee to give them advice about scripts, a talent and production committee to give them help in putting on their programs.

For its more generalized function of helping broadcasters keep in touch with their audience, it has a survey and program evaluation committee.

Critics in the past have sometimes chided the radio industry for seeking less to please than to avoid complaints. Existence of a live radio council should help radio executives determine which complaints are widespread and which are merely crotchety. It should also help raise the quality, variety, and representativeness of the donated-time programs.

Engineering

RTPB MEETING

The Radio Technical Planning Board met in New York City on September 29 for the purpose of electing the chairman. The voting sponsors represented at the meeting were the following:

American Radio Relay League
FM Broadcasters, Incorporated
Institute of Radio Engineers
National Association of Broadcasters
Radio Manufacturers Association

Other sponsors present, but not yet qualified to vote, were:

The American Institute of Electrical Engineers
Aeronautical Radio, Incorporated
International Association of Chiefs of Police
National Independent Broadcasters

Dr. W. R. G. Baker, General Electric vice president and RMA director of engineering, was elected chairman for the term ending October 1, 1944. Dr. Baker was the chairman of the Television Standards Committee.

The chairman is expected to call another meeting of RTPB for the election of other officers, organization of panels, budget determinations and administrative details.

Neville Miller and Howard Frazier attended for NAB.

RADIO TOWER LIGHTS

FCC has announced changes in its Rules and Regulations regarding the condition of radio tower lights and entries thereof in radio station logs. These changes, effective October 28, 1943, provide first, for visual observation and physical inspections of tower lights, to be followed by a report to the nearest Airways Communications station of the Civil Aeronautics Administration where any failure of tower lights which cannot be readily corrected is observed; and second, entries in the station log indicating not only that regular checks have been made, but also showing where failure has occurred and the nature of steps taken to remedy the condition.

W.C.T.U. GIVES RADIO BIG PLAY IN MAGAZINE

In the September 4 issue of *Union Signal*, publication of the National Women's Christian Temperance Union, radio was accorded the majority of space in the 24-page magazine.

Articles by Earl J. Glade, KSL; Dorothy Lewis, NAB; Dorothy Gordon, national director of children's radio programs for OCD and Helen Hewitt Green, national director, W.C.T.U. department of radio, featured the issue.

FEDERAL COMMUNICATIONS COMMISSION

FM BROADCASTING AND EDUCATION

(This talk was delivered by George Adair, assistant chief engineer, FCC, before the Federal Radio Education Committee executive committee in Washington, September 17, and is the talk to which FCC Chairman James Lawrence Fly referred in his speech printed in the September 24 issue of the "Reports.")

Reluctant to admit it as many of us are, the days of "Readin', Ritin' and Rithmetic, taught to the tune of the Hickory Stick" are past. The horse and buggy days of education are over. Education the hard way is no longer acceptable.

The present-day tendencies of lessening discipline in the home almost to the vanishing point and the psychology propounded by many educators as well as parents, that children should be permitted full self expression or in other words to do as they please, have made teaching increasingly difficult.

In order to make life easier for themselves and to escape responsibilities, more and more parents and teachers are only too willing to accept the theory that a child should be made happy so that if he were to die tomorrow he would have lived a happy life instead of training the child so that if he lived to be a hundred he would have had a happy and useful life.

Such conditions make the position of the conscientious teacher almost untenable leaving only three courses of action:

1. Attempt to force learning on the children which brings down the wrath of some parents and makes the teacher so unpopular that the majority of the students learn little or nothing.
2. Let the children act and do as they please so again the majority learn little or nothing, or;
3. Meet the challenge of present-day conditions and the distraction of competing interests and make the courses of study and their presentation such as to demand the interest of the students.

Obviously, the third is the only logical course to take and the only remaining problem is how to meet the challenge. Examination indicates that the competing interests largely center around such things as airplanes, mechanics, movies, sports and radio. Further investigation immediately reveals that as in many other things in life, the strategic thing to do is to make these allies instead of trying to fight them. There are, of course, many ways to do this and in some cases efforts along this line have produced highly satisfactory results; on the whole, however, the surface only has been scratched.

Modernize Education

We see and hear much about the importance of electronics, radar, airplanes and other technical developments in our post-war manufacturing, home construction, travel and other phases of life. Why not modernize our educational program?

One method of modernizing education is by intelligent and diligent use of radio in schools. Use of the commercial broadcast stations has very definite possibilities, but the installation and operation of a school's own radio system has infinitely more possibilities, not only in bringing the outside interests into the school but in taking the school interests to the outside world and into the homes of the pupils. The specific uses of such a system are too numerous to attempt to list, but a few are:

Class room instruction.
More coordinated instruction.
Bringing the quality of instruction in all classrooms teaching a particular subject up to the standard of the best teachers available in the whole school system.
Faculty instruction.
Practical applications of the basic studies.
Self-expression of pupils and teachers.
Languages, history, music and the arts.
Teaching of various phases of radio and broadcasting.
Programs directed to parents and public.
Home classes for confined pupils.
Courses for adult instruction.

Educators interested in the possibilities of education by radio, particularly by the use of noncommercial educational broadcast stations, no doubt are concerned as to how this service will develop and form a part of the post-war broadcast structure. While the construction of broadcast stations has virtually stopped because of limitations in the use of critical materials and shortage of skilled personnel, research in radio transmission and reception has proceeded apace. Particularly is this true with respect to the development of high frequency equipment, so important to the prosecution of the war. Conversely, there should be no doubt but that this research will have marked effect on the progress of high frequency broadcasting when facilities may be directed to this end. Since it is probable that the post-war period will bring rapid expansion in high frequency (FM) broadcasting, it is appropriate that plans be started now by educational agencies to take advantage of the broadcast facilities that have been allocated for their particular use.

FM Development

The development of frequency modulation broadcasting (FM in common parlance) is of considerable importance to those interested in the use of noncommercial educational broadcast facilities. Just why is this so and what advantage does FM bring?

After extensive tests of FM, and following a hearing in March, 1940, on the subject of high frequency broadcasting, the Federal Communications Commission announced that FM was ready to move forward on a broad scale. Rules and standards were adopted, providing 35 channels for commercial stations between 43 and 50 megacycles for use by FM stations. The band set aside for educational stations was changed from the 41 to 42 megacycle band to the 42 to 43 megacycle band. This provides five educational channels. The allocation of the educational band adjacent to that of commercial FM broadcast stations places the educational stations on an entirely independent basis, yet gives them the benefits of developments in the service rendered by commercial stations. Since regular FM receivers provide for the reception of both services, noncommercial educational broadcast stations may transmit educational and entertainment programs to the general public as well as to special school receivers. Thus, there is established a sound basis for the parallel growth of noncommercial educational and commercial broadcasting with this new and superior form of transmission at these frequencies.

Approximately seventy FM stations had been authorized when the war required the restriction of construction, and at this time, some forty-five FM stations are in operation and providing a high-quality noise-free broadcast service. Since the use of an FM channel generally may be repeated at intervals of 100 to 150 miles, the total number of educational stations which may be established is very large although the maximum number erected in any one locality is relatively small. It is anticipated, however, that there will be at least one educational FM channel available for every community that wants one.

There are five educational agencies which are actually taking advantage of the opportunities of FM by the operation of such stations at this time. These are as follows: [1]

Licensee and Location	*Call Letters*	*Frequency (kc)*	*Power*
Board of Education, City of Chicago, Chicago, Illinois	WBEZ	42,500	1kw
Board of Education, City of New York, Brooklyn, New York	WNYE	42,100	1kw
Board of Education of the San Francisco Unified School District, San Francisco, California	KALW	42,100	1kw
Cleveland City Board of Education (Charles H. Lake, Superintendent), Cleveland, Ohio	WBOE	42,500	1kw
University of Illinois, Urbana, Illinois	WIUC	42,900	250w

[1] There is one other noncommercial educational broadcast station which has not as yet converted from amplitude modulation (AM) to frequency modulation (FM).

The foremost advantage of frequency modulation over amplitude modulation (used in standard broadcasting and most other radio services) is its ability to reduce or eliminate noise received with the signal. Atmospheric and man-made electrical noise, which consists primarily of amplitude variations, may be eliminated in FM since the amplitude of the radio signal is maintained constant and amplitude disturbances may be overcome. Further, FM signals have the ability to discriminate against other signals of lesser intensity, providing freedom from such interference. The characteristics of FM provide an excellent means for the transmission and reception of high fidelity programs.

"Educational" Station Defined

By definition the term "noncommercial educational broadcast station" means a station licensed to an organized non-profit educational agency for the advancement of its educational work and for the transmission of educational and entertainment programs to the general public. A license for such a station will be issued only to such an agency and upon a showing that the station will be used for the advancement of the agency's educational program, particularly with regard to use in an educational system consisting of several units. Each station may transmit programs directed to specific schools in the system for use in connection with the regular courses as well as routine and administrative material pertaining to the school system, and may also transmit educational and entertainment programs to the general public.

Since noncommercial educational broadcast stations are intended primarily for use by school systems where a coordinated educational program service is carried on, it is expected the use of such stations will be largely in city and county school systems for the transmission of program material directed to the schools in the system, and, for the transmission of program material to the general public.

The transmission characteristics of stations operating on these high frequencies are such that at the powers usually employed adequate service is provided to the schools in the system as well as to the public within the area, but normally do not furnish a service to regions beyond. Because of the limited transmission range, these stations are not suitable for widespread coverage, such as, for example, over more than the smallest states. However, state colleges and universities may desire to employ stations for use with schools within transmission range. Although no networks or combinations of educational broadcast stations have as yet been developed, such operation on a statewide or even perhaps a nationwide basis would appear to offer definite and interesting possibilities.

To those unacquainted with the equipment necessary in a typical educational broadcast system, a few words regarding this topic may be of interest. In addition to the transmitter and antenna, a number of components are required to complete a noncommercial educational broadcast station and to permit the transmission of a high quality dependable program service. There would be required the usual microphones, a studio amplifier, transcription equipment, monitors for determining adherence to the assigned frequency and for determining percentage of modulation, and such power supply equipment and miscellaneous apparatus as may be necessary in any particular installation. In addition, it may sometimes be desirable to install studios in several buildings, thus requiring supplementary equipment at each studio. All principal studios should be acoustically treated to permit the transmission of program material with as much fidelity as possible.

Servicing Schools

Schools equipped with public address systems would, of course, need only one receiver to provide every classroom with the material being broadcast. While a number of loud speakers may be employed with a single receiver of proper design without the use of additional amplifying equipment, it is believed desirable to use some form of amplifier in schools where a considerable number of loud speakers are needed in order not to sacrifice high fidelity and adequate volume. A system of this type would be much more inexpensive than one where separate receiving sets are used in the individual rooms. This arrangement would have the added advantage of enabling such schools to have, by the simple addition of a microphone, a public address system for communications to the individual rooms. However, in schools where additional wiring proved burdensome, either by reason of cost or decorative standpoint, individual classroom receivers may be used.

It has been estimated that an average school station may be installed at the price of one classroom and that the personnel required would consist only of a radio engineer and a program director, both of whom could be obtained from the regular school staff. While the cost of an installation varies widely with individual requirements, a few approximations will be given to indicate the general minimum cost of equipment.

An FM transmitter of standard manufacture and of 250 watts rating can be obtained for approximately $4,500. This power should be sufficient for the coverage needed by many school systems, particularly where an antenna site is available which is high with respect to the surrounding terrain. Should a 1000-watt transmitter be needed, these can be purchased for approximately $9,000. While it is possible that such equipment can be assembled by a competent radio engineer at a cost below these figures, it is suggested that such an expedient be carefully studied before attempting to effect economics along this line.

Other Costs and Equipment

The cost of the antenna will depend largely on the transmitter site, for if a tall building or other point of high elevation is available a comparatively simple antenna structure can be used, the cost of which should not exceed a few hundred dollars. The propagation of high frequency radio signals is dependent to a large extent upon the height of the transmitting antenna above the surrounding terrain, and thus it is important that a suitable location be obtained. While this is not as important for service to limited areas, such as the confines of a city, it would be necessary to insure coverage of the schools in a large county, but in any case better service with less installed power may be obtained by a good antenna at a good location.

Other equipment, such as microphone, amplifiers, transcription equipment, etc., may run into several thousand dollars, again depending upon each individual installation. Thus, a complete FM radio transmitter with necessary appurtenances may cost a probable minimum of about $6,000 to $7,000 for 250 watts and $11,000 to $12,000 for 1000 watts. Added to this will be the cost of the receivers at the various schools, any amplifiers and loud speakers used in these installations, building requirements, studio treatment and furniture.

Major Edwin H. Armstrong, whose research and developmental work in frequency modulation demonstrated its possibilities, has given impetus to and reduced the cost of the establishment of noncommercial broadcast stations by not requiring from educational agencies the payment of royalties on his frequency modulation patents, except for the nominal royalty of one dollar.

Depreciation Figures

Depreciation of most low powered broadcast equipment is considered to be approximately 10% to 15% per annum; equipment used in noncommercial educational broadcasting will, however, probably be used less per year and over a longer time, permitting a smaller figure to be used for depreciation. Ten percent should be a safe value. Depreciation of any required building construction can probably be considered at approximately 3 to 5% per annum.

Maintenance costs of equipment used in noncommercial educational broadcasting, probably in use only a limited number of hours per day, should be very low and should not exceed the depreciation figures. The tubes and other components of the low powered transmitters used in this service are relatively inexpensive and long lived. FM transmitters, operating at constant efficiencies and not subject to higher voltages during modulation peaks, should be less subject to breakdown and tube troubles. Maintenance of studio and transmitting equipment should not exceed $500 to $1,000 per year at the average station.

The operating costs will also vary over wide limits depending on personnel employed, local salary scales, time operated, power and telephone rates, elaborateness of programs, etc. Operating costs should be far less than for a commercial station however, since the rules of the Commission permit operation of noncommercial educational station by the holder of a second class radiotelephone operator's permit; since personnel such as time salesmen are not required; and since in many cases the personnel may be at least partially drawn from the faculty or student body.

It is believed that the present operators of noncommercial educational stations will be glad to give the benefit of their experience relative to costs of establishing and operating such stations. For information regarding maintenance and operating costs of standard broadcast stations, which are comparable in many respects, it is suggested that reference be made to the Federal Communications Commission release 65515 "Financial and Employee Data Respecting Networks and 817 Standard Broadcast Stations, 1941."

Educators May Plan Now

Educators who are considering the use of radio for the advancement of their educational program may well plan now and take such steps as are possible toward the establishment of an educational station. Upon determining the number of schools to be served and the nature of service to be provided, a determination should be made as to the most desirable location for the transmitter, which should generally be centrally located and have an elevation as high as possible above the surrounding terrain, particularly if rural coverage is to be obtained. It must be kept in mind that radio frequencies employed in this service are subject to some shadow effect, caused by hills and other obstructions, and thus it is important that the transmitting antenna be as high and as clear of obstructions as possible. Schools can be equipped with public address systems, consisting of an amplifier and classroom loud speakers, for future use with the broadcast service. Miscellaneous equipment, such as transcription equipment, amplifiers, control desks, and FM receivers may possibly be built by students under the supervision of members of the faculty, or can be purchased as funds are available. Plans for obtaining the requisite funds which in many cases will be a major problem may well be begun at this time so that there will be a minimum delay when equipment is available.

All planning should be with the advice and council of persons fully qualified in the particular field even though it is necessary to go outside the school staff. Any reasonable expenditures for such services will be more than justified by the economies effected and the assurance of a system that will meet the requirements. A system that is too elaborate or more powerful than the job requires is not only unnecessarily expensive but may prove cumbersome and also may cause unnecessary interference to other stations. On the other hand, a system that is inadequate is unsatisfactory and will prove much more expensive to expand to accomplish the desired service than if it were originally properly designed and constructed.

Filing Procedure

When it is desired to file an application for construction permit, application forms should be requested from the Federal Communications Commission, Washington 25, D. C., or from one of their field offices. These forms are required to be submitted in duplicate and should include a complete statement as to the plans for transmission of programs to the schools within the system. Upon the filing of the application and the granting of the construction permit by the Federal Communications Commission, a permit is issued which specifies required dates of commencement and completion of construction, normally two and eight months, respectively, after the date of grant. Upon the completion of construction, certain tests are permitted before the station license is issued, as indicated by Sections 2.42 and 2.43 of the Commission's Rules. The license application must be filed with the Commission before the completion date specified by the construction permit. Applicants should obtain copies of pertinent portions of the Commission's Rules which describe application procedure and the rules under which educational stations operate. It is therefore suggested that the following portions of the Rules be obtained from the Superintendent of Documents, Government Printing Office, Washington, D. C., which are available at the prices indicated:

Part 1, Rules of Practice and Procedure	10¢
Part 2, General Rules and Regulations	10¢
Part 4, Rules Governing Broadcast Services Other than Standard Broadcast	10¢
Part 13, Rules Governing Commercial Radio Operators	5¢

In conclusion, a word of caution may not be out of place. When the station is an accomplished fact and is actually in operation, the work is just begun. Radio is a powerful yet delicate tool which must be properly used in order to obtain the desired results. The degree of success attained will depend almost entirely on the skill with which it is used. In many cases the tool will be handed to educators skilled in their own fields but unskilled as to this type of education and who, if they are to be successful, must revise and adapt many of their previous conceptions of instruction. The results first obtained may be discouraging, but with experience and intelligent and diligent use radio in the school has been found to be invaluable. It cannot be too strongly emphasized that the responsibility for the station's operation, both technical and program, should be placed in the hands of persons who are eminently qualified and who give it their primary consideration. Otherwise, it may prove to be of little aid or an actual detriment, like any other tool improperly used.

FREEDOM TO LISTEN A UNIVERSAL PRINCIPLE

(*Speech delivered by FCC Chairman James Lawrence Fly before the Advertising Club of Boston, September 28, 1943.*)

It is with real pleasure that I meet with you here in Boston today. For some time past I have been concerned with the freedom to listen. It is a propitious circumstance that enables me to speak of it in Boston—cradle of freedoms.

For the moment, let's pretend. In recent years a good deal of new radio legislation has been proposed, but I do *not* think the proposal I have in mind has been broached heretofore in this country. Permit me to introduce the following bill for your consideration.

> Be it enacted by the Senate and House of Representatives of the United States of America, that on and after the effective date of this Act it shall be illegal
>
> a. to possess a radio receiver or receiving device capable of hearing any radio transmitter not

programmed by the United States Government;

b. to listen to any radio program not originated by the United States Government;

c. to manufacture or sell any radio receiver capable of hearing programs not originated by the United States Government.

And suppose our bill might provide further that it shall be illegal

> . . . to manufacture, sell, possess or listen by means of a radio receiver which does not have affixed to it a government approval stamp. Such government approval stamps will be placed upon radio receivers only if they meet the following specifications:
>
> a. They must be capable of receiving the programs of two stations which broadcast the Government's programs;
>
> b. They must not be capable of receiving any stations other than those listed in section (a) above.
>
> The appropriate government agency shall "jam" by means of artificial static devices all programs not originated by the Government.
>
> Listening after 10:00 p. m. is forbidden. Listening in groups of more than three is forbidden, except for specific programs to which listening is compulsory.
>
> Free reception at public receivers will be provided for all programs to which listening is compulsory.
>
> Violations of this Act shall be punished by fine and imprisonment, except violation of the provisions relating to reception of prohibited stations. The punishment for listening to such stations shall be death.

Is such a statute unthinkable? Weird? Fantastic? No, let me assure you. The counterpart of almost every one of those provisions, or equally onerous restraints, can be found in one part of the world or another now under Axis domination. Such edicts as the above are not vain imaginings applicable only to existence on another planet. They are in force in our own contemporary world.

Consider the practices in Germany. The State controls the manufacture of radio receivers so that it is impossible to obtain a set capable of receiving a short-wave signal. Furthermore, the standard broadcast range is limited to the German propaganda centers. Not willing to give the German people a sporting chance to sneak a listen to the ideas of the rest of the world, Goebbels makes doubly sure and jams any *verbatim* utterances as they occur.

The will to listen dies hard and the mechanical precautions have had to be strengthened with legal sanctions. An inhuman German statute provides the death penalty for persistent "black listening." Those people guilty of one act of "black listening" are merely thrown into a concentration camp. A wife with guilty knowledge of her husband's "black listening" goes to the concentration camp too. The Japanese militarists go a step further than their German colleagues; they kill and torture Japanese people for what they call "dangerous thoughts." Such fear and tyranny stagger our imagination so that we can hardly imagine that we would be taking our lives in our hands for *thinking* of turning on our radios.

Such moral darkness is a breeding ground for suspicion. There can be no understanding when people are shrouded by the ideas only of the Fuerher, no matter who he may be. The end product for these benighted people is a pathological conviction that war against their fellow-man is a noble thing.

In the fact of this world (or half-world) chaos, can we safely say that our imaginative bill is wholly outside the realm of imagination?

Freedom to listen, at least so far as radio in the United States is concerned, is so elementary a concept that it sometimes escapes attention altogether. In this hemisphere, as well as this nation, people are encouraged to listen to the voices of all their neighbors; many of us listen to our enemies; we are confident that free men can appraise the wheat and the chaff and that the dictators will be unable to alienate citizens of these democracies from the governments they themselves control. We take it for granted when we sit in our own homes, throw the radio switch, and turn the dial, that in this gesture at least we, as listeners, are completely free. We take all of this as a matter of course and all too seldom articulate our underlying confidence that democratic government depends ultimately on a truly informed citizenry.

I would suppose that the first reaction to my fanciful bill would be that our constitution protects us. Whether this bill violates due process or "due substance" or even the commerce clause, I leave to the Harvard Law School professors. I leave to the Harvard Law professors, too, a further constitutional problem that would appear, at least at first blush, to bear on this statute. This is the guarantee of the right to assemble. Millions each night assemble on the various wavelengths; without freedom to listen those assembled are as effectively deprived of their constitutional rights as if, assembled in Boston Common, they were ridden down by the police and clubbed into dispersion. For my own part, I want to orient my thinking on the subject in terms of free speech. To most of us, in a deep emotional sense, freedom of speech is a basic right. I venture to suggest that the freedom to listen is an essential counterpart of freedom of speech.

In the days when Sam Adams was able to rally the people of a colony by forming "committees of correspondence" for the writing of letters, and when James Otis was able to stir even the illiterate by his fiery addresses in the Boston town meeting, freedom of speech was fairly effective. Today, for all we know, a hundred Sam Adams and a hundred James Otis may be writing letters or addressing small corner gatherings with little or no effect upon the vast force of public opinion. All too often today, free speech supplies by itself only a mental catharsis for the speaker. It must be borne in mind that however much the individual has personally enjoyed his freedom of speech there were always serious limitations. How many people could he reach by speech—how many by leaflets—over what distances—through what machinery—and at whose expense? Whatever therapeutic aid to his nervous system he may have enjoyed, there were various limitations in the means of achieving his own purposes as an individual. But there has always been the important need of the democratic nations to create and maintain an enlightened and informed public opinion based, as it must be, upon the facts—fully and fairly presented.

The chief interest of the Founding Fathers, I suggest, was not freedom of speech merely for its own sake or for the sake of the speaker. They, too, had a concern for freedom to listen—for Whitman's "ears willing to hear the tongues." Their philosophy of free speech and press was based in large part upon the beneficial impact upon the people at the receiving end. True democratic government, they wisely felt, rests upon the capacity for self government which, in turn, is founded upon the unstinting diffusion of knowledge. Thus Jefferson said: "Enlighten the people generally, and tyranny and oppressions of body and mind will vanish like spirits at the dawn of day." James Madison, the Father of the Constitution, stated it even more bluntly. He said, "A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy."

Such is the overtone of a recent Supreme Court opinion, which states:

> The authors of the First Amendment knew that novel and unconventional ideas might disturb the complacent, but they chose to encourage a freedom which they believed essential if vigorous enlightenment was ever to triumph over slothful ignorance. This freedom embraces the right to distribute literature, and necessarily protects the right to receive it.

Our history is rich with battles looking toward a sound basis for democracy, in effect for the informed electorate, and in practical effect for the freedom to listen. What was significant at the beginning of this democracy is emphasized in the modern world. Listening has become one of the vital functions of our modern civilization. A vast amount of public information, public enlightenment, public news and even public education—not to speak of entertainment—now reaches our people via the air waves. Radio has provided the mechanical means for attaining the Founding Fathers' ideal; a great responsibility lies upon those in control.

Do you remember how Woodrow Wilson described the "radio revolution?" Although radio was still in its infancy then—this was September 1919—President Wilson prophetically foresaw its immense global potentialities. He said:

> Do you not know that the world is all now one single whispering gallery? Those antennae of the wireless telegraph are the symbols of our age. All the impulses of mankind are thrown out upon the air and reach to the ends of the earth.

What Wilson foresaw is coming to pass in greater measure. The listening people demanded and got only entertainment from radio in its formative stage; today and for some time past they have demanded, and demanded successfully, that in addition to amusement radio shall carry a full budget of news and discussion. Despite modern transport, our millions of people, widely dispersed or metropolitanly congested, cannot be reached through town meetings. National and world problems today completely overshadow town and colony problems. In this environment the old soap box methods lack any real persuasive force.

It is a fortuitous circumstance that modern science has provided the means for the first adequate realization of free speech. With the advent of radio audiences have become nationwide and even worldwide; their interests national and international. With innumerable listeners, the duty of the speaker to subordinate his interests becomes clear. Few may speak, all may listen. From the very limited nature of the facility it is at once apparent that the paramount interest is not in the single speaker—but in the millions of listeners. Therefore, those who control this mechanism of free speech must treat free speech not as a right but as a duty. They must hold this mechanism of free speech in trust for the people—the listeners.

We have a culture developed in part by radio. It is a common source of information and ideas. This wide country with its divergent groups is becoming aware of itself through radio. Sectionalism is fast disappearing; the unity, the harmony, and the understanding—all these things must rest upon a proper use of this medium of knowledge.

Over four decades ago, Dicey came from England to Harvard Law School to tell its students that "Freedom of discussion and the disintegration of beliefs are so closely interconnected that they may well be considered as two sides or aspects of one phenomenon." Dicey stated the interrelation well. And, in the radio network world today—a day of mass communications—180 million people provide an excellent sounding board to test the validity of beliefs.

Radio appears to have come all the way but in reality it has only approached the crossroads. Radio is a living thing; it must grow and expand as people grow and expand. Despite its achievements we dare not be too smug about it. Restriction, constriction and exclusion must give way to a broader and more democratic approach as to the persons the listening public may hear. Likewise, complete freedom to listen demands that divergent views must be aired. In the market place of ideas diversity of opinion enables us intelligently to sift the sound from the unsound.

The warnings from abroad that prompted me to offer you a mythical statute have been drastic. There are significant, though certainly far less aggressive, restrictions on the freedom to listen on the home front. Simply by careful selection of what is broadcast the freedom of the listener can be tightly restricted. The listener's freedom is thus inextricably bound up with freedom of speech over the air. There is no need for restriction; our own Professor Chafee has well said:

> . . . unremitting regard for the First Amendment benefits the nation even more than it protects the individuals who are prosecuted. The real value of freedom of speech is not to the minority that wants to talk but to the majority that does not want to listen.

There should be no rule of thumb set up to hide behind whenever *any* group requests time on the air. The free radio can become a powerful instrument for the protection of freedom of opinions. A democracy is in many ways like a kettle of boiling water; there must be an open spout for the outlet of steam. Men must be guaranteed their right to express their opinions and ideas. As Justice Holmes once told a friend, "With effervescing opinions as with not yet forgotten champagnes, the quickest way to let them get flat is to let them get exposed to the air." The radio is a perfect outlet for such exposure to the air.

In the post-war world, international broadcasting will stand on the threshold much as our domestic radio stood in the days when Woodrow Wilson foresaw its great possibilities. As the domestic radio has played a large part in welding one nation, so international broadcasting should provide the free flow of information, and generate the tolerance for beliefs, and an appreciation of cultures and thought patterns. Radio is that necessary catalyst upon which we shall rely to bring about a more sympathetic understanding among peoples. It would be harmful beyond prediction to have world radio restricted either by hiding behind a restrictive world policy or by allowing any individual national to go further and adopt restrictions of a more mechanical kind. I cannot but feel that the future peace and security of the peoples of the world must rest in large measure upon enlightenment. If we are to have an enlightened world it must function on the basis of enlightened principles. The thoughts of men must be expressed freely and openly or thinking dries up. Any substitute for the free communication of ideas that may then rush into this vacuum is bound to be dangerous. Witness what we are fighting today.

We are primarily engaged in a struggle for freedom. From the idea of complete freedom itself have sprung many phases of more particularity. My own particular interest is, of course, in communications; and truly transmission is nothing without reception. But I suggest to you a development of this point along broader and deeper lines. All of us must be deeply concerned with bringing this freedom to those we are seeking to liberate and to further expand it for ourselves. I suggest that the principle is fuundamental and must be guaranteed in the post-war world. The growth of international broadcasting and the prospective development of international television demand it. It is inevitable that for good or evil closer relations will exist among nations, races and religious groups. We must strive to make it for the good.

It is also true that no relaxation in the pursuit of the freedom to listen can be allowed to take place when the war is over. Eternal vigilance and undeviating regard for this and comparable principles must be observed if we are to have a lasting peace. Let me remind you again that freedom to listen encompasses more than the ability to spin the dial without fear. With only general policy safeguards the transmitters of all nations must foster a free and complete exchange of thought and the optimum diffusion of knowledge. The right to hear new ideas is part of the freedom to listen and is as much a burden of my theme as is the inadequacy of free speech in the absence of effective mechanisms, and in the absence of ears to listen.

I, therefore, leave with you this fundamental conclusion: that there must be universally accepted the freedom of all peoples to listen without fear and without restraint.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARING

The following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, October 4th. It is subject to change.

Wednesday, October 6

Oral Argument Before the Commission

Report No. B-176:

NEW—Beauford H. Jester, et al., Waco, Texas.—C. P. 1230 kc., 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KVOS—KVOS, Inc., Bellingham, Wash.—Granted modification (B5-MP-1723) of construction permit (B5-P-3237, as modified) for decrease in power from 1 KW to 250 watts, using presently licensed equipment and antenna at site specified in existing license, and extension of commencement and completion dates to 30 days after grant and 60 days thereafter respectively. Dismissed application (B5-MP-1701) for modification of construction permit to extend completion date. Also dismissed application (B5-SSA-69) for Special Service Authorization to operate on **790 kc.** with 250 watts power for the period ending February 1, 1945.

Mutual Broadcasting System, Inc., Chicago, Ill.—Granted authority to transmit programs to Mexican stations known as Radio Mil's Network (B4-FP-117).

KXYZ—Harris County Broadcast Co., Houston, Texas.—Granted Special Service Authorization (B3-SSA-82), for period of 90 days, to operate with power of 5 KW day and 2½ KW night, employing temporary non-directional antenna; and authority to determine operating power by direct measurement of antenna power (B3-Z-1543).

KPRC—Houston Printing Corp., Houston, Texas.—Granted Special Service Authorization (B3-SSA-83) for period of 90 days, to operate with power of 2½ KW night, 5 KW LS, with temporary non-directional antenna; also authority to determine operating power by direct measurement of antenna power (B3-Z-1544).

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted extension of Special Service Authorization using equipment authorized under construction permit as modified, for the period ending April 1, 1944 (B5-SSA-81).

LICENSE RENEWALS

The following stations were granted renewal of licenses for the period ending October 1, 1945:

KABC, San Antonio, Tex.; KGIW, Alamosa, Colo.; KMYC, Marysville, Calif.; KNET, Palestine, Texas; WACO, Waco, Texas; WGNC, Gastonia, N. C.; WJPA, Washington, Pa.; WSLI, Jackson, Miss.; WSPB, Sarasota, Fla.; KGLU, Safford, Ariz.; KLBM, La Grande, Ore.; WAGM, Presque Isle, Maine; WCRS, Greenwood, S. C.; WEED, Rocky Mount, N. C.; WFNC, Fayetteville, N. C.; WFPG, Atlantic City, N. J.; WLAY, Muscle Shoals City, Ala.; WNOE, New Orleans, La.

The following stations were granted renewals for the period ending August 1, 1945:

KORN, Fremont, Neb.; WJHO, Opelika, Ala.; WMSL, Decatur, Ala.

Licenses for the following stations were further extended upon a temporary basis only, pending determination upon application for renewal of license, for the period ending December 1, 1943:

KGGF, Coffeyville, Kans.; KVGB, Great Bend, Kans.; KWFC, Hot Springs, Ark.; BABI, Bangor, Maine; WATL, Atlanta, Ga.; WBLK, Clarksburg, W. Va.; WELL, Battle Creek, Mich.; WING, Dayton, Ohio; WNBZ, Saranac Lake, N. Y.; WTEL, Philadelphia, Pa.

Licenses for the following stations were extended upon a temporary basis only, pending determination upon application for renewal, for the period ending December 1, 1943:

KBPS, Portland, Ore.; KSAN, San Francisco, Calif.; KWAL, Wallace, Idaho; WAOV, Vincennes, Ind.; WAZL, Hazleton, Pa.; WGPC, Albany, Ga.; WIBM, Jackson, Mich.; WILM, Wilmington, Del.; WKEU, Griffin, Ga.; WMAS, Springfield, Mass.; WPAD, Paducah, Ky.; WPAR, Parkersburg, W. Va.

The following stations were granted renewal of license for the regular period:

KSJB, Jamestown, N. Dak.; WCOV, Montgomery, Ala.; KATE, Albert Lea, Minn.; WCBS, Springfield, Ill.; WHFC, Cicero, Ill.

WWDC and synchronous amplifier.—Capital Broadcasting Co., Washington, D. C.—Granted renewal of license on a temporary basis for period of 60 days.

KSUB—Southern Utah Broadcasting Co., Cedar City, Utah.—Granted renewal of license for the period ending June 1, 1945.

WSYB—Philip Weiss, tr/as Philip Weiss Music Co., Rutland, Vt.—Granted renewal of license for the period ending December 1, 1944.

WJW—WJW, Inc., Akron, Ohio.—Present license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending November 1, 1943.

W9XLA—KLZ Broadcasting Co., Denver, Colo.—Granted renewal of experimental high frequency broadcast station license for the period ending April 1, 1944.

W5XAU—WKY Radiophone Co., Oklahoma City, Okla.—Granted renewal of experimental high frequency broadcast station license for the period ending April 1, 1944.

W8XWI—Guy S. Cornish, area of Cincinnati, Ohio.—Granted renewal of public address relay station (Class II experimental) license for the period ending October 1, 1944.

W2XWE—WOKO, Inc., Albany, N. Y.—Present license for facsimile broadcast station was further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending December 1, 1943.

MISCELLANEOUS

WJWA—Birney Imes (Portable-Mobile), area of Columbus, Miss.—Granted voluntary assignment of relay broadcast station license from Birney Imes to Birney Imes, Jr. (B3-ALRY-20).

KTRH Broadcasting Co. (Portable-Mobile), area of Houston, Texas.—Granted construction permit (B3-PRY-291) for a new relay broadcast station to be used with applicant's standard station KTRH; frequencies **1606, 2074, 2102, 2758 kc.,** 50 watts.

KOIN—KOIN, Inc., Portland, Ore.—Denied special service authorization to operate with 10 KW power, using directional antenna at night and make changes in transmitting equipment (B5-SSA-80).

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Denied special service authorization to install new transmitter, increase power from 250 watts to 1 KW and authority to conduct point-to-point communication (B5-SSA-77).

APPLICATIONS FILED AT FCC

560 Kilocycles

WQAM—Miami Broadcasting Co., Miami, Fla.—Modification of license to use present licensed RCA 1 KW transmitter during night hours of operation. (Contingent upon granting of license to cover construction permit) (B3-MP-1543).

590 Kilocycles

WKZO—WKZO, Inc., Kalamazoo, Mich.—Voluntary assignment of license to John E. Fetzer and Rhea Y. Fetzer, doing business as Fetzer Broadcasting Company.

620 Kilocycles

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—License to cover construction permit (B1-P-2868 as modified), which authorized increase in power, installation of new equipment and directional antenna.

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Authority to determine operating power by direct measurement of antenna power.

WHJB—Pittsburgh Radio Supply House, Greensburg, Penna.—Authority to determine operating power by direct measurement of antenna power.

1240 Kilocycles

KROY—Royal Miller, Sacramento, Calif.—Construction permit to install new transmitter and increase power from 100 watts to 250 watts. Amended: to change name of applicant to Royal Miller, Marion Miller, L. H. Penney, Gladys W. Penney and Will Thompson, Jr., a partnership, d/b as Royal Miller Radio.

KGY—KGY, Inc., Olympia, Wash.—Construction permit to increase power from 100 watts to 250 watts. Amended: to make changes in transmitting equipment.

1270 Kilocycles

WPDQ—Jacksonville Broadcasting Corp., Jacksonville, Fla.—Transfer of control of licensee corporation from Ernest D. Black, E. G. McKenzie and Mrs. Margaret Curtis to L. D. Baggs (18 shares, 60 per cent).

1490 Kilocycles

WKBZ—Ashbacker Radio Corp., Muskegon, Mich.—Construction permit to mount FM antenna atop present antenna.

MISCELLANEOUS APPLICATIONS

W8XCT—The Crosley Corp., Cincinnati, Ohio.—Modification of construction permit (B2-PVB-23 as modified, which authorized construction of a new experimental television station) for extension of completion date from 10-28-43 to 4-28-44.

WRUX—World Wide Broadcasting Corp., Scituate (Boston), Mass.—License for a new international broadcast station to be operated on **6040** and **7805 kc.**, 7 KW power and unlimited hours of operation, A1, A3 and A4 emission.

NEW—Blue Network Co., Inc., New York, N. Y.—Authority to transmit recorded programs to all broadcast stations under the control of the Canadian authorities that may be heard consistently in the United States.

NEW—Ashbacker Radio Corp., Muskegon, Mich.—Construction permit for a new high frequency (FM) broadcast station, to be operated on **45700 kc.**, with service area of 2,290 square miles.

FEDERAL TRADE COMMISSION DOCKET

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Burton Brothers & Co., Inc., 267 Fifth Ave., New York, is charged in a complaint with misrepresentation in connection with the sale of a textile product it designates "Burton's Irish Poplin." (5053)

Kay Laboratories, Inc.—A complaint has been issued charging Kay Laboratories, Inc., 150 Niagara St., Providence, R. I., and its president, Joseph P. Kayatta, with misrepresentation in the sale of a medicinal preparation designated "Kaytonik," advertised as a remedy for colds and other ailments. (5054)

Montgomery Ward & Co., Inc., Chicago, is charged in a complaint with disseminating false advertisements concerning two laxative preparations it sells under the names "Dr. Pierce's Purgative Pellets" and "Ward's Bile Salts Compound and Cascara Tablets." (5052)

Al Rosenfeld, Inc., 9 East 38th St., New York, and its officers, Al Rosenfeld and S. Theodore Lande, are charged in a complaint with misrepresentation in the sale of perfumes and toilet preparations. (5051)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Balbo Oil Co., 4425 First Ave., Brooklyn, engaged in the sale of a cooking or edible oil designated "Balbo Oil," stipulated that in advertising the product they will discontinue representing that 20 percent of its content is olive oil, unless such is a fact, or making any representation which tends to convey the belief that its olive oil content is greater than what it actually is. (3728)

Estelle Cobb Brown, East Lynn, Mass., has entered into a stipulation to cease and desist from representing, in connection with the sale of Dr. Carolus M. Cobb's Nasal Spray for Sinus Relief, that the preparation will relieve sinus trouble or the pain or headaches associated therewith, or that it will open sinus passages. (03148)

Cliveden Yarn Co., 711 Arch St., Philadelphia, entered into a stipulation to cease and desist from misrepresenting the fiber content and place of origin of the knitting yarns they sell in interstate commerce. (3727)

Damman Brothers, 228 West 26th St., New York, stipulated that they will discontinue use of the words "Seal" or "Sealine," or other terms of like meaning, to describe furs made from rabbit or any peltries other than seal; and will stop using the word "Beaver" or other words of like import to designate furs made from rabbit or any peltries other than beaver. The stipulation provides for discontinuing the use of such words unless they are compounded with the word "dyed" and immediately followed in equally conspicuous type by the true name of the fur. (3729)

Exterminator Manufacturing Co., Baltimore, stipulated that in the sale of a preparation designated "Ratfinish" he will cease and desist from representing that it is completely without danger to humans, animals and poultry; that it is an effective poison for mice; that rats dying from eating it leave no odor, and that it will drive poisoned rats out-of-doors to die. (03146)

Flock Co., Fourth and Cambria Sts., Philadelphia, stipulated that in the sale of knitting yarns they will cease and desist from the use of the word "Saxony" or other words connoting any foreign geographical origin as a designation for a product which is not imported or made of materials imported from the country or locality indicated by the use of such geographical designations. (3426)

Hopkinsville Milling Co., Hopkinsville, Ky., has stipulated to cease and desist from representing that a flour it sells under the name "Enriched Sunflour" furnishes one with his entire daily minimum requirement of Vitamin B_1 or niacin, gives one "health assurance," or contains all the necessary vitamins or double the minimum standard of calcium. (03145)

Modern Printing and Calendar Publishers, Inc., 82 West Washington St., Chicago, stipulated that in the sale of printed material it will discontinue using the words "printing" or "publishers" in its corporate or trade name, or representing that it is engaged in the publishing business or prints any material sold by it until it actually owns and operates or absolutely controls a printing establishment. (3724)

Neal Advertising Agency, trading as Illinois Merchandise Mart, 500 North Dearborn St., Chicago, engaged in the sale of billfolds and other merchandise, entered into a stipulation to cease and desist from use of the words "genuine leather" to describe a product not composed wholly of top grain leather; from use of the word "calfskin" as descriptive of a product not composed wholly of calfskin; and from use of the words "leather," "calfskin" or other words of like meaning to convey the belief that the product so designated is made of top grain leather. (3725)

Standard Manufacturing Co. and Standard Container Co., 413 Lafayette St., New York, stipulated that in the sale of corrugated and cardboard containers they will cease and desist from the use of the words "Manufacturers," "Manufacturing" or "Factory," or the abbreviation "Mfg." in their trade name, advertisements, trade literature, or on delivery trucks so as to imply that they are manufacturers of containers or any other product not made by them, or that they actually own and operate or absolutely control an establishment in which such merchandise is manufactured. (3730)

Vanco Co., Brady, Nebr., entered into a stipulation to cease and desist from representing that the preparation they sell under the name "Vanco Ointment" prevents, cures or penetrates to the source of a cold; that it draws out congestion or pain or has any effect upon congestion or pain in excess of acting as a counterirritant, or that it is a remedy or cure for a sinus condition aggravated by a cold or for pneumonia or influenza. (03147)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Globe Inheritance Bureau, 401 Land Title Bldg., Philadelphia, has been ordered to cease and desist from misrepresentation in the sale of form letters and envelopes designed to be used by creditors and collection agencies in obtaining information concerning delinquent debtors. (5012)

Nature Seed Co., 175 E. Broadway, New York, selling and distributing a medicinal preparation designated "Nature Seed" has been ordered to cease and desist from false advertising and misrepresentation of the preparation. (4926)

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NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 41, October 8, 1943

Fly Speech

Chairman Fly's speech on "Free Speech", given before the Radio Executives Club of New York, October 7, is reprinted in full in this issue of the "REPORTS" under the FCC section heading.

REP. CLARENCE LEA OF CALIFORNIA IS NAMED SELECT COMMITTEE HEAD

Representative Clarence Lea, California Democrat and chairman of the House Interstate and Foreign Commerce Committee, has been named chairman of the Select Committee investigating the FCC to succeed Eugene E. Cox of Georgia, who resigned last week.

A native of California, Congressman Lea attended Stanford and Denver universities and was admitted to the bar in 1898. After a career as an attorney is private and public life, Congressman Lea entered Congress in 1917 and has been there since.

Following is the statement of Speaker Sam Rayburn issued at the time of Congressman's Lea's appointment:

"I have appointed as Chairman of the Special Committee to investigate the Federal Communications Commission the Honorable Clarence Lea of California. I have served in the House with Mr. Lea for 27 years, many of these years as a colleague on the Committee on Interstate and Foreign Commerce.

"Mr. Lea is a man of splendid courage, unimpeachable integrity, and great ability. He is possessed of a splendid judicial temperament and his fairness cannot be questioned."

The following statement was made by Congressman Lea when he was appointed:

"The Federal Communications Commission is an agency of Congress. It was created by authority of that provision of the Constitution which makes it the duty of the Congress to regulate interstate commerce.

"It is selected to perform a congressional function.

"The duties of this Commission, like many other functions committed to Congress by the Constitution, must be performed by administrative personnel appointed by the Executive Department. Congress is nevertheless responsible, but cannot perform the detailed administrative functions of such agencies. The responsibility of this agency, however, is primarily to the Congress.

"Congress is entirely within its rights in investigating the manner in which this or any other of its agencies performs its functions.

"The resolution adopted by Congress providing for the investigation of the Federal Communications Commission directed this Committee to conduct a study and investigation of three phases of this Commission in particular. This resolution made it the duty of this Committee to go into the question of the organization of the Commission, its personnel, and its activities, with a view of determining whether or not the Commission, in its organization, in the selection of its personnel, and in the conduct of its activities, has been, and is, acting in accordance with law and in the public interest.

"I will expect that, with a concurrence of the other members of this Committee, we will give the answers which Congress has thus made our responsibility. I trust that the investigation will not rest on a plane of personal controversy, but rather on the *important* question as to whether or *not*, this agency and its personnel have been and are now properly performing their duties, their public duties, to the country.

"We should measure all of the activities of the Commission, and its personnel, from the standpoint of their duty to the nation as measured by the law by which their duties are defined. In other words, a broad public interest is involved in this Commission and its activities, and the work of the Commission must be measured from that standpoint.

"The Interstate and Foreign Commerce, of which I am Chairman, has jurisdiction over legislation affecting this Commission. I trust that the investigation may provide constructive information to aid the work of our Committee.

"I have not followed the details of the investigation so far conducted. So I must first bring myself up to date as to what has been done in the investigation and then, in cooperation with the Committee, proceed to its completion."

REPORT ON A. F. OF M. TRANSCRIPTION NEGOTIATIONS

The hearings before the War Labor Board panel in connection with the A. F. of M. transcription contract have been temporarily suspended and mediation is now being carried on in the attempt to clear up some of the ambiguities of the contract recently signed by Decca, World Broadcasting System, Empire Broadcasting Corp. and WOR Recording Studios.

It is believed that this phase of the proceedings will be concluded shortly, but if the mediation is not successful, the hearings will be immediately resumed and pushed to a conclusion within the next two or three weeks. The industry will be kept fully advised of developments.

TUBE AND BATTERY CONFERENCES BEGIN

The civilian tube and battery situation received extended consideration by top-flight Washington officials on Monday, October 4.

The series of conferences began with A. D. Whiteside, WPB vice chairman for Civilian Requirements. NAB was

(Continued on page 412)

NAB Reports
THE NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Arthur C. Stringer, *Director of Promotion.*

TUBE AND BATTERY CONFERENCES BEGIN

(Continued from page 411)

represented by Neville Miller, Howard Frazier, Robert Bartley and Arthur Stringer.

Mr. Whiteside was positive in his statement that there had been no change in the government policy on maintaining domestic radio throughout the emergency. He asserted that ways and means will be found to secure the required tubes to maintain civilian radio.

Our government's policy is identical with that of Great Britain. The English, however, are unable to produce all of their requirements for maintaining 9,000,000 receivers and secure approximately 35% of their civilian receiver tubes from this country.

OWI RADIO ADVISORY COMMITTEE MEETS; ISSUES STATEMENT

The OWI Radio Advisory Committee met Tuesday afternoon, October 5, in the office of Palmer Hoyt, director of Domestic Branch of OWI. The committee was welcomed by Elmer Davis who expressed his appreciation to the committee members for their willingness to serve.

The committee discussed with the staff past operations and there was a general discussion looking toward a closer and more effective cooperation between the government, the broadcasting industry and the OWI. The committee issued the following statement:

"In its initial meeting with the Office of War Information, this afternoon, the Radio Advisory Committee carefully reviewed the past operations of the Radio Bureau of the Domestic Branch and considered suggestions pointing toward a closer and more effective cooperation between the government, the broadcasting industry and the OWI. The Advisory Committee commended the Radio Bureau for the efficient functional cooperation rendered to the industry by coordinating the needs and requests of the various governmental agencies and budgeting these requests in a form that could best be handled by the industry, with due evaluation of the needs of the government. The Radio Advisory Committee requested that all future requirements of governmental agencies for radio facilities in their various drives and campaigns, be cleared exclusively through the OWI so that full advantage could be taken of the coordinating functions provided by the OWI.

"The Radio Advisory Committee also commended the OWI for the recent improvement and expansion of its activities in facilitating the release of war news and recommended a continuation and expansion of such material because the broadcasters are acutely aware of the desire of the listeners of America for all of the war news, whether it is good or bad, that it be released to them factually at the earliest possible moment that the exigencies of military and naval strategy will permit."

The following were present: Martin Campbell, WFAA; Leo Fitzpatrick, WJR; Neville Miller, NAB; Frank Mullen, representing Niles Trammell, NBC; William Paley, CBS; Herbert Pettey, WHN; Lewis Allen Weiss, Don Lee; Mark Woods, Blue. Miller McClintock, Mutual was unable to be present.

PEABODY AWARDS STATION CLASSIFICATION OUTLINED

For purposes of the 1943 George Foster Peabody Radio Awards, regional stations will include both medium and large stations—all those of 1,000 watts or above. Local stations will signify those of less than 1,000 watts.

This announcement was made today by John E. Drewry, dean of the Henry W. Grady School of Journalism, which administers these awards.

All types of radio stations are both eligible and invited to participate in this year's awards, Dean Drewry emphasized, explaining that "regional" was used in a general sense and was not meant to exclude clear channel stations from the awards.

Awards will be made in the following categories:

1. That program or series of programs inaugurated and broadcast during 1943 by a regional station (any station of 1,000 watts power or above) which made an outstanding contribution to the welfare of the community the station serves.
2. That program or series of programs inaugurated and broadcast during 1943 by a local station (any station of less than 1,000 watts) which made an outstanding contribution to the welfare of the community the station serves.
3. Outstanding reporting of the news.
4. Outstanding entertainment in drama.
5. Outstanding entertainment in music.
6. Outstanding educational program (adult or child).
7. Outstanding children's program.

Any radio station or network is eligible to receive the award for news reporting, drama, music, or education. Only local and regional stations are eligible to receive the community welfare programs.

Entries may be submitted by individual stations, networks, radio editors of newspapers and magazines, listener groups, or any person or organization wishing to direct the attention of the Peabody Board to a special program or programs. The Board in its selections will not necessarily be restricted to entries, but will consider the reports of its own listening-post committees, and may on its own initiative select a program or a station for an award. The Board also reserves the right to make more or less than seven awards, depending upon the entries and the circumstances at the time of the awards.

December 10 is the closing date for the 1943 entries or recommendations, which should be sent to the Dean, Henry W. Grady School of Journalism, The University of Georgia, Athens. Forms if desired may be secured from that address. Each may be accompanied by one transcription. If more are necessary to give the board members a fair understanding, special arrangements can be made.

Listener Activity

MRS. DOROTHY LEWIS IS ON ANNUAL FALL TOUR

The annual fall tour taken by Mrs. Dorothy Lewis, NAB coordinator of listener activity, is underway with Mrs. Lewis covering 23 cities in the west, middle west and northwest on the first "section."

Purpose of the tour is to stress radio's strategic war services, to study women's organization programs and work, to study children's programs and radio education projects, and to develop by conference and through scheduled talks a better understanding of American radio.

Due to war conditions no major conferences are scheduled in some cities, but small round table meetings have been arranged. Times of planned arrivals and departures by train are stated, but allowance must be made for late arrivals on long runs.

To date, Mrs. Lewis has covered Chicago and Rockford, Ill., and Minneapolis, Minn., having left New York October 4.

Balance of Mrs. Lewis' itinerary is as follows:

Mon. 11—Ar. Des Moines, 8:00 AM (RI), Fort Des Moines Hotel, Des Moines Radio Council, Station Headquarters KSO % Mr. Craig Lawrence, Leader: Mrs. Hazel Hillis, 1625 6th Ave., Des Moines, Iowa.

Tue. 12—AM to Iowa City, Lev. 7:15 AM, Ar. 9:15 AM (RI) Iowa University, Station Headquarters WSNO % Mr. Carl Menzer, Leader: Mrs. Pearl Bennet Broxam, University of Iowa.

PM to Cedar Rapids by Electric, Station Headquarters WMT % Mr. William Quarton, Leader: Mrs. Margaret Stoddard, 2212 Country Club Parkway, Cedar Rapids.

Wed. 13—Cedar Rapids, Cedar Rapids Radio Council Conference, Address Dinner Iowa State PTA Convention at Hotel Roosevelt, Lv. Cedar Rapids PM to Iowa City by Electric, Sleeper to Omaha 1:35 AM October 14th.

Th. 14—AM Ar. Omaha 8:25 AM (RI), Fontanelle Hotel, Conferences, Station Headquarters WOW % Mr. John J. Gillin, Jr., Leader: Mrs. W. F. Ottmann, 2425 Mary Street, Omaha.

Fri. 15—Lv. Omaha 8:15 AM, PM En route to Salt Lake City.

Sat. 16—AM En route, PM Ar. Salt Lake City 7:20 PM (UP), Hotel Utah, Station Headquarters KSL % Mr. Earl J. Glade, Sr., Leader: Mrs. Irma Bitner, 173 S. 12th East, Salt Lake City.

Sun. 17—Rest, Address Salt Lake Tabernacle Choir.

Mon. 18—Salt Lake City, Conferences, Lv. Salt Lake City 8:00 PM (UP).

Tue. 19—En route to Missoula, Butte, Luncheon, PM Lv. Butte 12:49 PM (Milwaukee RR), Ar. Missoula 3:39 PM (Milwaukee RR), Hotel Florence, Station Headquarters KGVO % Mr. Art Moseby, Leader: Mrs. D. J. Reed, President PTA Council, Missoula.

Wed. 20—Missoula, Florence Hotel, Radio Conference, Lv. to Spokane 11:15 PM (Mil).

Thu. 21—Ar. Spokane 8:00 AM (Mil.), Hotel Davenport, Station Headquarters KQA % Mr. Harvey Wixson, Conferences, Leader: Mrs. A. V. Overman, 1007 W. 19th, Spokane, Lv. to Seattle 10:45 PM (Mil.).

Fri. 22—Ar. Seattle 8:00 AM (Mil.), Olympic Hotel, Conferences, Washington Education Association, Station Headquarters KJR % Mr. Bert Fisher, Leader: Mrs. Dale Marble, 8316 Dayton Avenue, Seattle.

Sat. 23—Seattle, Olympic Hotel, Radio Conferences, Lv. to Portland 11:30 PM (Gr. No.).

Sun. 24—Ar. Portland 8:00 AM (Gr. No.), New Heathman Hotel, Station Headquarters KEX % Mr. Arden Pangborn, Leader: Mrs. B. C. Taylor, 2793 S. W. Roswell Avenue, Portland, PM Evening Conferences Civic Theatre.

Mon. 25—Portland, New Heathman Hotel, Radio Council Conferences.

Tue. 26—Portland New Heathman Hotel, Radio Conferences, Lv. to Sacramento 7:00 PM (SP.).

Wed. 27—AM, En Route, Ar. Sacramento 6:00 P. M. (SP.), Hotel Senator, Station Headquarters KROY % Mrs. Royal Miller, Leader: Mrs. George M. Struve, Courtland (near Sacramento).

Thu. 28—Sacramento, Hotel Senator.

Fri. 29—Radio Conferences.

Sat. 30—Lv. to Oakland 7:35 AM (SP.), Lv. to Fresno 11:30 P. M. (Sp.).

Sun. 31—Ar. Fresno 5:40 AM, Hotel Fresno, Rest.

November:

Mon. 1—Fresno Hotel, Radio Conferences, Station Headquarters KMJ % Mr. Keith Collins, Leader: Mrs. J. Ross Bowler, 4475 Inyo St., Fresno, Lv. to Los Angeles 12:15 AM (Nov. 2nd) (SP.).

Tue. 2—Ar. Los Angeles 9:30 AM (SP.), Address: % Mr. William Lee Woollett, Franklin Avenue, Hollywood, or % Mr. Don Gilman, V.P. Blue Network, Sunset & Vine, Hollywood, Leader: Mrs. R. H. Marvin, 211 E. Illinois St., Anaheim.

Wed. 3—Radio Conferences, Wilshire Ebell Club.

Thu. 4—West Coast Regional Conference, New England Women.

Sun. 7—Tea, All Patriotic Societies.

Thu. 11—Lv. Los Angeles 8:30 PM (SP) to Phoenix.

Fri. 12—Ar. Phoenix 9:50 AM (SP), Westward Ho Hotel, Radio Conference, Station Headquarters KOY % Mr. H. A. Safford.

Sat. 13—Phoenix, Westward Ho Hotel, Lv. Phoenix 4:00 PM (SF) to Albuquerque.

Sun. 14—Ar. Albuquerque 8:50 AM (SF), Francescan Hotel, Rest, Station Headquarters KOB % Mr. Frank Quinn, Leader: Mrs. G. D. Ruoff, 318 Grand Avenue, Albuquerque.

Mon. 15—Albuquerque, Francescan Hotel, Radio Conference, Lv. Alburquerque 8:10 PM to Denver.

Tue. 16—Ar. Denver 12:30 PM (SF), Albany Hotel, Radio Conference, Station Headquarters KOA % Mr. J. R. McPherson, Leader: Mr. Robert Hudson, Rocky Mountain Radio Council, 509 17th St., Denver.

Wed. 17—Denver, Albany Hotel, Lv. to Wichita 3:30 PM (SF).

Thu. 18—Ar. Wichita 1:10 PM (SF), Lassen Hotel, Station Headquarters KFBI % Mr. Roy Linton, Leader: Dr. Forrest Whan, University of Wichita, Lv. to Kansas City, Mo. 11:59 PM (SF).

Fri. 19—Ar. Kansas City 6:30 AM (SF), Mail: % Mrs. George P. Truitt, 6124 Walnut Street, Kansas City, Mo., Conference, Station Headquarters KCKN % Mr. Ellis Atteberry, Leader: Mrs. R. O. Baker, 820 E. 43rd Street, Kansas City.

Sat. 20—Lv. Kansas City 8:45 AM (Wabash) to Columbia, Ar. 11:55 AM Centralia (to Columbia by car), Daniel Boone Hotel, Conference, Stephens College, Leader: Dr. Sherman Lawton, Radio Director.

Sun. 21—AM Columbia, Stephens College, Lv. Columbia 6:45 PM, Ar. Centralia 7:30 PM, Lv. Centralia 7:47 PM, Ar. St. Louis 10:25 PM.

Mon. 22—Lv. St. Louis 9:25 AM for New York.

Tue. 23—Ar. New York 9:00 AM.

BMI REACHES ALL-TIME HIGH OF 831 STATIONS

Carl Haverlin, vice president of BMI in charge of Station Relations, has announced additional stations have joined BMI, bringing the total to the all time high of 831 stations, leaving only 73 stations which do not have a BMI license. This shows a remarkable industry-wide support of BMI.

GMC EXECUTIVE PRAISES WAR ADVERTISING COUNCIL

The following letter was sent to Chester J. LaRoche, chairman, War Advertising Council, from Don U. Bathrick, of the New York office of General Motors Corp.:

> "Just want to drop you a line to tell you that from many sources I hear of the fine work being done by the War Advertising Council. It is apparently very much appreciated down here by many different departments of the government, and I think that you, the Board of Directors and all members of the Council should be told that your efforts are bearing fruit. The swell work you are doing is not being overlooked and, in my opinion, it is a great compliment to advertising and will do much to quiet the element down here who feel that all advertising is unnecessary."

BARTLEY ON DECK

Robert T. Bartley, new NAB War Director, is installed in Washington headquarters and is pitching into headquarters' activities with the rest of the staff. He already has made many contacts with government bureaus and departments and is taking over some of the duties relinquished by Russell Place, former NAB counsel now with OSS.

WHO; HERB PLAMBECK AND THE 336TH CORN BELT HOUR

Woody Woods, war program director of WHO, has sent NAB headquarters a couple of letters recently on the activities of Herb Plambeck, WHO farm editor who just returned from an overseas trip to war fronts, and a report on the WHO 336th Corn Belt Farm Hour and the Third War Loan Drive. We give you Woody's reports as is:

"Herbert Plambeck, WHO farm editor and U. S. war correspondent, returned last week from a two months' tour of the British Isles, arranged by the British Broadcasting Corporation.

"He was a guest of the Ministry of Information at the invitation of the British Embassy to observe the agricultural war efforts of farm families in England, Scotland, Wales and Ireland. Appointed as a U. S. war correspondent for WHO by Headquarters, U. S. European Theatre of War, Mr. Plambeck visited many of the American army camps.

"Each Saturday noon, he broadcast a quarter-hour report of his impressions and observations by short-wave from the BBC studios in London through GSP on 15.31 megacycles which was rebroadcast simultaneously by WHO whose signal in turn was picked up and rebroadcast by other Iowa stations. To insure reception in Iowa, the same program was broadcast by other English short-wave stations on 9.58 and 11.68 megacycles during evening hours, transcribed by WHO and rebroadcast at 10 P. M. each Saturday night.

"On August 14th, the regular Corn Belt Hour (a half-hour musical and interview farm program) was originated in the BBC studios with English farm men and women as talent, broadcast by short-wave from GSP and rebroadcast with remarkable clarity by WHO, WOC, KICD, KBUR, KBIZ, and WOI. One of the Saturday programs on August 7th was arranged through NBC by short-wave to New York and by line to Des Moines.

"An additional series of programs specially arranged for WHO through BBC short-wave from London is being planned. Mr. Plambeck will continue his series of talks from WHO as a regular feature.

"The 336th Corn Belt Farm Hour was on the air Saturday, September 25 for the Third War Loan Drive in 100% cooperation with the Iowa War Finance Committee. It has been broadcast 336 consecutive Saturdays over WHO. From time to time, other radio stations have carried the broadcasts as special events justified; but last Saturday broke all records when 14 Iowa stations and one South Dakota station carried Plambeck's special farm program. They were WOC, KSO, KMA, WNAX, WMT, WOI, KBUR, KICD, KTRI, KSCJ, KROS, WSUI, KGLO, KFJB and the originating station, WHO. Program content consisted of talks and interviews by county chairman of Greene County, first Iowa county to reach its quota in the Third War Loan drive; state president of state 4-H Club girls, a seven-year-old schoolboy from Polk City, Iowa, and the superintendent of his school; a member of the Iowa AAA, a farmer veteran of World War I, a farm woman (a widow who operates and personally manages a four hundred acre farm), a U. S. Navy Petty Officer with 24 years of service who said among other things, that the personnel of the Navy Recruiting Station in Des Moines was allocating 22% of the payroll to War Bond purchases; and the executive manager of the Iowa War Finance Committee. The broadcast was produced and directed by Mr. Plambeck."

RADIO NEWS CURRICULA WILL BE DISCUSSED

(Released by NAB News Bureau)

Standards of radio news writing and radio news broadcasting curricula in schools and colleges will be discussed Friday, October 15, by a sub-committee of the Radio News Committee of the National Association of Broadcasters in New York City.

Paul White, director of news broadcasts at CBS, and Bill Brooks, NBC director of special events, are working with Walt Dennis, news committee secretary, as the sub-committee.

Lyman Bryson, director of education for CBS, and Dr. James R. Angell and William Burke Miller of NBC's public service division will meet with the news committee sub-committee as advisors and counsellors.

It is proposed to set up curricula standards for radio news writing and radio news broadcasting courses, modeled after those now in effect at such universities as Northwestern, Columbia and Minnesota. Principal end in view is to help alleviate the serious manpower shortage in broadcasting newsrooms.

Engineering

PRIORITY REVISIONS

Preference rating order P-133 has been revised by WPB to make it the exclusive controlling order for obtaining maintenance, repair and operating supplies for radio broadcasting and communication. CMP regulations 5 and 5A, governing expenditures up to $500 for capital equipment under the MRO rating, do not apply to these industries.

The amended order continues the AA-2 rating and the MRO symbol to broadcast stations for obtaining maintenance repair and operating supplies.

For operating supplies the rating of AA-5 with the MRO symbol is specifically assigned for the businesses of sound recording for commercial, educational and industrial purposes and in the operation and maintenance of public address, intercommunication, plant sound and similar electronic systems, including systems for the controlled distribution of musical programs.

Recording blanks to be used exclusively for broadcast purposes may be purchased by broadcast stations under the preference rating AA-2. Blank discs to be used for purposes other than broadcasting are assigned the preference rating AA-5 by the modified order.

Other changes in order P-133 include a clarification of tube inventory restrictions. Use of ratings and allotment symbol to buy or repair a tube is prohibited unless a person has in stock less than one new and one rebuilt tube, or two rebuilt spare tubes per active socket. However, no important change in the average radio station stock is likely to result from this restriction. Another added restriction bars use of the ratings to obtain supplies for War Emergency Radio Service, the amateur operators group under the Office of Civilian Defense.

Service repair shops doing maintenance and repair work for persons engaged in radio communication may use the rating and symbol of the customer to do such work, and the restriction on use of ratings apply as to the customer.

Tin and Fat Salvage

In an attempt to make salvage broadcasts more efficient, NAB asked all stations on September 29 how fat and tin collections were going. The idea was to discover any cities where fats were being destroyed after collection or not being collected; and cities where tin cans were not being properly cared for.

Helpful replies are acknowledged from stations listed below. Several observations in the incoming letters bear repeating because they point to situations that need correcting.

Tin Cans in Virginia, Minn.

"The tin cans are piling up on the grocery stores so that grocers no longer have room for additional cans and many are refusing to accept them," says Greg Rouleau, manager, WHLB, Virginia, Minn.

Dick Redmond, WHP, Has Point

"To the best of our knowledge, the stuff isn't being thrown into the river, but we do have plenty of reason to know that all is not well in the scrap pile. Reason being that we are frequently subjected to calls from listeners who wish to register a vast variety of complaints over the situation. Most of these complaints can be classed as being 'petty' but the one which is the most constant source of trouble is that 'the butcher on the corner refused to take our waste fats.'

"Trouble is, the complaint doesn't stop there. The listener is usually extremely resentful and demands an explanation as to 'whether the scrap drive is on the level,' and some tell us in no uncertain terms that they are 'beginning to doubt everything they hear over the air.' The latter remark is of course a spur of the moment impulse, (at least we hope it is), but it's an indication of something that can become extremely unhealthy.

"In an attempt to smooth things out, in cases where we can get the listener's name, we call the scrap drive authorities and report the matter. They in turn call the butcher. Then the butcher gets sore at us for butting in and before it's all over, everybody is annoyed with everybody and we're in the middle of the scrap . . . (and I don't mean the kind you can salvage).

"I do want to say in closing, that the authorities are also extremely cooperative and only too anxious to smooth the thing out, but it is our feeling that a thing of this kind can't be corrected once it has started. It's bound to find its way into the more serious phases of the war.

"That's how it is in Harrisburg and vicinity, and here's wishing you success in any steps you may take to correct the situation."

The above is from Dick Redmond, WHP, Harrisburg, Pa. Mr. Redmond attached a typical letter from a listener which follows.

Typical Listener Complaint

"So many of your broadcasts are to housewives to save fates. It would be wise to broadcast to the stores and butchers to accept the fats. I find, after saving it, the worst job is to get rid of it. Last Saturday my daughter took some to two different butchers. The last one, at 6th and Boas, even used profane language and was not going to take it. She told him she was going to let it sit, then he took it. There are also butchers in the Broad street market who will not take it."

Junior Commandos Collect Fat

The success of fat collection in Roanoke, Va., according to Jack Weldon, program director, WDBJ, is due in a large part to the activities of the Junior Commandos.

> NOTE TO MANAGERS
>
> Since fat and tin collections are important to the war effort, stations can make a further contribution by being sure that these products are collected and handled properly. Dick Redmond, in letter below, clearly points out what happens to radio unless the entire operation is clean cut.
>
> Paul Morgan, government man, said that he will make every attempt to clean up bad situations which are reported by stations to NAB. We will appreciate your help.
>
> Sincerely yours,
>
> ARTHUR STRINGER

They call on housewives every Saturday and deliver the collected fat salvaged to the schools. There it is picked up by a local renderer.

Campfire Girls Collect Fat

LeRoy Stahl, program director, KFBB, Great Falls, Mont., is sure that every pound of fat collected locally gets into the proper channels.

"The campaign locally," he said, "is under the sponsorship of the Campfire Girls. They collect it twice a month on regular routes, or individual donations can be made at any time at their headquarters. The girls pay the housewives in War Stamps although many housewives donate the fats without other consideration. All proceeds from the sale of the fat by the Campfire Girls go into the funds of the various Campfire Groups.

"Personally, we think this is superior to having the butcher do it. It's a big proposition for the girls, one they really work at, while for the butchers it's only an added pain in the neck."

Fats Thrown in River

The letter which caused this investigation came from Harper M. Phillips, general manager, KYUM, Yuma, Arizona, and is as follows:

"It has been revealed that due to the lack of proper collection, the waste fats from the vicinity of Yuma are being dumped into the Colorado River!

"Because so much stress has been placed on this particular drive by the OWI Allocation Plan, we at KYUM feel that this condition reflects on the part radio is playing in the war effort.

"But what I would like to know is whether or not similar situations exist in other parts of the country? And if so, isn't there something more that we as an industry can do in this regard?

"We use the OWI announcements for the waste fats drive, and get results. But should our job stop at that point? Should we continue our efforts even further and see that these fats are packed and shipped to the proper agency"

Paragraph from newspaper clipping relating to dumping fats into river:

> "Mayor Ingall asked Supt. of Streets Haupt how the tin can drive was getting along. Haupt replied that only about 50 pounds of the cans had been collected and that the reason for the lack of response apparently was that the people were

disgusted with the way previous drives had ended, notably the scrap iron campaign, most of the iron still standing on the Madison Ave. lot more than a year after the drive. *Also the waste fat drive, with the butcher shops full of jars of waste fats which had not been collected as promised. Consequently the butchers will accept no more waste fats and the street department has to dump the waste fat into the river.*"

Thanks to the Following

WCOV, Montgomery; WFOY, St. Augustine; WHO, Des Moines; WAVE, Louisville; WFBR, Baltimore; WHLB, Virginia; KMBC, Kansas City; KFBB, Great Falls; WSNY, Schenectady; WHP, Harrisburg; WMBS, Uniontown; WJHL, Johnson City; WRNL, Richmond; WRVA, Richmond; WDBJ, Roanoke.

FEDERAL COMMUNICATIONS COMMISSION

NOBLE'S STATEMENT TO FCC ON BROADCAST POLICY

FCC Chairman James Lawrence Fly has announced receipt of a statement from Edward J. Noble, who recently purchased, subject to Commission approval, the stock of The Blue Network, Inc., from the Radio Corporation of America, outlining the policies he plans to follow in allocating time on the air.

The statement was requested by the Commission in a public hearing on the proposed transfer on September 20. The statement has been placed in the public record of that proceeding and will be considered by the Commission in its decision on the transfer.

Mr. Noble's statement follows:

"Federal Communications Commission,
Washington, D. C.

DEAR SIRS:

At the adjourned hearing on September 20, 1943 regarding the proposed transfer of the ownership of The Blue Network, Inc. to American Broadcasting System, Inc., of which I am the sole stockholder, I was requested to submit to your Commission for inclusion in the record a written statement of general policy with respect to the sale of broadcasting time for other than the advertisement of commercial goods and services which would be put into effect in event of approval by the Commission and consummation of such transfer.

After careful consideration of the matter and with realization, which I am sure the Commission shares, of the difficulties and perplexities involved in actual practice and administration, I am prepared to say that my policy, stated in general terms, will be to refrain from adopting any restrictions which will automatically rule out certain types of programs on the basis of the identity or personality of the individual, corporation, or organization sponsoring or offering them. I propose to meet each request for time with an open mind and to consider such requests strictly on their individual merits and without arbitrary discriminations. More particularly, I think that the operation of a national network should follow a policy whereby all classes and groups shall have their requests, either for sponsored or sustaining time, seriously considered and network time determined in accordance with true democratic principles and with the aim of presenting a well-rounded and balanced broadcast service in the best interests of the public and of the Network.

With regard to the sale of time in addition to the sustaining time already provided for the discussion of controversial issues, consideration will be given to the use of a limited amount of time for this purpose insofar as consonant with the maintenance of listener audience and interest and thereby of the usefulness of the Network as a medium of public discussion.

At the above hearing I was also asked to advise regarding instances in which station WMCA has sold time to organizations other than business organizations, and in that connection wish to advise that time has been sold by that station to the following non-business organizations:

*Gospel Broadcasting Ass'n, Los Angeles, Calif.
*Young Peoples' Church of the Air, Phila., Pa.
*Lutheran Laymen's League, St. Louis, Mo.
First Baptist Church, New York City
Sunday Morning Meditations, New York City
St. Christopher's Inn, Gramoor, N. Y.
Society of Jewish Science, New York City
Unity School of Christianity, Kansas City
Political parties during campaigns.

(* Fed to WMCA by Mutual Broadcasting)

In this connection I may add that station WMCA under my direction has recently accepted from the Greater New York Industrial Union Council of the C.I.O. one minute "spot announcements" under its sponsorship urging voters to register for the Fall elections.

Very truly yours,
/s/ EDWARD J. NOBLE."

FREE SPEECH

An Exploration of The Broadcaster's Duty

(Address by Chairman James Lawrence Fly, FCC, before the Radio Executives Club, New York City, October 7, 1943.)

Two weeks ago in Boston, and again Tuesday night over the Columbia Broadcasting System, I outlined what seems to me one of the important goals to be achieved in the post-war settlements—freedom to listen. As you know, the Axis-dominated portions of the world have no such freedom today. Nazi radio receivers are limited in range and frequency so that only the outpourings of domestic propaganda transmitters are audible. Broadcast signals from outside the Axis sphere of influence are on occasion jammed. And listening to such broadcasts is made a criminal offense, punishable in some instances even by the death penalty.

Such conditions, it seems to me, are intolerable anywhere on the face of the earth if we are to build a sound and peaceful post-war world. For freedom to listen is in some respects as important as the other freedoms for which we fight, and must be similarly guaranteed. In the modern world, freedom of speech is not enough if it is not complemented by freedom to listen—which can be defined broadly as access for the general public to what is said by means of the mass medium for the dissemination of ideas and opinion—the radio.

Here in the United States, we today have freedom to listen in an almost absolute degree. Our radio receivers have free-turning dials and band-switches, and there is no law which hinders listeners from tuning in the program of their choice—or from turning off the radio altogether.

The listeners, however, are shackled by a few outmoded conventions which in reality the industry should never have inflicted on its audiences. Radio is the greatest medium thus far created for the dissemination of information. Those entrusted with the facilities of radio cannot impair the freedom to listen by restrictions imposed at the transmitter end.

One such restriction is the ban imposed by some stations and networks on the sale of time to groups and organizations and the discrimination against such groups or organizations imposed by others. Thus cooperatives, small business men's associations, labor organizations, and all sorts of other groups find it either difficult or impossible to buy time on the air.

This restriction on free speech arises from the fact that radio has been tremendously successful in promoting the sale of merchandise and services. Because of this success, some elements in the industry argue that time should be sold *exclusively* to vendors of merchandise and services.

Narrow and Confining

To my way of thinking, that sort of talk is altogether too narrow and confining for a free people, proud in its freedom and prepared to fight to the death to maintain its liberty. Of course, the sale of merchandise is an essential ingredient in our way of life, and one to be defended. But to say that America means nothing more than that, to forget our glorious heritage of *ideas* as well as worldly goods, is to betray a considerable portion of all that has made our nation great. By all means let American radio continue to be the greatest medium for the advertising of goods and services that the mind of man has yet devised. But to restrict broadcasting to this single function—or to any other single function—is to betray the very foundations of a free radio.

This is a democracy. Radio can function truly as an effective mechanism of free speech only if it serves the people as a whole. In our entire social and economic structure there are many important segments of people. In one such segment are the big industrial concerns with commodities for sale. But by what logic can we conclude that only this one segment can adequately reflect the viewpoint of all the other important facets of our society? Can broadcasting, while restrained to carry the voice of the one group and only the one group lay claim to being an effective instrument of democracy? Programs should not be banned because they are intended to convey messages. Nor should they be banned because of the identity of certain groups that request the necessary time for projecting their programs on the airwaves. There is no danger in allowing all responsible groups in a democracy to be heard.

A second restriction on free speech over the radio is the new but widespread ban against permitting the solicitation of memberships over the air. Listeners can be urged by radio to enjoy romance through sparkling teeth or to correct faulty elimination, but they cannot be urged to join a cooperative, a labor union, a business men's association, Kiwanis, the Knights of Columbus, or even the Society of Conservative Philosophers. There is a sheer arbitrary nature about the ban against soliciting memberships over the air. Time can be bought for the sale of shoes and soap and sealing wax, cigarettes, beer, institutional goodwill, and cathartics. But time can't be bought or received gratis for the solicitation of memberships—except, of course, by mutual insurance companies. The very nature of the exception emphasizes the censorious quality of the rule.

Not long ago I asked a witness before the Commission substantially this question

> Here in Washington, D. C., we suffer from taxation without representation. Would you sell time to the District of Columbia Association against Taxation without Representation for the purpose of getting members for that organization?

The answer was, "No."

I next asked

> Suppose the year were 1776. Would you then have sold time to the Massachusetts Bay Colony Association against Taxation without Representation for the solicitation of memberships?

I got no answer.

What Would Sam Adams Say?

I sometimes wonder what Samuel Adams and Tom Paine would have said, what scorching phrases their pens would have devised, to describe a restraint on free speech which would have prevented them from soliciting members for their libertarian organizations before the American Revolution. I wonder what Margaret Fuller and Susan B. Anthony would have said to a ban preventing them from using radio to advocate their cause or even procure members for their women's suffrage leagues.

Yet this is the very ban which the Samuel Adamses, the Tom Paines, the Margaret Fullers and the Susan B. Anthonys of our own generation must suffer on the radio.

A democracy is not only a group of merchants with products to sell. This democracy is rich above all others in the variety of its groups. We need never be bored by a lack of diversity in points of view. Since the sum total of these points of view is democracy, radio, a force in this democracy, should reflect an adequate cross-section.

This is a democracy—in every crisis which has faced us as a nation, we have relied again and again on free debate for decisions upon which our salvation has depended. Perhaps the prime barrier to free speech on the air is the ban imposed by many stations and networks on the sale of time for the discussion of controversial issues. (And what is a "controversial issue" if not merely a current issue?) No matter how worthy the cause, no matter how important the issue, and no matter how eager a wide listening public may be to hear such discussion, a rule followed by many stations and networks prevents the purchase of time. This ban as well as the restriction against the sale of time to certain groups or persons is so wholly out of keeping with American traditions of free speech which we have maintained for more than a century and a half, that arguments in its favor must be examined with the greatest care.

One argument urged in favor of banning the sale of time for discussing controversial issues is that the radio is not merely a vehicle for free speech; it is also a means of amusement and entertainment, an advertising medium, a musical instrument, and many things besides. If time is sold for controversial discussions, it is asked, how can radio continue to fulfill these other functions?

The answer, of course, is that selling time for the discussion of controversial issues does not mean selling all the time on the air for such discussion, or selling time for more discussion than the public wants to hear. If there is one principle more firmly established than any other in American radio, it is the principle of a well-balanced program structure. If radio were overloaded with *any* particular kind of program—opera, dance bands, soap operas, or symphony music—it would quickly lose its universal popularity. Station managements are perfectly familiar with this fact, and adhere to the principle of a well-balanced program structure with a fair degree of success. And this principle would continue unimpaired even if a reasonable amount of time were sold for the discussion of controversial issues.

A second argument frequently raised against such sale of time is that the best financed groups would buy the most time, and hence that radio would become an instrument serving only one side of each issue—the side with the most money. In the early days I joined in the expression of such apprehension of the devastating effect of sheer economic power. However, economic power has well nigh taken over under the present system and we are left with no alternative but to insist that management perform its duty to the public. I know we can, and indeed we must, rely upon the basic principle of fair and well-rounded discussion which I am sure radio is attempting to accomplish. Selling time for the discussion of controversial issues does *not* mean making of radio a common carrier, willing to sell every prospective purchaser as much time as he will buy. The station licensees, in whose hands control of programming properly and necessarily belongs, must inevitably exercise discretion, in order to ensure that radio shall become the tool of no special group or interest. Indeed, there is no denying that radio management today does *not* sell time for the selling of products to all who request it. Likewise the same management, whose judgment comes at high prices, ought to be able to exercise it in this field. The Federal Communications Commission summed up this aspect of radio in its Mayflower opinion, when it stated

Licensee Assumes Obligation

> Freedom of speech on the radio must be broad enough to provide full and equal opportunity for the presentation to the public of all sides of public issues. Indeed, as one licensed to operate in a public domain the licensee has assumed the obligation of presenting all sides of important public questions, fairly, objectively and without bias. The public interest—not the private—is paramount. These requirements are inherent in the conception of public interest set up by the Communications Act as the criterion of regulation . . .

This statement by the Commission is frequently misunderstood. The frame of reference is the licensee and not the independent commentator or the particular kind of program the licensee permits on the air. The licensee's duty is evenhanded treatment of all sides of an issue and should be firmly imbedded in our system of radio. It should continue to govern even when time is sold for controversial discussion. In the future as in the past well-financed groups will be prevented from securing more than their share of radio time by the proper exercise of the licensee's discretion. Although the licensee himself must not abuse the facilities with which he is entrusted, still he must not set up easy rules so that he need not face squarely the problem of delivering to the public a full public service.

A third point frequently made is that we are opening the door for a re-establishment of the continuing harangues of so-and-so. That is simply not true. We are interested in free speech on current lively issues. The long continued sale of time to an extremist with an axe to grind is in itself an effective way to bar the door to those who would present discussions of current issues, and thus would be a restraint on the speech mechanism in terms of its over-all duty to the public.

A fourth and final argument against the sale of time for controversial discussion is that such time is now freely given. It is true that radio has given vast quantities of time for this purpose, and has thereby gained the esteem of millions of listeners. I know of no one who would want to end unsponsored discussions. But if the American radio is to remain dedicated to the fundamental principles of free speech, mere handouts of time are not enough for a variety of reasons.

A purchaser of time has many advantages over a mere recipient. First of all, he can choose his hour—subject of course to the station's or network's prior commitments. The recipient, on the other hand, must take whatever hour the donor chooses to hand out—and I need not tell this audience what a tremendous difference there is between one hour and another.

Also, with respect to network programs, a purchaser of time can procure the broadcasting of his programs over specified stations, while the recipient of time cannot find out even after the show is over which stations have carried his program. Unlike purchasers of time, their network may consist of 15 stations instead of 150. And that, I venture to suggest, is not the kind of restraint on free speech which the Founding Fathers, were they alive today, would view with any complacency.

Revenue Enters In

Finally, the ban against selling time for controversial discussion serves to limit the time available for such discussion. When station managements—and advertisers—determine how much classical music and how much jazz, how much news and how much comedy to weave into their balanced program structure, building up a wide listening audience is their sole concern. But when they must determine how much time shall be *donated* for free discussion, another element necessarily enters in—the need of revenues. Advertising revenue is the rock upon which the American system of broadcasting is built. Revenues must be broad enough and firm enough to support the entire broadcast system. The maintenance of broad, firm revenues necessarily limits the time which can be donated free of charge to discussion or to anything else; it especially limits the choice hours which can be donated. Thus, if discussion is to be permitted only during donated time, it will necessarily be hemmed in by considerations of revenue. Clearly the best way to eliminate this restraint on free discussion is to remove the ban on time sales. This need not mean, of course, that free time is to be refused for controversial discussions. This type of program is desirable and lack of broadcast income should not be a reason for denying listeners.

At present the problem is especially pressing because, as you know, some networks and stations are either approaching or have reached that happy haven of the radio industry—"standing room only" during the evening hours. The year 1943 is by a considerable margin the most profitable year in radio history; during some hours and over some stations and networks there is in fact an acute shortage of available time. Under such circumstances it is especially unfortunate, and especially irksome, to limit controversial issue broadcasts to the scarce and less desirable periods which remain unsold.

The cuffing about that certain of the best forum or roundtable programs are now taking is clear evidence of the shortage of time for commercial users. I cannot conceive American listeners turning away from the forum or roundtable type of programs; their popularity is too firmly rooted in the hopes and aspirations of the people. There are other dangers to these programs which should be discussed quite freely.

One danger lies in the suggestion that the hour-long forums be reduced in time to 30 minutes. An obvious difficulty with this suggestion is that it would reduce by half the amount of time devoted to each discussion, and thus halve the program's effectiveness. But the true objection, it seems to me, lies deeper than that. A half-hour forum program, in which each disputant squeezes in his edgewise word to beat the threatening time signal, would be killed as effectively as the babe in Solomon's court. After all, history does not record that the great historic town meetings at Concord and Lexington and in Faneuil Hall in Boston were stopped in half an hour by the sounding of a gong.

Somewhat subtler than the proposal to cut the town-meeting-type programs in half is the proposal to change their times to less desirable hours or to book them temporarily and to be shuffled again. Those of you who are advertisers know what that means. When effort has been invested and audiences built up over the years for a particular program at a particular time, certainly no advertiser engaged in selling his wares would take a change of hour without protest. In the case of the forum programs, there is no advertiser to complain about the "bump," but there are listeners. Public debate during the hours when housewives listen with one ear would be as inappropriate as a farm and home hour after midnight.

A third proposal—and this one was publicly confirmed before the Commission two weeks ago—is the plan to sell one or more of the programs of this type to a sponsoring advertiser. However, it is somewhat ironical that not poverty but the greatest prosperity in radio history is the source of this plan to sell what has never been bartered since 1776—the town meeting and the free round-table discussion.

Who Does Selecting?

If there be a sponsor, one may wonder who is to be permitted to select the subject and the speakers? I think it is to the credit of at least one network that they contemplate no sale, at least for the present, of this type of program. One warning that is present is that selling the forum may well add to the burden of the broadcasters own prejudices, the further burden of at least considering the prejudices of the sponsor.

In addition to the obvious danger I perceive in the treatment forum programs are likely to receive, there is an additional danger in the hand-outs of free time. The poor relation who gets the free time cannot hope to attract the attention that the time buyer builds up—with his day-by-day bombardment. Furthermore, admitted to this inner sanctum because he has a product to sell, the buyer of time has in some cases injected his own philosophy into his program. At times it is subtly done; at other times it is quite obvious; at all times such propaganda should be properly labelled. We, as Americans, believe that to judge the validity of anyone's arguments we have the right to know for whom he speaks. A symphony program with fifteen minutes of sponsored philosophy is objectionable to a good many listeners who have tuned in for the symphony. So clumsy an attempt at indoctrination, undesirable as it is, does not equal the more insidious tactics of injecting the sponsor's ideas into a news broadcast as "news." The stealth with which some so-called commentators can move from the field of legitimate news into an appeal to the great virtues of the company and its principles and its ideas leaves all but the critically-minded unaware of what has overtaken them. It is arguable that the time buyer who has managed to get on the air with a product to sell perhaps ought to be allowed his bit of philosophizing. The newspaper, however, labels advertisements as such. And radio can and ought to do the same thing. For example, note the confidential manner in which Gabriel Heatter moves from his news comments and calls you over to the side to tell you how awful your hair looks today. The essential thing, however, is that he be identified and the philosophy identified at the moment in order that it can be properly evaluated in the light of its source. One of the most certain methods of destroying the poison of false propaganda is frankly to expose it to the sun and air of informed criticism. If one of the ills to which a democracy is heir is that all may speak, then the cure is more democracy.

David Lawrence explored some of the foregoing principles the other day in his column, he said: "It so happens that Mr. Fly is absolutely right in his criticism and he takes the sound position this correspondent took." Naturally, as a wholly objective commentator I will not take up all the various irrelevancies in the remainder of Mr. Lawrence's article. But he did go on to say I might make a speech to this effect. So who can say that left is left and right is right and ne'er twain shall meet?

Mr. Fly Moves In

Now I want to move in and further stir up the current healthy ferment regarding commentators. Still another question in regard to free speech is raised by the recent discussion of the policies of one network regulating the expression of the views and opinions of its news analysts. Personal opinions should not, of course, be aired in the guise of news; but, assuming competency, if the statements are properly labelled as opinion, I can hardly see the reason why they should not be aired.

The arguments for restricting news analysis to factual presentations are no secret; no doubt you have seen them competently set forth in full-page advertisements. Also, and here we have an example of American radio at its best and freest—they have been debated on the air, over the very network which takes the restrictive view. Certainly, it is a matter to which radio can point with pride, that a network is willing to afford equal time for discussion to the most outspoken opponents of its own position.

I, myself, find several difficulties, however, with limitations on commentators. The first is our old friend, free speech. It is a little strange to reach the conclusion that all Americans are to enjoy free speech except radio commentators, the very men who have presumably been chosen for their outstanding competence in this field. Facts, construction or analysis of words dealing with facts, and opinions tend to blend one into one another indistinguishably.

The censorship of news commentators is in fact a two-way process, if some materials be selected out, other materials are selected in. What tremendous power is wielded by the single man who exercises this breadth of discretion for a great broadcasting system. In lodging that power over the whole output of news analysis and opinion, are we not well nigh setting up both a censorship and the very Company editorial policy which some have sought to avoid by curbing independent commentators? And with such a scheme if one man falls, all must fall. And who, after all, in the field of opinion can be wholly objective? I am not, and sometimes I even suspect you are not.

The ban on free comment by news analysts places them, and the radio industry, at a serious disadvantage vis-a-vis the newspapers and other media. Let me give an actual example taken from the script of a commentator whose network limits him to factual statements. This commentator could not state his own views, but he could, of course, announce as a fact that so-and-so held such-and-such a view. So radio listeners the other night heard the following from one of our most competent commentators.

> As Drew Middleton, the very able correspondent of the New York Times in London reported today. . . . And this isn't just Mr. Middleton's view. He says it's the view of Allied military observers in London. . . . But Mr. Middleton points out. . . . And his military sources in London conclude . . . and Mr. Middleton indicates the military men in London are thinking. . . . According to the Washington correspondents. . . . In the New York Times of August 29 there was an article . . . which stated flatly that . . . The Atlantic Monthly says . . . An AP correspondent reports tonight . . . All the Washington correspondents agree . . .

and so on, all those phrases taken from a single 15-minute script.

Let Public Be Given Opinions

I venture to suggest that listeners want to know what radio analysts themselves think. The listeners can get AP and UP opinion from the newspapers, the Atlantic

Monthly's opinion from the Atlantic Monthly. But where, under the new dispensation, can they get the opinions of Bill Shirer and Ed Murrow? For my money, I will take Bill Shirer and Ed Murrow and give them serious thought. The London newspaper correspondents whose opinions are quoted in the text above are certainly outstanding men whose views are worth hearing; but are they so very much superior to radio's own correspondents? And if they are, why doesn't radio employ them and give them as much freedom to comment as a crack newspaper man has under his own by-line?

The fact is, of course, that radio does have some of the most competent commentators and analysts on earth; and it would be a pity if the rules of the very medium which brings their *voices* to the people prevents their *opinions* from reaching the people. Any policy that requires these men to mouth second-hand opinions serves no purpose. The public is looking to these men at that moment. I wonder if it is not the best method to select the most competent men and give them their rein, bearing in mind, of course, there should be an over-all general balance?

The job of proper labelling of news comment and analysis should not present insurmountable difficulties. A noteworthy statement of the principles which properly govern news commentators was contained in an editorial in the St. Louis Post Dispatch for September 24, 1943, from which I quote:

> First of all, the public has a right to be told the facts, . . . with nothing important withheld, nothing added. This is *news* . . . It is . . . an image still to be brought into sharp focus, . . . News is not opinion, but it is a basis of fact upon which opinion is formed.
>
> . . . Second . . . the public has a right to know the meaning of the facts in the opinion of specialists who are in a particularly favorable position to see the facts and to form accurate opinions concerning them. This is *editorializing*. . . .
>
> . . . Of recent years, there has been found to be a place for analytical opinion in news accounts, through the medium of signed articles; . . .
> The public needs all three of these services; . . .
> Radio should have a place for all three, and should keep them sharply distinguishable.

In *Broadcasting Magazine* for October 4, 1943, the same thought was driven home; they properly pointed out that:

> There lies the solution—news must be so labeled, clearly and plainly. Analysis and comment should be slugged as such and by-lined. . . .
>
> It is important to remember that radio is a news medium. It publishes by means of the electrical printing press—the microphone. As a medium more intimate and more sensative than the printed page, it must sharply delineate and define its services. The intelligence and the know-how of radio, evidenced in its two decades of meteoric growth, are available. The issue, now that it has been provoked, must be met head-on; not avoided.

Broadcasting Magazine is right. The industry has these things right out in the open and it must deal with them. You can no longer sweep them under the bed. But remember CBS and the other nets have much on the asset side of the ledger. Here we have the most intelligent news service and the most capable people in the business. Press and motion pictures are far behind. We can, if we will, capitalize on this great reservoir of talent, radio's own great power and its broad tolerant management.

Under the present restrictions on types of programs, groups who may be heard, and radio's own commentators, the industry is frozen to a policy that does not allow healthy growth and expansion in the field of free speech. This great young and progressive industry must not be frozen at any status quo.

John Milton said:

> Though all the winds of doctrine were let loose to play upon the earth, so Truth be in the field, we do ingloriously, by licensing and prohibiting, to misdoubt her strength. Let her and Falsehood grapple; who ever knew Truth put to the worse in a free and open encounter?

Now Milton may be a bit off on his statistics. John Kieran will undoubtedly know more precisely. And I own that at least in a seeming free competition truth may lose an occasional battle. But her seasonal average is tops. And hers is the system to which a democracy must pin its faith.

Industry Is Responsible

There are some no doubt who will urge that a democratic control of radio will bring a great many problems to management; that the discretion of management will be heavily taxed. There is no question that management will be harassed considerably—isn't this why management talent comes high? They are the ones who must undertake this responsibility if we are to have a free radio. The transmitters and mechanics of radio are efficient. This is a democracy and just as it will not work itself without the efforts of its people so, too, in the broadcasting industry transmitters will not operate themselves in the public interest. Licensees must have discretion and they must use discretion. Licensees must become aware that starting right now management should take stock of itself and re-explore the whole significance of free speech applied to radio. We can no longer operate under dodge clauses. No precedents ought to be allowed that will make this industry automatically stagnate. Any dodges similar to those intricate clauses employed in a corporate indenture to enable a trustee to duck his responsibility must be weeded out fast. Management has a public trust, and it cannot be dodged.

One point should be clear—these are not government problems in the first instance. They are primarily problems for the industry itself to face and to solve in the best traditions of American free speech. There must be intelligent re-exploration and there should follow appropriate industrial self-regulation. It is the industry on whom responsibility lies, and it is the industry which must answer for having maintained or having subverted our fundamental principles of freedom.

It is to you especially, therefore, that I say: in the world of darkness American radio shines forth. In this world of movement let us see to it that American broadcasting continues to move as a living thing, a vital thing in the onward march of democracy, emitting meanwhile no radiation reminiscent of the dead mackerel in the moonlight.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, October 11th. They are subject to change.

Monday, October 11

Broadcast
Consolidated Hearing

To Be Held in the Federal Court Room, Federal Building, Miami, Florida

Ralph A. Horton (Assignor), The Fort Industry Company (Assignee), Fort Lauderdale, Fla.—Voluntary assignment of C. P., and license of WFTL; and licenses of relay stations WAAD and WRET; **1400 kc.**, 250 watts, unlimited. Under C. P.: **710 kc.**, 10 KW, unlimited, DA night.

Ralph A. Horton, Fort Lauderdale, Florida.—License to cover C. P., and authority to determine operating power by direct measurement; **1400 kc.**, 250 watts, unlimited. Under C. P.: **710 kc.**, 10 KW, unlimited, DA night.

The Fort Industry Company, Fort Lauderdale, Florida.—Modification of license to move main studio from Fort Lauderdale, Florida. (Contingent upon granting of B3-APL-15). **1400 kc.**, 250 watts, unlimited. Under C. P.: **710 kc.**, 10 KW, unlimited, DA night.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WTMC—Ocala Broadcasting Co., Inc., Ocala, Fla.—Granted construction permit (B3-P-3535) for authority to increase power from 100 to 250 watts, necessitating changes in the transmitter.

KWFT—Wichita Broadcasting Co. (a corporation), Assignor; Wichita Broadcasters, a partnership, Joe B. Carrigan, Mrs. Joe B. Carrigan, P. K. Smith, Trustee; P. K. Smith, Mrs. Claude M. Simpson, Jr., Assignee; Wichita Falls, Texas.—Granted consent to assignment of license of station KWFT, from Wichita Broadcasting Company (a corporation) to a newly formed partnership consisting of the stockholders of the present licensee (B3-AL-381).

WSAV—E. E. Murray, Sr. (Transferor), Harban Daniel and Catherine Murray Daniel (Transferees), Savannah, Ga.—Granted consent to transfer of control of WSAV, Inc., licensee of station WSAV, from E. E. Murray, Sr., to Harban Daniel and Catherine Murray Daniel. No monetary consideration involved (B3-TC-332).

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Granted construction permit (B1-P-3538) to install equipment to replace equipment destroyed by fire on April 28, 1943, subject to whatever action may be taken upon application for renewal of license.

WINS—Hearst Radio, Inc., New York City.—Granted modification of construction permit (B1-P-3026 as modified) to change frequency from **1000** to **1010 kc.**, all other terms of construction permit to remain the same, and make changes in directional antenna system (B1-MP-1720).

The Ohio State University, Columbus, Ohio.—Granted position for reconsideration of application for new relay broadcast station, and granted same in conformity with relaxation policy of August 28, 1943 (B2-PRY-286).

Houston Printing Corp., Houston, Texas.—Granted petition for reconsideration of application for new relay broadcast station, and granted same in conformity with relaxation policy of August 28, 1943 (B3-PRY-274).

WHEC, Inc., Rochester, N. Y.—Granted petition for reconsideration of application for new relay broadcast station, and granted same in conformity with relaxation policy of August 28, 1943 (B1-PRE-427).

DESIGNATED FOR HEARING

KQW—Pacific Agricultural Foundation, San Jose, Calif., Ltd.—Designated for hearing application for modification of license to move main studio to San Francisco (B5-ML-1172).

FCC AUTHORIZES CONSTRUCTION OF RELAY BROADCAST STATIONS

The Commission announced adoption of a Decision and Order (B-191), granting the application of Larus and Brother Company, Inc., licensee of station WRVA, Richmond, Va., for construction permits to establish two new relay broadcast stations. Both of the low-powered transmitters needed for the stations were acquired by WRVA in April, 1942. When set up, the two relay stations will be used for emergency purposes only, upon failure of the normal wire lines connecting the transmitter and studios of Station WRVA.

In granting the applications, the Commission noted that any obstacle in the granting of WRVA's petition because of the Commission's Memorandum Opinion of April 27, 1942, with respect to the use of critical materials, had been removed by the FCC's later statement of policy made August 28, 1943, authorizing the construction of new relay broadcast stations under certain conditions.

PROPOSED FINDINGS ADOPTED

At the same time the Commission adopted Proposed Findings of Fact and Conclusions (B-192), proposing to deny application of the Black Hills Broadcast Company (KOBH), Rapid City, So. Dakota, for construction permit to install new transmitting equipment, change transmitter location, install a directional antenna system for both day and night use and change operating assignment from **1400** to **610 kc.**, increase power from 250 watts to 5 KW, unlimited time.

The change in operation sought by station KOBH, the Commission held, would be inconsistent with the terms of the North American Regional Broadcasting Agreement (NARBA), as it would cause interference to Canadian station CJAT, and Mexican station XEBX.

MISCELLANEOUS

Stephen A. Vetter, Miami, Fla.—Denied petition to intervene in the hearing on applications of WFTL for assignment of license, license to cover construction permit and modification of license; exceptions noted by counsel for petitioner.

KWOC—Radio Station KWOC, Poplar Bluff, Mo.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-1550).

WSLS—Roanoke Broadcasting Corp., Roanoke, Va.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-1548).

KGBK—Helen Townsley, area of Great Bend, Kans.—Present license for relay broadcast station further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending December 1, 1943.

WAEA—WAPO Broadcasting System, area of Chattanooga, Tenn.—Present license for relay broadcast station further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending December 1, 1943.

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Continued hearing now set for October 4 to November 4, in re application for modification of license to increase power to 5 KW, unlimited time.

Washtenaw Broadcasting Co., Inc., Ann Arbor, Mich.—Denied petition requesting reinstatement of petitioner's application for new station to operate on **1050 kc.**, 1 KW power, daytime only (B2-P-3307, Docket No. 6231).

Rock Island Broadcasting Co., Rock Island, Ill.—Placed in the pending files without action at this time, pursuant to the policy adopted on February 23, 1943, application (B4-PH-138), for new high frequency (FM) broadcast station to operate on **44500 kc.**

WCLE—United Broadcasting Co., Cleveland, Ohio.—Granted motion to dismiss without prejudice application for modification of license to operate on **640 kc.**, 500 watts, limited time.

WHKC—United Broadcasting Co., Columbus, Ohio.—Granted motion to dismiss without prejudice application for construction permit to operate on **610 kc.**, 1 KW, DA-night, unlimited time.

APPLICATIONS FILED AT FCC

1450 Kilocycles

KVAK—S. H. Patterson, Atchison, Kans.—Construction permit to make changes in transmitting equipment and increase power from 100 watts to 250 watts.

1460 Kilocycles

KGNF—Great Plains Broadcasting Co. (a corporation), North Platte, Nebr.—Voluntary assignment of license to radio station WOW, Inc.

1490 Kilocycles

KNOW—Frontier Broadcasting Co., Austin, Texas.—Authority to determine operating power by direct measurement of antenna power.

1340 Kilocycles

WWPG—Lake Worth Broadcasting Corp., Palm Beach, Fla.—Modification of license to change corporate name of licensee to Palm Beach Broadcasting Corporation.

WEIM—Ruben E. Aronheim, Fitchburg, Mass.—Voluntary assignment of license to Mitchell G. Meyers, Ruben E. Aronheim and Milton H. Meyers, d/b as radio station WEIM.

1370 Kilocycles

WSAY—Brown Radio Service & Laboratory (Gordon P. Brown, owner), Rochester, N. Y.—Modification of construction permit (B1-P-2924 as modified), which authorized change of frequency, increase in power, installation of directional antenna for day and night use, and new transmitter and move, for extension of completion date from 11-1-43 to 2-1-44.

1390 Kilocycles

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Voluntary assignment of license to Gene T. Dyer, Vivian I. Christoph, Gene T. Dyer, Jr., F. A. Ringwald, Louis E. Moulds, Grace V. McNeill, William F. Moss, doing business as radio station WGES.

1230 Kilocycles

KVEC—Christina M. Jacobson, trading as The Valley Electric Co., San Luis Obispo, Calif.—Authority to determine operating power by direct measurement of antenna power.

1240 Kilocycles

KGNF—Radio Station WOW, Inc., North Platte, Nebr.—Construction permit to make changes in transmitting equipment, change frequency from **1460** to **1240 kc.**, change power from 1 KW to 250 watts and hours of operation from daytime to unlimited.

MISCELLANEOUS APPLICATIONS

NEW—Burns Avenue Baptist Church, Detroit, Mich.—Extension of authority to transmit programs from Burns Avenue Baptist Church, Detroit, Mich., to radio station CKLW, Windsor, Ontario, Canada.

NEW—WFAM, Inc., area of Lafayette, Ind.—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820, 37980 kc.**, 15 watts power and A3 emission.

NEW—Matheson Radio Company, Boston, Mass.—Construction permit for a new high frequency (FM) broadcast station to be operated on **46100 kc.**, with coverage of 3,600 square miles.

FEDERAL TRADE COMMISSION DOCKET

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Ancestral Survey and as Professional Collection Association, 333 State Street, Detroit, engaged in the collection of delinquent accounts, is charged in a complaint issued with unfair and deceptive acts and practices in commerce. (5056)

Continental Forwarding System, and as Southern Michigan Collection Service, 404 Dwight Bldg., Jackson, Mich., engaged in the collection of delinquent accounts, is charged in a complaint with unfair and deceptive acts and practices in commerce within the meaning of the Federal Trade Commission Act. (5058)

Dip Net Smelt Fishermen's Association, its committee, V. G. Davis, Kris Pedersen and C. W. Fisher and members, Walter Dixon, A. A. Fisher, Philip Plebuch and Lloyd Dixon; Columbia River Smelt Corporation; Cowlitz Smelt Co., and Olie Soleim, trading as Central Smelt Co, all of Kelso, Washington, are charged in a complaint with unfair methods of competition and monopolistic practices and policies having a tendency to increase the cost of food. (5055)

Irving's, 10th and E Sts., N. W., Washington, D. C., engaged in the sale of women's apparel and furnishings, is charged in complaint with misrepresentation. (5057)

STIPULATIONS

During the past week the Commission announced no stipulations.

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Andrew J. Lytle and Richard Carl Lytle, 221 Everett Bldg., Akron, Ohio, and William Edgar Spicer, 302 Bond Bldg., Washington, D. C., have been ordered to cease and desist from falsely representing that, in the operation of a business designed solely to locate delinquent debtors, they are connected with the United States Government or any of its agencies. (4829)

Milwaukee Importing Co., 2039 North 34th St., Milwaukee, Wis., selling and distributing Malt Cereal, a coffee substitute, has been ordered to cease and desist from falsely representing that he has been unable to fill orders or ship merchandise due to war conditions, shortage of labor, or raw materials, or to any other causes which do not exist. (4980)

Montgomery Ward & Company, Inc., Chicago, has been ordered to cease and desist from certain misrepresentations in the sale of fabric garments. (4638)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 42, October 15, 1943

PHILIP COHEN NAMED TO HEAD OWI RADIO BUREAU

As this issue of the REPORTS went to press, Palmer "Ep" Hoyt announced that Philip Cohen had been appointed chief of the radio bureau, domestic branch, OWI, to succeed Don Stauffer, who is resigning to return to the advertising agency business.

KESTEN ANSWERS FLY

At the conclusion of a prepared address given by FCC Chairman James Lawrence Fly before the Radio Executives Club of New York at the Hotel Shelton, October 7, the club extended an invitation to CBS to reply to Mr. Fly at an early meeting. In accepting this invitation for CBS, Paul W. Kesten, executive vice president, replied briefly as follows:

Text of Mr. Fly's speech was printed in the NAB REPORTS of October 8.

Mr. Kesten's Statement

"CBS is just as vigorous a champion of free speech as is Mr. Fly. We believe, however, that freedom of speech does not mean freedom for a privileged few. We do not believe that such freedom is achieved by giving a small group of men, broadcasting in regular news periods, any encouragement to use this time to advance their personal prejudices or to pulpiteer for their own point of view. The real essence of our news policies is to keep our news broadcasting and news analysis as objective as humanly possible, rather than to let it degenerate into partisan propaganda. There is plenty of space on the air for special pleading. We merely say that news broadcasts are not the place for it."

Mr. Kesten gave two examples of news copy to illustrate the point. Both dealt with a journalist's impressions on a two-week visit to the troops in North Africa. In the one, the hypothetical journalist did careful reporting and factual analysis. In the other, he used the facts only as a sounding board for his personal bias. They are, in order:

Eye-Witness

1.

I've just returned from two weeks with the troops in a quiet sector of the front and I've eaten with them, slept with them, dived into fox-holes with them when Stukas came over—and I've talked with them. Mostly the talk—American soldier talk—was about home and girls and the usual grousing about Army life. But one thing struck me as strange. Unless I brought up the subject, there was never any talk about what we Americans are fighting for, never anything said about the conflict in political ideas behind this war. Whenever I asked a soldier, "Are you fighting Fascism?", he'd blink as though this were some original thought. Remember that I'm talking about hundreds of conversations, not just a few. I'd ask these soldiers what they thought of Darlan and Badoglio and they hadn't much to say. The consensus seemed to be that we should treat with anyone we could in order to get the war over in a hurry so that everybody could call it a day and go home. It seemed to me there was a world of difference in the political education of the American soldiers and the British soldiers whom I visited last month. The British Command has prepared a complete course of instruction for its troops in regard to the differences between democratic and Fascist ideas. I couldn't help wondering whether our own high command is making adequate plans to train the minds, as well as the bodies, of our fighting men.

NAB DIRECTORS' MEETING

The next meeting of the NAB Board of Directors has tentatively been set for either November 10-11 or November 17-18. Definite dates will be announced shortly.

Eye-Witness

2.

American soldiers in this theatre of war don't have the slightest idea of why they are fighting. I've just come from the front where I talked with them and I know. They don't realize that they are on a holy crusade to stamp out Fascism and that the only way you can do that is to exterminate Japs and Germans. They don't know or care how our government has betrayed them by dealing with a Darlan and a Badoglio. They don't realize that this is a people's war, that what is happening is a world revolution and that the only way we can preserve the four freedoms is to crush our enemies completely and that the only way we can save our democratic integrity is to treat solely with democratic elements in the countries we liberate. Well, our soldiers just don't know those things. And the High Command is to blame. They should educate the troops. Last month I visited British soldiers and found out that they were getting thorough political education. We're supposed to be quick and bright and the British dull and slow-witted. Well, the British are a lot quicker and brighter than we are in this kind of training. Our soldiers shouldn't spend their spare time sitting around grousing and talking about girls and what they will do when they get home. No, they should be taught the meaning of the conflict in terms of ideology—they must be made to see that Fascism must be stamped out in every root and branch and that they are fighting for the world's little people. Otherwise, they may win victories on the field of battle, but they will lose the peace.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Arthur C. Stringer, *Director of Promotion.*

REP. LEA REOPENS FCC INVESTIGATION

Representative Clarence Lea held a hearing on Thursday in connection with the FCC investigation at which time testimony of four witnesses taken in New York City recently was introduced into the record. Following this, Representative Lea said that these hearings will now be resumed from time to time to take specific evidence.

Thursday's hearing was adjourned subject to the call of the chair.

In reopening the hearings, Chairman Lea said:

"The hearings of the Committee now contain a large volume of information. The object of this meeting this morning is to place in the record additional information which has been assembled in order that the hearings up to date may be placed in permanent form for more convenient study and analysis.

"It is expected that further progress of the investigation will result in much information yet to be furnished and assembled. The evidence so far presented embraces a large number of accusations against the conduct of the commission and its personnel which are within the scope of the investigation as directed by the House of Representatives.

"The ultimate performance of the duties of the Committee requires the determination of the facts as to each substantial accusation. It is assumed that the report finally made to the House by the Committee will include its findings as to those accusations together with such recommendations as may be found appropriate.

"In order to aid the Committee to assume their responsibilities after the hearings are completed it has been arranged to obtain a study and analysis of all the information presented so that the facts for and against each accusation may be conveniently assembled for the use of the Committee members. That work will begin immediately with a view of bringing such an analysis of the testimony up to date and hereafter continuing it concurrently until the hearings are completed.

"Further hearings will proceed as promptly as the work of the Committee will permit and the plans of the Committee will be announced as the occasion may seem to require."

CENSORSHIP RELAXES CODE WEATHER CLAUSE

Following is a letter received at NAB headquarters from the Office of Censorship:

Note to Broadcasters:

On October 11th, Director Byron Price of the Office of Censorship announced that effective at 12:01 A. M., Eastern War Time, October 12th the weather clause of the Code of War Time Practices for American broadcasters would be relaxed.

This relaxation permits the broadcast of official forecasts issued by the Weather Bureau; reports of current and past weather, as long as wind directions and barometric pressure are deleted.

This is formal notification to radio station managers that the Code of War Time Practices for American Broadcaster's Weather Clause should be amended immediately, as follows:

On pages 1 and 2, strike out all of Section 1 (a) and substitute the following:

"Weather forecasts other than those officially released by the Weather Bureau. Mention of wind direction or barometric pressure in current or past weather (including summaries and recapitulations) except when contained in emergency warnings released specifically for broadcast by the Weather Bureau authorities.

(Signed) J. H. Ryan,
Assistant Director of Censorship in Charge of the Broadcast Division.

PALEY ACCEPTS OWI CALL; KESTEN GETS PROMOTION

William S. Paley, president of CBS, has accepted a special assignment for a limited period from the Office of War Information, Elmer Davis has announced.

Mr. Paley will join C. D. Jackson, director of all OWI operations in Italy, North Africa, and the Middle East. He will operate with the Army's Psychological Warfare Branch at General Eisenhower's headquarters.

"Mr. Paley is going overseas to help in the radio phase of psychological warfare in the Mediterranean area," Mr. Davis said. "As president of the Columbia Broadcasting System since its organization, Mr. Paley is one of the outstanding men in American radio. We are gratified to have a man of his experience and ability in our Overseas operations."

CBS directors have granted Mr. Paley a leave of absence to accept the war area assignment.

Paul W. Kesten has been named executive vice-president of the network.

TEXT OF SENATOR WHEELER'S INTERNATIONAL COMMON CARRIERS RESOLUTION

We print the following verbatim text of Senate Resolution No. 187, submitted by Senator Wheeler (for himself, Senator White and Senator McFarland) in the Senate on October 12, for your information: (The resolution was referred to the Committee on Interstate Commerce, which Thursday ordered a favorable report.)

RESOLUTION

Whereas efficient communication by wire and radio between the United States and foreign countries is important to the diplomatic, military, and commercial interests of the United States; and

Whereas such international communications by wire and radio and the facilities and personnel employed therein are in substantial measure subject to the jurisdiction, control, and influence of foreign governments and foreign nationals; and

Whereas it is necessary in the interests of the United States that a national and an international policy of the United States with respect to international communications should be determined and declared, and that the highest practical standards of operations and of service should be made effective at fair and just rates: Now, therefore, be it

Resolved, That the Interstate Commerce Committee of the Senate or a subcommittee thereof appointed by the chairman be, and it hereby is, authorized and directed to make a thorough study and investigation of international communications by wire and radio, and in particular of such communications from and to the United States; to receive and hear evidence as to (1) the ownership, control, the services rendered, the rates charged therefor, and the methods of operation, of United States carriers engaged in such communications; (2) the extent and nature of the control and influence, direct or indirect, of foreign governments over communication carriers authorized by them, the extent to which foreign governments own and operate such foreign communication services, whether such operation by government is direct or otherwise, the character and extent of the competition between foreign companies, whether owned by governments or privately, in communications to and from the United States, and in particular the nature and degree of competition of such foreign companies with American companies in such communication services; (3) the character and adequacy of services furnished by American companies now engaged in international communications to the people and the diplomatic, military, and commercial interests of the United States; (4) the developments and improvements in the art of communication by wire or radio affecting, or which may be expected to affect, such international communications; (5) whether there should be competitive services between American companies in particular areas or circuits in international communications; (6) desirable forms and standards of organization of American communication companies, and in particular whether such companies should be permitted or required to merge or consolidate and the general terms, conditions, and obligations which should be imposed in the event of such permitted or required merger or consolidation; (7) the form and authority of the regulatory body of the United States to be charged with carrying out the policies in international communications declared by the Congress; and (8) generally to consider and to make recommendations to the Congress as to all other matters and things necessary in its judgment in meeting the purposes of the studies herein specifically set forth.

WIP LAUNCHES NEW PUBLIC FORUM PROGRAMS

Beginning Sunday, October 17th, at 2:30 to 3:00 EWT, WIP, in co-operation with the University of Pennsylvania, will present the first of a new series of public discussion programs featuring members of the University faculty, together with specially invited guests who are expert authorities in their particular fields.

The series is titled: "The Forum of Public Opinion" and is to be broadcast from WIP studios.

First topic is "Juvenile Delinquency". Moderator for this broadcast will be Dr. E. Scully Bradley, professor of English at the University.

Participating will be Dr. J. S. Shalloe, assistant professor of Sociology at the University, Robert C. Taber, director of Pupil Personnel and Counseling, of the School District of Philadelphia; Thomas A. Merryweather, executive director, Crime Prevention Association of Philadelphia; James D. Paige, of the Committee on Merit System, Municipal Court; Dr. Tanner G. Duckrey, principal of the Paul Lawrence Dunbar Public School, and Captain Gibbons, officer assigned to Crime Prevention Division.

The Radio Committee of the University of Pennsylvania co-operating with Station WIP, plans to invite important persons brought to the city by conventions and for other reasons to appear on these programs of "The Forum of Public Opinion."

NAB APPROVES ARBITRATION ASSOCIATION

The NAB recommends that selection of arbiters in labor contracts be left to the American Arbitration Association.

The work of this association has been endorsed not only by leading business organizations, but also by most of the principal labor unions. It has offices throughout the country; has standardized rules for arbitration, and has an excellent panel of arbiters.

The American Arbitration Association recommends the following arbitration clause for labor contracts:

> Any dispute, claim, grievance or difference arising out of or relating to this agreement shall be submitted to arbitration, upon notice of either party to the other party, under the Voluntary Labor Arbitration Rules, then obtaining, of the American Arbitration Association and the parties agree to abide by the award, subject to such rules and regulations as any Federal agency having jurisdiction may impose. The parties further agree that there shall be no suspension of work when such dispute arises and while it is in process of arbitration.

This may be modified, of course, to suit individual circumstances.

Further information can be obtained at the NAB or at any of the AAA's branch offices listed below.

ALBANY 7
Standard Building
ATLANTA 3
Mortgage Guarantee Building
BOSTON 10
Chamber of Commerce Building
BUFFALO 2
Chamber of Commerce Building
CHARLOTTE 2
Liberty Life Building
CHICAGO 4
The Rookery
CINCINNITI 2
Chamber of Commerce Building
CLEVELAND 13
Standard Building
DALLAS 2
Texas Bank Building
DENVER 2
Chamber of Commerce Building
DES MOINES 9
Walnut Building
DETROIT 26
Penobscot Building
INDIANAPOLIS 4
Underwriters Building
KANSAS CITY 6 (MO.)
Waltower Building
LOS ANGELES 14
Van Nuys Building
MEMPHIS 3
Shrine Building
MILWAUKEE 3
Plankinton Building
MINNEAPOLIS 1
McKnight Building
NEW HAVEN 10
Second National Bank Building
NEW ORLEANS 12
Barrone Building
OKLAHOMA CITY 2
Commerce Exchange Building
OMAHA 2
Woodmen of the World Building
PHILADELPHIA 2
1420 Walnut Street
PITTSBURGH 22
Investment Building
PORTLAND 5
Pittock Block

ST. LOUIS 2
Cotton Belt Building
SALT LAKE CITY 1
207 South Main Street
SAN FRANCISCO 4
Chamber of Commerce Building
SEATTLE 4
Marine Building
WASHINGTON 5, D. C.
Denrike Building

NATIONAL EDITORIAL ASSOCIATION RESOLVES ON RADIO LEGISLATION

(The following resolution was passed by the Advisory Council of the National Editorial Association at a meeting in Chicago on October 10, 1943:)

WHEREAS, There are now pending in the United States Senate a Bill introduced by Mr. White and Mr. Wheeler on March 2, 1934 (S. 814) and in the House of Representatives a Bill introduced by Mr. Holmes on July 2, 1943 (H. R. 3109), both of which propose the amendment of the Communications Act of 1934, As Amended, and

WHEREAS, It now appears that, among other things, the question of freedom of speech over the air waves and the extent to which it is to be limited by governmental regulation through an administrative agency is properly before the Congress of the United States and should receive the immediate and complete consideration of the Congress,

NOW THEREFORE BE IT RESOLVED:

That the officers and directors of the National Editorial Association urge the Congress and the proper committees thereof to give immediate and careful consideration to this legislation so as to insure the fundamental right of freedom of speech.

WORKING PLAN OF PUBLIC RELATIONS SENT COMMITTEE AND DISTRICT CHAIRMEN

Personal copies of the Working Plan of Public Relations for the National Association of Broadcasters are now in the mails to members of the Public Relations Committee and District Public Relations Chairmen. The Plan will serve as a permanent guide and reference.

The completed roster of District Public Relations chairmen is published here with apologies to Irvin G. Abeloff, WRVA, chairman District 4, whose name was omitted from the list in NAB REPORTS of September 24.

DISTRICT 1—Edward E. Hill, director, Radio Station WTAG, Worcester Telegram Publishing Co., Inc., Worcester, Mass.

DISTRICT 2—Michael R. Hanna, manager, Radio Station WHCU, Cornell University, Ithaca, New York.

DISTRICT 3—George D. Coleman, general manager, Radio Station WGBI, Scranton Broadcasters Inc., Scranton, Pennsylvania.

DISTRICT 4—Irvin G. Abeloff, program director, Radio Station WRVA, Larus Brother & Company, Inc., Richmond, Virginia.

DISTRICT 5—W. Walter Tison, general manager, Radio Station WFLA, The Tribune Company, Tampa, Florida.

DISTRICT 6—W. H. Summerville, manager, Radio Station WWL, Loyola University, New Orleans, Louisiana.

DISTRICT 7—Vernon H. Pribble, manager, Radio Station WTAM, 815 Superior Avenue, Cleveland, Ohio.

DISTRICT 8—Clarence Leich, manager, Radio Stations WGBF-WEOA, Evansville on the Air, Inc., Evansville, Indiana.

DISTRICT 9—Edward E. Lindsay, manager, Radio Station WSOY, Commodore Broadcasting Inc., Decatur, Illinois.

DISTRICT 10—Merle Jones, general manager, Radio Station KMOX, Columbia Broadcasting System, St. Louis, Missouri.

DISTRICT 11—Clarence T. Hagman, vice-president and general manager, Radio Station WTCN, Minnesota Broadcasting Corp., 115 East Grant Street, Minneapolis, Minnesota.

DISTRICT 12—Robert D. Enoch, general manager, Radio Station KTOK, Oklahoma Broadcasting Company, Inc., Oklahoma City, Oklahoma.

DISTRICT 13—Karl O. Wyler, manager, Radio Station KTSM, Tri-State Broadcasting Company, Inc., El Paso, Texas.

DISTRICT 14—Mrs. C. G. Phillips, manager, Radio Station KIDO, Boise Broadcast Station, Boise, Idaho.

DISTRICT 15—John W. Elwood, general manager, Radio Station KPO, National Broadcasting Company, San Francisco, California.

DISTRICT 16—J. G. Paltridge, director of public relations, Earle C. Anthony, Inc., Radio Stations KFI-KECA, 141 North Vermont Avenue, Los Angeles, California.

DISTRICT 17—Harry Buckendahl, director of commercial relations, Radio Station KALE; KALE, Incorporated, Portland, Oregon.

MORE ON THE FAT CAMPAIGN

"Butcher shops in our whole coverage area complained because they bought up waste fats and then had to throw it out," so states F. E. Mayhew, supervisor, KASA, Elk City, Okla. "In other words," he said, "we find conditions out here in the remote sections of the country the same as described by Harper M. Phillips, general manager, KYUM, Yuma, Ariz., in his letter." Mr. Phillips reported that waste fat was collected and thrown in the Colorado river.

Peoria

Vernon A. Nolte, program director, WMBD, Peoria, says the waste fat salvage program is inefficient in Peoria. "There is a campaign in Peoria," he said, "to collect waste fat and grease. However, this campaign does not always operate smoothly. It depends on the Girl Scouts in the community calling at each home once each month, on one collection day. This is a big order and the girls do not get around to every home. As a matter of fact, it has been my personal experience they have not picked up the waste fat in my home for four months.

"The station has received many complaints about this situation and I have talked repeatedly to the chairman of the drive and she has promised to do what she can. I know this committee is working hard and trying to do a good job but the organization is not as good as it should be.

"I believe that the government agencies in charge of these salvage programs should make a periodic check, not only on the results, but on the system of organization because that is where we can have the most trouble. If the organization set-up is not correct the government agency should be in a position to make suggestions and to give any possible assistance in a reorganization so that the job can be done properly."

Greensboro

The research department of WBIG, Greensboro, conducted a thorough investigation in that city. Among leading merchants three stores collected no pounds of waste fat per week; one collected 1 pound; one collected 5 pounds; one collected 6 pounds; one collected between 40 and 50 pounds per week; one collected between 100 and 130 pounds; while one collected between 100 and 150 pounds per week.

Grocers say the price is too low to offer any incentive to the housewife and that the housewife makes use of many fats she might otherwise turn in because of rationing of lard and butter. Grocers in "better" neighborhoods said that most customers regard the collection of waste fat as not worth the trouble. Grocers in "poorer" neighborhoods said that most customers have so few waste fats that collection is almost useless. No difficulty in handling waste fats turned in was reported.

Public apathy to waste fat collection, it was found, results in much trouble and work for small grocers handling insignificant amounts of waste fats.

Suggested Remedy for Situation

Manager Frank, of the Carolina By-Products Company, said that since price provided no incentive for housewife to turn in collection, that the awarding of meat ration points for waste fat collection or any other plan whereby housewife would receive privilege of buying edible fats in return for collection of inedible fats would furnish incentive.

He further suggested that shortage of soap, particularly toilet soap, be explained to the public as a result of the shortage of fats with which to make soap. Public should understand that waste fats are used to make soap and that glycerine is a by-product of the soap manufacturer. Explanation, he said, should make the housewives more anxious to cooperate with the grocer, not only to increase the available supply of soap but also glycerine for war.

St. Paul, Minneapolis

Kenneth M. Hance, vice president, KSTP, surveyed the situation in the Twin Cities. The WPB regional director told him that "our trouble is not getting fats to the renderers but in not receiving enough fats from the housewives."

WCCO also checked and reported that, "complaints had been made in this territory that butchers would not accept fats. Every complaint received is followed through by WPB."

Sarasota-Bradenton

According to John B. Browning, manager, WSPB, Sarasota, "butchers are complaining about the delay in collecting fats and greases though people are turning them in to local butchers fairly satisfactorily." Because the renderer collects fats in five week periods, merchants must keep a large part of their refrigerators full of fats in containers received from housewives.

Portland, Ore.

H. J. Foster, war program manager, KGW-KEX, Portland, reported by enclosing a recent release by the Oregon State Salvage Committee. This report pointed out that housewives have been reusing their fats for cooking purposes in their own kitchens, and that there is now no such thing as "waste" fats. The Salvage Committee is now asking for "used" household fats to emphasize that these reused fats are entirely satisfactory.

Sault Ste. Marie

How additional fats are gathered in Sault Ste. Marie was reported by Stanley R. Pratt, general manager, WSOO. In this city not only does a soap company send trucks to pick up local fats, but also fats from all boats on the Great Lakes passing through the locks.

Jackson, Miss.

At one time during the past summer markets were not taking fats and housewives discontinued saving them. When this became known to W. P. Harris, director, WJDX, Jackson, local dealers were contacted and an agreement secured from them to receive waste fats in 100 pound quantities. Widespread promotion re-established the fat saving habit and today the plan in Jackson is working out to the satisfaction of all concerned.

Other Cities

Reports of satisfactory fat collection are acknowledged from W. O. Talbot, Jr., operations & commercial, KSLM, Salem; Earl Williams, station manager, KFAB-KFOR, Lincoln; L. W. Trommlitz, manager, KORE, Eugene; Mel D. Marshall, general manager, KYOS, Merced; "Red" Cross, commercial manager, WMAZ, Macon; G. O. Shepherd, general manager, WAYS, Charlotte; H. W. Wilson, manager, KPRO, Riverside; KCMC, Texarkana, and WRAL, Raleigh.

STATION COVERAGE RECOMMENDATION

In a communication from the American Association of Advertising Agencies received Thursday, October 7th, NAB is invited to confer with AAAA Committees on methods for determining station coverage.

The NAB Membership approved a recommended station coverage method at the War Conference in Chicago last April. This was prepared by the NAB Research and Sales Managers Executive Committees in consultation with agency time buyers. The resolution approving the method incorporated an instruction to submit the recommendation to the AAAA's for review and for permission for stations to use some sort of "official stamp of approval" of that association if the method were found acceptable. The AAAA's research and time buyers' committees considered the proposals in a meeting Thursday, September 30th.

The details of the method appear on pages 194, 195 and 196 of the April 30 NAB "Reports." Progress of the conferences will be published in NAB "Reports."

Statement on the Use of the Name and Emblem of the American Red Cross in Advertising Approved by the Administrative Committee, August 11, 1943

Section 4 of the Act of Congress incorporating the American Red Cross, approved January 5, 1905, as amended June 23, 1910, and quoted completely hereinafter, prohibits the use of the name or emblem of the Red Cross "for the purpose of trade or as an advertisement to induce the sale of any article whatsoever." The only exceptions relate to cases where the name or emblem was used commercially prior to 1905.

Many advertisers have expressed a desire to assist the American Red Cross in its wartime services by calling public attention to some of its special needs, financial or otherwise, by preparing and paying for advertisements devoted to these special messages to the public, either in the form of newspaper and magazine advertisements, or commercial time over the radio. The Red Cross appreciates the generous motives which inspire these offers but advises that the acceptance of advertising, limited to the above three fields, should be restricted by the general and specific conditions set forth below:

I. That such advertising must be in complete harmony with the humanitarian purposes of the American Red Cross and consistent with its policies and broad responsibilities to the public;

II. That advertisements appealing for *funds* for the Red Cross must be restricted exclusively to the period immediately prior to and during national campaign for funds;

III. That other advertisements must be devoted to approved Red Cross statements or messages concerning one of its recruitment, enrollment, or service programs, except in the case of advertisements of benefits authorized under the Red Cross benefit policy.

Subject to the above *general* conditions it is permissible to accept offers of advertising space or radio time which conform to the following *specific* requirements:

a) If the entire advertisement is exclusively devoted to the Red Cross, only the corporate name and address but not the trade-mark, product, or service of the advertiser may be printed modestly in a byline to indicate the sponsorship at the bottom of the advertisement or briefly announced at the opening and/or at the conclusion of the radio program.

b) If only a portion of space within a particular advertisement or a part of the time on a commercial radio program is to be devoted to the Red Cross, the Red Cross message must be so placed as to make it distinctly separate and apart from the rest of the advertisement or radio program. On radio programs the Red Cross in certain instances may request the inclusion of a sentence to the effect that "the mention of the American Red Cross and/or the appearances of Red Cross personnel on this program does not constitute an endorsement of our products or services by the American Red Cross since the American Red Cross does not endorse any products or service."

c) If the name or emblem of the Red Cross is to be used in an advertisement which is to appear in more than one city or on a radio program to be carried by more than one station, advertisers are invited to submit proofs of text and art for the advertisement and script for the radio program in advance of publication or use to the director of Publicity, American Red Cross, Washington, D. C., for helpful review. This is unnecessary where the material used has been reviewed or issued previously by the American National Red Cross.

d) In cases of advertising of purely local character in one city where the name or emblem of the Red Cross is to be used, the advertising copy or radio script may be submitted to the local chapter for review and will be approved only if it conforms to the conditions listed above.

e) If an advertisement is to be illustrated by Red Cross uniformed personnel care should be exercised to see that the proper uniform is depicted.

In connection with advertising it should be noted that the American Red Cross neither adopts nor endorses any article of merchandise as an "official" item of its equipment. Where particular commercial articles are purchased by the national organization or its chapters, it is a violation of the law for the manufacturers of such articles to advertise the fact that they are furnishing them to the American Red Cross.

Section 4 of the Act of Congress, mentioned earlier reads as follows:

> "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section four of the Act entitled 'An Act to incorporate the American National Red Cross,' approved January fifth, nineteen hundred and five, is hereby amended to read as follows:
>
> 'Sec. 4. That from and after the passage of this Act it shall be unlawful for any person within the jurisdiction of the United States to falsely or fraudulently hold himself out as or represent or pretend himself to be, a member of or an agent for the American National Red Cross for the purpose of soliciting, collecting, or receiving money or material or for any person to wear or display the sign of the Red Cross or any insignia colored in imitation thereof for the fraudulent purpose of inducing the belief that he is a member of or an agent for The American National Red Cross. It shall be unlawful for any person, corporation, or association other than The American National Red Cross and its duly authorized employees and agents and the Army and Navy sanitary and hospital authorities of the United States for the purpose of trade or as an advertisement to induce the sale of any article whatsoever or for any business or charitable purpose to use within the territory of the United States of America and its exterior possessions the emblem of the Greek Red Cross on a white ground, or any sign or insignia made or colored in imitation thereof, or of the words "Red Cross" or "Geneva Cross," or any combination of these words; *Provided, however*, That no person, corporation, or association that actually used or whose assignor actually used the said emblem, sign, insignia, or words for any lawful purpose prior to January fifth, nineteen hundred and five, shall be deemed forbidden by this Act to continue the use thereof for the same purpose and for the same class of goods. If any person violates the provision of this section he shall be deemed guilty of a misdemeanor, and upon conviction in any federal court shall be liable to a fine of not less than one or more than five hundred dollars, or imprisonment for a term not exceeding one year, or both, for each and every offense.' "

TELEVISION AIDS POLICE

This month, for the first time, television was used to broadcast photographs of missing persons in the New York area by the New York police department. The broadcast ran 10 minutes and was beamed over Station W2ZWV, covering a 50-mile radius. Seven likenesses were transmitted.

FEDERAL COMMUNICATIONS COMMISSION

BLUE NETWORK TRANSFER IS APPROVED BY FCC

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C.

In the Matter of
RADIO CORPORATION OF AMERICA, *Transferor*
and
AMERICAN BROADCASTING SYSTEM, INC., *Transferee.*
Docket No. 6536

DECISION AND ORDER

This is an application pursuant to Section 310(b) of the Communications Act for the Commission's consent to the transfer of 100% of the stock of the Blue Network, Inc., from Radio Corporation of America to American Broadcasting System, Inc. The Blue Network, Inc., is the licensee of Stations KGO, San Francisco, WENR, Chicago, WJZ, New York, and 48 relay stations. In addition, it operates a nation-wide network consisting of 163 affiliated stations besides the three stations it owns. The consideration for the transfer is $8,000,000 cash.

Radio Corporation of America, the transferor, besides owning 100% of the stock of the Blue Network, Inc., also owns 100% of the stock of the National Broadcasting Company which is the licensee of five standard broadcast stations and likewise operates a nation-wide network.

American Broadcasting System, the transferee, is wholly owned by Edward J. Noble who has diverse business interests including the ownership of Station WMCA in New York. Accompanying the application is an affidavit of Mr. Noble that he intends to dispose of WMCA upon approval by the Commission of the Blue Network transfer, and at the hearing he testified that he has executed a contract for the sale of the station, contingent upon Commission approval.

There are at present four nation-wide network organizations, two of them wholly owned by Radio Corporation of America. Our investigation into chain broadcasting (Docket 5060) established that the ownership of two networks by a single organization operated as a restraint on competition, handicapped the Blue Network, gave RCA a competitive advantage, and resulted in an undue concentration of control in a field where because of physical limitations on the number of available radio facilities the public interest imperatively demanded the elimination of restraints on competition and as wide a dispersion of control as possible. As a result we promulgated Regulation 3.107 directed against multiple ownership of networks serving substantially the same area. The regulation was suspended indefinitely,[1] after RCA had freely conceded desirability of disposing of one network and had indicated its intention of selling the Blue at an early date, in order to make possible the orderly disposition of the network without a time deadline which would unduly depress the price. The transfer of the Blue Network will result in four independent nation-wide networks. This will mean a much fuller measure of competition between the networks for stations and between stations for networks than has hitherto been possible. In addition, the transfer should aid in the fuller use of the radio as a mechanism of free speech. The mechanism of free speech can operate freely only when the controls of public access to the means for the dissemination of news and issues are in as many responsible ownerships as possible and each exercises its own independent judgment. The approval of the transfer will promote such diversification.

Our investigation into chain broadcasting similarly concluded that the control of two stations in any area by one network organization is not in the public interest. At present RCA, through its two network subsidiaries, controls two stations each in New York, Chicago, and San Francisco. The effect of the present transfer will be to separate control of these pairs of stations, and thus in that respect effectuate the policy of Regulation 3.106.

We find that the American Broadcasting System, Inc., and Mr. Noble, the owner of its entire stock, are legally, financially and technically qualified to operate the stations being transferred. All the stockholders and officers of the transferee are citizens of the United States. The transferee has sufficient funds to effect the purchase and it is apparent from the balance sheet of the Blue Network that its finances after the transfer will be such as to permit continued operation. Mr. Noble testified that he saw the need of raising additional capital for expansion of the public service of the Blue Network, and he stated that this capital could be secured either from his own resources or from sale of stock to interested persons.

Mr. Noble also testified that he intended to continue to employ the operating personnel of the Blue Network and those present officers and directors of the Blue Network who are not employees of RCA. Hence, the transferee will be technically qualified to operate the stations being transferred.

At the hearing Mr. Noble was requested to submit a written statement as to the policies with respect to the allocation of time on the air which would guide him in the exercise of his discretion as a licensee. This statement has now been submitted. In it Mr. Noble declares in part:

> "I am prepared to say that my policy, stated in general terms, will be to refrain from adopting any restrictions which will automatically rule out certain types of programs on the basis of the identity or personality of the individual, corporation, or organization sponsoring or offering them. I propose to meet each request for time with an open mind and to consider such requests strictly on their individual merits and without arbitrary discriminations. More particularly, I think that the operation of a national network should follow a policy whereby all classes and groups shall have their requests, either for sponsored or sustaining time, seriously considered and network time determined in accordance with true democratic principles and with the aim of presenting a well-rounded and balanced broadcast service in the best interests of the public and of the Network."

At the hearing it appeared that under present practice, which is quite general in the industry, requests for the sale or furnishing of time tend to be disposed of on the basis of rules-of-thumb and fixed formulae. Mr. Noble's commitment to consider each request with an open mind on the basis of the merits of each request and without any arbitrary discrimination is, in our view, the type of discretion which all licensees must retain under the Communications Act. Only under such flexibility is the fullest utilization of radio in the public interest made possible.

In view of the entire record it is our opinion that the transfer of the Blue Network is in the public interest.

It is, therefore, ordered, this 12th day of October, 1943, that the transfer of control of the Blue Network, Inc., from Radio Corporation of America to American Broadcasting System, Inc., be and the same is hereby, approved.

BY THE COMMISSION.

T. J. Slowie,
Secretary.

FLY SAYS NETWORK RULES ARE WORKING ALL RIGHT

The industry has not yet had enough experience with the new network regulations for FCC to know how they are working out, but up to now they have worked for the betterment of both stations and listeners FCC Chairman James Lawrence Fly said at a press-radio conference October 11.

The Commission, Mr. Fly said, must keep an open mind in connection with the regulations and modify them if it deems necessary at any time. The record on the new rules he said is pretty good insofar as reports reaching the Commission are concerned.

The Chairman has been making a number of remarks recently about listener interest and he said at the conference that this subject is up to the industry.

Mr. Fly told newsmen he has had a conference with Representative Lea of California since he has been appointed chairman of the Select Committee of the House but, Mr. Fly refused to discuss his talk with Representative Lea. Mr. Fly said that when the committee is ready to hear him it will not have to subpoena him.

Reverting to the sale of the Blue network and the new network regulations the Chairman said that on the whole the regulatory rules have aided network broadcasting generally. He said that since January, 1942, the Blue has added some 50 stations to its network. In January, 1942, he said the Blue had 116 stations while it now has 166. He said that this is partially due to the reduced line charges made possible through FCC action, which has undoubtedly resulted, he said, in bringing more stations to the networks.

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[1] Simultaneously with this order, we are making Regulation 3.107 effective six months hence.

Answering questions about news commentators, Mr. Fly said that he is not yet sure whether the Commission has the right under the law to regulate them and he suggested that for the time being this is a matter up to the industry. He indicated that he had not looked up the law on this point.

FCC ASKS COMPLETION AND RETURN OF EMPLOYEE FORM

Prompt Action Requested

The FCC on October 9th sent a letter and forms to networks and licensees of standard, international and television stations to obtain information on employees and compensation for broadcast stations and networks. The information is to be furnished for the week beginning October 17th.

It will be recalled that NAB last year asked the commission that since the employee data required in the annual report was to be given for a week in October that the information be collected in October and tabulated as soon as possible. In former years the information has been required by the FCC as one schedule of the Annual Financial and Employee Data Report filed in the spring. Tabulations from these reports have not been available until the fall or early winter following the date of filing. Thus the employee data gathered had been at least a year old before it was available for use.

The employee data derived through these reports is of paramount importance to the industry in labor negotiation and for that reason the proposal was made to the FCC to collect the information early, to tabulate it quickly, and to make the information available to the industry at the earliest possible moment.

FCC cooperated in the matter last year and has given every indication it will do so this year. The procedure last year was not altogether satisfactory because some stations were slow in returning the forms. Please see that your form is returned at the earliest possible time.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, October 18th. It is subject to change.

Monday, October 18

KWSC—State College of Washington, Pullman, Wash.—Modification of license, **1030 kc.**, 1 KW night, 5 KW day, unlimited. Request facilities of KOB.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WCSH—Adeline B. Rines, Executrix of the Estate of Henry P. Rines, Deceased (Transferor), Adeline B. Rines, William H. Rines, Mary R. Thompson, Trustee (Transferees), Portland, Maine.—Granted consent to transfer of control of Congress Square Hotel, licensee of station WCSH, from Adeline B. Rines, Executrix of the Estate of Henry P. Rines, Deceased, to Adeline B. Rines, William H. Rines, and Mary R. Thompson. No monetary consideration involved (B1-TC-329).

KFJI—John A. Kincaid, Deceased (Transferor), George Kincaid, Executor of the Last Will and Testament of John A. Kincaid, Deceased (Transferee), KFJI Broadcasters, Inc. (Licensee), Klamath Falls, Ore.—Granted involuntary transfer of control of KFJI Broadcasters, Inc., from John A. Kincaid, Deceased, to George Kincaid, Executor (B5-TC-334).

WMVA—Martinsville Broadcasting Co., Inc., Martinsville, Va.—Granted modification of license to change location of main studio from Church and Bridge Streets, Martinsville, to 1.3 miles north of city (B2-ML-1173).

Burns Avenue Baptist Church, Detroit, Mich.—Granted extension of authority to transmit programs to station CKLW, Ontario, Canada, from Detroit, Mich.

KFI—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted motion for leave to take depositions in connection with hearing set for October 26, on application of Iowa State College of Agriculture and Mechanical Arts, licensee of station WOI, Ames, Iowa, for special service authorization to operate on **640 kc.** from 6 a. m. to local sunrise, CST, with 1 KW power.

MISCELLANEOUS

WSAY—Brown Radio Service & Lab. (Gordon P. Brown, Owner), Rochester, N. Y.—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-1540).

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-1551).

W9XBK—Balaban & Katz Corp., Chicago, Ill.—Granted license (B4-LVB-42) to cover construction permit for new experimental television broadcast station; frequencies **60000-66000 kc.**, 2 KW aural and 4 KW visual power.

W49D—John Lord Booth, Detroit, Mich.—Granted extension of special temporary authority to operate an RCA 10 KW transmitter on **44900 kc.**, using a temporary antenna, for the period October 9 to December 7, 1943, pending action on application for license to cover construction permit in part.

The Commission has adopted an order affirming the action of the motions Commissioner denying the petition of Stephen A. Vetter for leave to intervene in the hearing on the applications of Ralph A. Horton (assignor) and The Fort Industry Company (assignee) for voluntary assignment of construction permit as modified, of license of station WFTL and relay stations WAAD and WRET; Ralph A. Horton (WFTL) for license to cover construction permit and authority to determine operating power by direct measurement; and The Fort Industry Company (WFTL) for modification of license to move main studio from Ft. Lauderdale, Fla., to Miami, Fla. (Dockets 6542, 6543, 6544, respectively.)

KTRH—KTRH Broadcasting Company, Houston, Texas.—Dismissed application for special service authorization to operate on **740 kc.**, with 50 KW day and 25 KW night, employing temporary DA night, for period ending February 1, 1944, and authority to determine operating power by direct measurement (B3-SSA-85 and B3-Z-1547).

Sikeston Community Broadcasting Co., Sikeston, Mo.—Denied petition for reinstatement of application for construction permit for new station to operate on **1300 kc.**, as the Commission's policy of August 11, 1943, limits reinstatement of applications to those involving authorizations for local channels, whereas applicant requests a regional channel assignment.

KWSC—State College of Washington, Pullman, Wash.—Granted petition to dismiss without prejudice application for modification of license to operate on **1030 kc.**, 1 KW night, 5 KW day, unlimited time.

WJBW—Charles C. Carlson, New Orleans, La.—Granted petition to continue hearing on application for renewal of license from October 25 to November 8.

Head of the Lakes Broadcasting Co., Superior, Wis.—Granted motion to accept amendment to application for new FM station to specify equipment now used at W9XYH, and application removed from hearing docket.

The Commission announced adoption of Proposed Findings of Fact and Conclusions (B-194), proposing to deny the application of The Voice of the Orange Empire, Inc., Ltd., licensee of station KVOE, Santa Ana, Calif., for construction permit to change operation assignment from **1490 kc.**, with 250 watts, unlimited time, to **1480 kc.** with 1 KW power, unlimited time.

This action is in conformity with the policy announced by the Commission in its Memorandum Opinion of April 27, 1942, with respect to the use of critical materials during the war period.

At the same time the Commission adopted Orders making final the Proposed Findings of Fact and Conclusions denying without prejudice the following cases:

Intermountain Broadcasting Corp., Station KDYL, Salt Lake City, Utah, for construction permit to change frequency from **1320** to **880 kc.**, increase power from 5 to 10 KW, make changes in directional antenna system for both daytime and nighttime use, and change the transmitter. (B-171)

Beauford H. Jester, et al., Waco, Texas, for construction permit to establish a new station to operate on **1230 kc.**, 250 watts power, unlimited hours of operation (B-176), and

Eastern Broadcasting Co., Inc., Long Island, New York, for construction permit to establish a new station to operate on **1520 kc.**, with 1 KW power limited to station WKBW, Buffalo, N. Y. (B-181)

APPLICATIONS FILED AT FCC

560 Kilocycles

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Extension of special service authorization to operate on **560 kc.**, 500 watts night, 1 KW day, unlimited time, using transmitter authorized by B5-P-3150 as modified for the period ending 2-1-44.

WQAM—Miami Broadcasting Co., Miami, Fla.—License to cover construction permit (B3-P-2597 as modified), which authorized installation of new transmitter and increase in power.

WQAM—Miami Broadcasting Co., Miami, Fla.—Authority to determine operating power by direct measurement of antenna power.

570 Kilocycles

WNAX—WNAX Broadcasting Co., Yankton, S. Dak.—License to cover construction permit (B4-P-3288 as modified), which authorized increase in power and installation of directional antenna for night use.

WNAX—WNAX Broadcasting Co., Yankton, S. Dak.—Authority to determine operating power by direct measurement of antenna power.

710 Kilocycles

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—Modification of license to change location of the main studio from 9631 Wilshire Blvd., Beverly Hills, Calif., to 5939 Sunset Blvd., Los Angeles, Calif.

850 Kilocycles

WRUF—University of Florida, Gainesville, Fla.—Special service authorization to operate unlimited time, with power of 100 watts after sunset at Denver, Colo., and 5 KW prior to sunset at Denver, Colo., for the period ending 2-1-44.

930 Kilocycles

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Construction permit to change frequency from **910 kc.** to **930 kc.** and power and hours of operation from 500 watts daytime to 250 watts night, 500 watts daytime, unlimited hours of operation.

1040 Kilocycles

WHO—Central Broadcasting Co., Des Moines, Iowa.—Voluntary transfer of control of licensee corporation from Daniel David Palmer to B. J. Palmer, Mabel Palmer, Daniel David Palmer and William M. Brandon, Trustees.

1240 Kilocycles

WGOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—Involuntary transfer of control of licensee corporation from Jean B. Couture, Deceased, by Clara Couture, Executrix to Faust O. Couture, 350 shares of common stock.

1290 Kilocycles

WKNE—WKNE Corporation, Keene, N. H.—Acquisition of control of licensee corporation by M. S. Wilder and H. C. Wilder through issuance of preferred stock.

1330 Kilocycles

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Construction permit to move transmitter from 8581 West 18th St., Los Angeles, Calif., to intersection of Rodeo Road and Santa Barbara Ave., Los Angeles, Calif., and install a new antenna.

1490 Kilocycles

KBKR—Baker Broadcasting Co., Baker, Oregon.—Transfer of control of licensee corporation from Glenn E. McCormick and Paul V. McElwain to Marshall E. Cornett and Lee W. Jacobs, 170 shares.

MISCELLANEOUS APPLICATIONS

W6XIA—Television Productions, Inc., Los Angeles, Calif.—Modification of construction permit (B5-PVB-87 as modified, which authorized new television relay broadcast station to be used with W6XYZ) for extension of completion date from 11-1-43 to 2-1-44.

NEW—Voice of Longview, area of Longview, Texas.—Construction permit for a new relay broadcast station to be operated on **1622**, **2058**, **2150**, and **2790 kc.**, 20 watts power and A3 emission.

FEDERAL TRADE COMMISSION DOCKET

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

James G. Exum—A complaint has been issued charging James G. Exum, Snow Hill, N. C., with misrepresentation in connection with the sale of a preparation known as "Happy Jack Mange Lotion," advertised as a remedy for mange and other skin diseases of dogs and other animals. The preparation also is sold under the names "Happy Jack Sarcoptic Mange Medicine" and "Happy Jack." (5060)

Hutchings Brokerage Company—Violation of the brokerage section of the Robinson-Patman Act is alleged in a complaint issued against Norman Webb Hutchings, trading as Hutchings Brokerage Co., 120 North Water St., Mobile, Ala. (5059)

STIPULATIONS

During the past week the Commission announced no stipulations.

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist order last week:

Superior Humus & Peat Moss Corp., 137-165 Queens Blvd., Jamaica, Long Island, N. Y., selling a commercial peat to wholesalers and retailers for resale, and direct to nurserymen, florists, farmers, poultrymen, and others in agricultural industry, has been ordered to cease and desist from misrepresentation of its product. (4654)

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 43, October 22, 1943

RETAIL PROMOTION PLAN

A full account of the showings of the Retail Promotion Plan is given in Retail Promotion Committee bulletin No. 8, accompanying this issue of the NAB REPORTS.

NAB BOARD TO MEET

President Neville Miller has called a meeting of the NAB Board of Directors to be held at the Hotel Statler, Washington, D. C., Wednesday and Thursday, November 17 and 18. The agenda will cover the many problems now confronting the industry.

BMI STOCKHOLDERS HOLD ANNUAL MEETING IN NYC

Annual meeting of the stockholders of BMI was held on Tuesday, October 19th at the BMI offices in New York. In a report, as president of BMI, Neville Miller called attention to the steady progress made by the company. The number of BMI licensees is at the all time high of 800 commercial amplitude modulation stations, 33 FM and short wave stations, and 15 national and regional networks in the United States, as well as all the broadcasting stations and networks of Canada. BMI licensees represent in excess of 99% of the dollar volume of the broadcasting industry in the United States. The publishers affiliated with BMI have similarly increased and are now 480 in number.

During the year license fees were reduced by more than 26% thus effecting a reduction which has benefited broadcasters to the extent of more than $400,000. This reduction to licensees was made while at the same time the rate of payment to publishers and composers was increased. Mr. Miller called especial attention to new activities of the company, such as the meetings of program managers, the increased personnel in the program relations department, the new BMI index and the activity of the program script department. All officers and directors were reelected for the ensuing year.

They are: directors: Walter Damm, WTMJ; John Elmer, WCBM; William Hedges, NBC; Leonard Kapner, WCAE; Neville Miller, NAB; Paul W. Morency, WTIC, and Frank White, CBS. Officers: Neville Miller, president; Sydney Kaye, first vice president; Merritt Tompkins, second vice president; Carl Haverlin, vice president in charge of station relations; Charles Lawrence, treasurer, and Claud Boydston, comptroller.

Labor

AFL CONVENTION CALLS FOR RADIO LEGISLATION

The recent American Federation of Labor convention in Boston unanimously adopted a resolution calling for amendment of the Federal Communications Act to "assure preservation of Freedom of Speech on the airways."

The text of the resolution:

Resolution #102—Delegate Richard J. Gray—Building and Constructions Trades Dept.

Whereas, in its 1942 report the Building and Construction Trades Dept. pointed out in detail the vast potential possibilities of post war building trades employment in the indicated development of the Television, Frequency Modulation and electronic industries, and

Whereas, the expansion of radio broadcasting, television Frequency Modulation facsimilie and allied electronic services can best be furthered through the broadest possible application of the traditional American free enterprise principle, and

Whereas, the U. S. Supreme Court in its decision of May 1943 has so interpreted the present Federal Communications Act as to empower the commission to take practically any action it chooses with reference to radio program material and the business relationships of broadcasters with a resulting serious threat of Governmental domination of Broadcasting content.

Therefore Be It Resolved that the American Federation of Labor urge that the Congress of the United States should at the earliest possible date assure the preservation of Freedom of Speech on the airways by enacting changes in the present Communications Act prescribing the limits of Government supervision of the radio and allied industries and definitely safeguarding broadcasting from any actual or implied government censorship authority over program content. By such reconsideration of the Act we believe a secure foundation would be laid for the post war expansion of the radio, television and other new electronic industries upon a free and constructive competitive basis.

SAFEGUARDING MANPOWER; SEE ENCLOSED PAMPHLET

"Safeguarding Essential Manpower" is the title of an official War Department publication, a copy of which is enclosed with this issue of NAB Reports. Selective Service procedure and policy are outlined in a general way, and the patriotic necessity for securing deferment of key employees in essential industries who cannot be replaced is stressed.

Additional copies are available upon request from NAB if it is desired to use this publication as an exhibit attached to applications for occupational deferment.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Arthur C. Stringer, *Director of Promotion.*

EMPLOYER RIGHT TO GIVE UNION ELECTION VIEWS UPHELD

The Supreme Court this week upheld the right of an employer to voice his views on the advisability of his employees voting for a union in an NLRB election (NLRB v. American Tube Bending Co.).

The Court refused to review a decision written by Judge Learned Hand in the Second Court of Appeals (New York) in which Judge Hand said the employer had that right under the First Amendment provided it was unaccompanied by actual coercion banned by the Wagner Act. This question has often been raised in connection with proposed NLRB election campaign speeches on the air.

INTERNATIONAL COMMUNICATIONS RESOLUTION PASSES SENATE

The Senate last Tuesday (19) passed with no opposition S. Res. 187 dealing with international communications by wire and radio. The Senate Committee on Interstate Commerce, in favorably reporting the resolution this week, had the following to say:

"The Committee on Interstate Commerce, to whom was referred the resolution (S. Res. 187) authorizing and directing a study of international communications by wire and radio, having considered the same, report thereon with the recommendation that it do pass.

"The study and investigation proposed by Senate Resolution 187 is the direct and logical outgrowth of the consideration and enactment of the so-called Domestic Merger Act (Public Law 4, 78th Cong).

"During consideration of the latter act, which authorized the merger of domestic telegraph carriers, serious consideration was given in both the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to the complex problems affecting United States carriers engaged in international communications by wire and radio. In fact, in one of the early drafts of the domestic merger bill (S. 2445, 77th Cong.) a provision was included to permit merger of United States Communication carriers operating in the international field; and such a provision was included in a merger bill reported in the House of Representatives in the Seventy-seventh Congress.

"A number of factors made inadvisable any final congressional consideration of the international communication problem at the time of the enactment of the Domestic Merger Act.

"One important objection was that the congressional committees considering the problem required far more information on the subject than was then available to them. Questions of ownership, foreign controls, control of subsidiary manufacturing entities, agreements with foreign governments, corporations, and nationals, rates, services, and many others were necessary to be answered before correct legislative action could be taken.

"Of equal importance to the committee was the viewpoint on communication problems expressed at that time by military agencies in a formal report.

"The Navy, in formal testimony by Rear Admiral Hooper who was authorized to express the official Navy viewpoint, opposed legislation which would have permitted merger of United States carriers engaged in international communications. Thereafter several members of the Committee on Interstate Commerce conferred with Secretary of the Navy Knox on the question. It may be noted here that the Navy has a long and continuing interest in the problem of United States international communications. The Navy was not only better informed than other Government agencies on the background and immediate problems, but presented cogent and convincing reasons against final legislative action which would have permitted merger of international communication carriers at that time and on the same terms which had been proposed for domestic carriers. The Navy Department explained that studies on the subject then under way were proceeding rapidly; that it was desirable, even vital, that any final Navy viewpoint be implemented by the wartime conditions and experiences which were even then being observed and correlated. Incidentally, these studies and findings, the committee believe, will assist greatly in the fact-finding investigation which the committee believe should now be undertaken by the Congress itself.

"The Committee on Interstate Commerce, when apprised of these facts, eliminated the international merger provisions from the Domestic Merger Act. During the sessions of the conference committee of the two Houses on the Domestic Merger Act, the international question was discussed and there was informal agreement among conferees that the Congress should not long delay in conducting a comprehensive study of international communication problems.

"Continuing developments and recent observations make it imperative that such a study, looking toward legislative recommendations, not be further delayed.

"Deserving particular consideration are recent confidential reports on international communication matters made to the Senate by some of its members who have completed an extensive survey of the war fronts. These reports, while admittedly fragmentary, buttress certain important facts well known to cognizant military leaders concerning the restrictions under which United States communication carriers in the international field operate; their inadequacy in serving United States interests; their inability under present organization to break into powerful cartel-dominated communication empires.

"A further consideration is the fact that there can be no comprehensive and clear-cut international post-war planning without the fullest consideration of the communication problem.

> **"Still another factor of present and immediate concern to the Congress is the problem of regulation of international communication carriers. Admittedly, existing law is inadequate to cope with the communication problems that will face this country in the post-war world. The inadequacies of the law are further complicated by frequent and growing criticism of the administrative agency and its personnel—criticism which no longer can be ignored by Congress. That administrative agency is an arm of the Congress, and, as such, is responsible to it. It is the duty of the Congress to ascertain in advance whether its creature is competent and experienced enough to undertake duties which inevitably must be thrust upon it; or whether a different method of selecting administrators for technical duties must be advocated.**

"For these reasons, the Committee on Interstate Commerce recommend that Senate Resolution 187 be adopted."

NATIONAL HOUSING APPLIES 'PRESSURE'; NAB PROTESTS

The following example of pressure methods is presented below so that all stations will recognize the various techniques that may be employed.

NAB protested to OWI, and its government liaison man is investigating with the idea of eliminating repetition of such incidents.

Here Is the Story

This is how the matter was reported by a California member, affiliated with MBS:

"Today, October 4, Mr. Blanford, head of the National Housing, spoke over Mutual from 6:16 to 6:30 Pacific War time with the broadcast originating from station WOL. In connection with this speech, all National Housing center managers received a directive concerning it.

"Inasmuch as we happen to be working with such matters locally as an individual citizen, the contents of said directive came to our attention. Because the wording is rather interesting, we herewith pass it along to you.

> "'Contact your local radio station to be sure that this address is broadcast. If the time has been sold by the station, see that there is a change in program or that the speech is recorded and broadcast at another time. This is imperative. It is not necessary to clear such arrangements with OWI. We want maximum coverage and an immediate report from you as to what stations will carry the talk and which will record it and broadcast it later.' That was signed by the National Housing Agency, Region X. It was sent 'To all War Housing Center managers from Donold B. Kerby' under date of September 20, 1943.

"The local manager of the agency answered said directive but due to time delay in the mail the answer did not reach Kerby as soon as he wanted it to and he immediately dispatched a wire again requesting said report."

A RADIO FIRST; SHOWS GET SCHOOL CREDIT

For the first time in the history of broadcasting, the Board of Education of New York City has approved for full credit two courses for teachers based on radio programs, it has been announced by James Rowland Angell, NBC public service counsellor.

The programs are "Lands of the Free" and "Music of the New World," both presentations of the NBC Inter-American University of the Air.

Recognition for these programs follows a six-month experimental period during which both courses were accredited as approved In-Service courses for teachers but without credit. Under today's approval, teachers satisfactorily completing these courses will get full credit toward annual salary increments.

"Lands of the Free" is a historical series dealing with the growth and development of the American nations and is broadcast over NBC Sundays at 4:30 p.m., EWT. "Music of the New World" is a series dealing with the growth of music in the Americas, featuring an orchestra under the direction of H. Leopold Spitalny, and is broadcast Thursdays at 11:30 p.m., EWT.

The NBC Inter-American University of the Air programs will be supplemented by the teachers by visits to NBC's Radio City studios and lectures. The courses are the only ones which can be attended, in part, at the teacher's home.

Simultaneously with the announcement of the New York City Board of Education action came word from Belmont Farley, director of public relations for the National Education Association, of plans for an extension of this type of in-service training of teachers by radio on a nationwide basis.

Dr. Farley announced the formation of a Committee on Use of Radio in Supervision to study the plan. Those invited to serve on the committee are: Jacob Greenberg, associate superintendent of schools, New York, N. Y., chairman; John K. Norton, professor of education, Columbia University; Ruth Cunningham, secretary, department of supervision and curriculum development, NEA; Hilda Maehling, secretary, department of classroom teachers, NEA; Roscoe L. West, president, New Jersey State Teachers College, Trenton, N. J., and president of the American Association of Teachers Colleges; George D. Stoddard, commissioner of education of the State of New York; Alexander J. Stoddard, superintendent of schools, Philadelphia, Pa.; Ruth Henderson, State Department of Education, Richmond, Va.; Herold Hunt, Superintendent of Schools, Kansas City, Mo., and Dr. Farley.

THE BEAM

Third issue of THE BEAM, publication of the Association of Women Directors of NAB, is enclosed with this issue of the REPORTS.

CHURCH CANVASS DATES SET

Dates for the forthcoming nation-wide campaign, the United Church Canvass, are November 21 to December 12. This campaign will call the attention of the country to the importance of institutions of religion in these war days.

Major faiths are joining, as last year, in its sponsorship. All churches, Jewish, Catholic and Protestant, are invited to participate in the campaign locally. In some cases the churches use the period to raise their annual budget; in others the purpose is to call the work of the churches to the attention of the public.

It is anticipated that many stations will assist in the campaign. Network broadcasts are now being scheduled.

President Roosevelt has endorsed the campaign and leading businessmen are joining in it as sponsors. Charles E. Wilson, former president of General Electric, is national chairman of the sponsors. Others on the committee include: John Stewart Bryan, Richmond, Va.; William H. Danforth, St. Louis; William Green, president, American Federation of Labor; Herbert Hoover; James L. Kraft, Chicago; Former Governor Herbert H. Lehman, New York; Philip C. Nash, Toledo; Stanley Resor, New York; Justice Owen J. Roberts, Washington; Governor L. V. Saltonstall, Massachusetts; Governor Charles A. Sprague, Oregon; Former Governor Harold E. Stassen, Minnesota; Edgar T. Welch, Westfield, N. Y.; William Allen White, Emporia; Judge Curtis B. Wilbur, San Francisco, and Wendell L. Willkie, New York.

FURTHER NOTES ON THE SALVAGE SITUATION

Reports on the efficiency of fat collection technique were received from a widely separated area since last issue of NAB Reports. Only one more area reports refusal of butchers to handle fats collected by housewives. Elsewhere, the principal disturbing factor was a falling off in receipts. The situation in reporting areas at a glance are indicated below.

Boise

"I know, however, that small outlying and remote towns of Idaho often do not have fat and tin can collection service and that merchants will no longer receive salvage material," reports Mrs. Georgia Phillips, manager, KIDO, Boise.

This situation is in contradistinction to the excellent situation prevailing within the city of Boise, "In our particular valley fat and tin are being collected promptly and the whole campaign well taken care of," Mrs. Phillips said.

Spokane

E. W. Jorgenson, special features editor, KFPY, surveyed the fat situation in Spokane. He found that housewives were delivering fat to butchers from whence it reached the rendering plants all OK.

His investigation did, however, locate a different waste of fat. Packing house men told him that they were forced to lose fat from the intestines and other portions of the carcass of slaughtered animals because they did not have enough manpower to handle it. Another reported loss was the use of too much fat in meat meal, also due to lack of labor, according to Mr. Jorgenson.

Shreveport

John C. McCormack, general manager, KWKH-KTBS, reports a falling off in fat collections. He said that during the month of August one large renderer collected only 12% of last April's figure. Collections rose to 21% of the April take in September.

Granted that seasonal influences are involved, it also seems apparent that other factors have become operative to decrease fat collections—the factor of re-use of fats within the home, perhaps a lack of incentive and the high point value of meats and fats.

Omaha and Nebraska

Soren Munkhof, WOW's director of news, has investigated the salvage situation in the state of Nebraska. Fats shipped for the account of Nebraska in August were 78,000 pounds. Movement to renderers is expedited to avoid spoilage.

Tin cans are collected on the first Wednesday of each month, school children taking them to school. Next day Army and WPB trucks transported them to railroad sidings and about four railroad cars are immediately dispatched to refiners.

Scrap iron moves out as rapidly as needed and no public scrap piles are left. "Whenever an order for a car load or a train load of scrap comes in it is filled immediately. 35,000 tons moved out of Nebraska in September."

Binghamton

Nina A. Fenson, WNBF, indicates that, "fat collections in this area are satisfactory,"—due to wide cooperation of civic organizations.

Greenfield

Ann Erickson, program director, WHAI, Greenfield, reports that, "fats in this locality have been collected and taken to a rendering plant," about 20 miles distant.

Yakima

C. H. Carlson, KIT, Yakima, writes, "as the result of a number of calls on local meat dealers, we find that the drive has been well supported," and satisfactorily handled.

OFFER NEW RED CROSS ETS

"Service Unlimited" is title of the new American Red Cross transcribed, 52-week series.

Programs for November 1 and 8 should be in the hands of chapters for the inspection of stations by October 25. NAB auditioned the first two shows and found them surpassing advanced billing.

MORE ABOUT PHIL COHEN

(This story supplements the brief bulletin in last week's "REPORTS.")

Philip H. Cohen, deputy chief of the Radio Bureau of the Office of War Information, has been appointed chief of that Bureau, Palmer Hoyt, director of OWI Domestic Operations, announced today. Mr. Cohen succeeds Donald Stauffer who resigned recently.

In his new position, Mr. Cohen will supervise all Government contacts with the radio industry in matters relating to the war effort. In addition to scheduling and allocating the time made available by radio stations for Government information programs, Mr. Cohen will handle all requests by Government agencies and officials for unsponsored radio time. He also will work with the War Advertising Council in presenting Government information themes on sponsored programs.

Mr. Cohen has been with the OWI Radio Bureau since its inception in 1941. In April of this year, he was appointed deputy chief of the Bureau. Following the resignation of Mr. Stauffer last month, Mr. Cohen took over as acting chief.

During six years as a producer in the radio industry, Mr. Cohen has produced more than a thousand programs on the major networks. He has lectured on radio at Northwestern, Harvard and New York Universities. A few years ago he carried out two projects for the Rockefeller Foundation, the first was a study of British Broadcasting methods, and the second a series of experimental programs produced in cooperation with the Library of Congress.

Mr. Cohen, son of Major Lee Cohen, USA, ret., was born in Fort Shafter, Hawaii. He obtained his early schooling in Hawaii, Panama, Virginia and New Jersey. He was graduated from Harvard in 1932.

DENNIS TO LEAVE NAB

Walt Dennis, NAB news bureau chief, will leave NAB November 1 to become public relations director of station WHN. Dennis came to NAB last March from KVOO.

KEITH TYLER NAMED OHIO U. RADIO CHIEF

Dr. I. Keith Tyler, director of the radio division of Ohio State University's bureau of educational research, has been appointed acting director of radio education for the university.

Howard L. Bevis, Ohio U president, announced the appointment, and said the move was made to coordinate all of the university's radio resources and activities into a more effective program.

Doctor Tyler is known widely in radio education circles and is director of the annual Institutes for Education by Radio held in Columbus each May.

YOUNG & RUBICAM AD SENT INDUSTRY BY MILLER

Proof of one of three Young & Rubicam advertisements dealing with the part American radio, newspapers and magazines are playing in the war was sent recently to all broadcasting stations in America by Neville Miller, NAB president.

The ad proof sent was the one on radio and it was entitled: "How America is using one of its greatest war weapons." Mr. Miller, in a message sent with the ad proof, suggested to station managers that: "there is much good material contained therein for a public service program, for a talk before your Rotary club or other civic group, for a newspaper advertisement and for use in many other ways . . ."

Mr. Miller further explained that the ad tells a story which radio stations can well retell in their communities many times.

The ad was featured in the New York Times, Time, Newsweek, Fortune, Broadcasting and an appropriate group of trade papers.

WROK BOOSTS PROGRAMS

In the last several months WROK, Rockford, has been engaged in sharply increased local promotion with special emphasis on programs. Bill Traum, promotion director, has forwarded a collection of pieces which include: Mailings to dealers on "The Breakfast Club," "Breakfast at Sardi's," "What's New?," Morton Salt, Fitch "Bandwagon," Coca-Cola's "Victory Parade of Spotlight Bands," and "Four Boys and a Song" for Grove's Cold Tablets. An off-set piece headed, "Your program makes news when it's on WROK," containing reproductions of advertisements in Rockford newspapers and of news stories was given wide distribution.

KIEM FARM MERIT AWARDS HELP SPUR PRODUCTION

William B. Smullin, president, KIEM, Eureka, thinks that production of food products can be increased by recognizing individual contributions of farmers. What Mr. Smullin has in mind is an "Award of Merit," to be presented to individual farmers by broadcast stations which operate in agricultural areas. He has taken a dose of his own medicine and found it good.

At the time the Army-Navy "E" award was available for food processing plants KIEM presented an "Award of Merit" to each farmer producing milk for the Golden State Tulare plant. Messrs. Nielson and Larson, in charge of the Golden State ice cream mix plant, whose product is going to the armed forces, felt very strongly that some type of award would assist materially in the farmer maintaining highest possible production. And they were right. Such awards as KIEM has given well might aid production elsewhere.

In this connection it should be recognized that the "A" awards, starting next November, will be limited to a relatively few counties, probably fewer than two hundred, and seasonal food processors with outstanding production records.

This agricultural achievement award was made known on September 18 by the War Food Administration. Recipients will be: (1) *counties* in which farmers have achieved exceptional production and (2) *seasonal food processors* with outstanding production records.

Nominations for the "A" award to counties will be made by State Agricultural War Boards, while regional directors and commodity branches of the Food Distribution Administration will nominate seasonal processing plants for the award, with final selection by the War Food Administration.

The "A" award flag shows a blue "A" surrounded by a white wreath composed of a head of grain and a half a gear wheel, symbolic of farm and food plant production, all on a green field symbolic of agriculture. A white star indicates the first season's award and others may be added as earned.

"Food is a decisive weapon of war," President Roosevelt said in a message designed to accompany presentation of the "A" awards. "Victory depends as much on our ability to produce food as on our ability to manufacture guns, planes and ships. Our army of farmers and processors are fighting an important battle on the food front. Working diligently and skillfully, they are speeding this Nation and our Allies to victory."

New Priority Instructions

As first reported in NAB REPORTS (page 414, October 8, 1943), Preference Rating Order P-133 has been revised by WPB to make it the exclusive controlling order for obtaining maintenance, repair and operating supplies for radio broadcasting. The amendment continues the AA-2, MRO-P-133 symbol and preference rating to broadcast stations.

Recording blanks to be used exclusively for broadcast purposes may be purchased by broadcast stations under the preference rating AA-2, MRO-P-133. Blank discs to be used for purposes other than broadcasting are assigned the preference rating AA-5 by the revised order.

Section (e) (1) is a clarification of tube inventory restrictions. The language of this section has been interpreted to allow the use of these ratings or allotment symbol only if a similar tube has first been operated to failure and the purchaser has in stock less than one new and one rebuilt tube, or two rebuilt spare tubes per active socket. General instructions for the purchase of materials in accordance with P-133 as amended October 8, 1943, are as follows:

1. Read Preference Rating Order P-133 as amended October 8, 1943, and become familiar with the provisions of the order.

2. Operate all tubes and parts to absolute failure, before installing replacements, in order to bring inventory within the limits of the order.

3. Hold best spare tubes for last use in the equipment thus minimizing the chance of failure while procuring replacements. In order to check the condition of spare tubes and to insure their immediate availability without conditioning, use all spares not less than one day every three months and not more than one day of each month. This practice is preferable to the rotation of spare tubes on an equal use basis.

4. Immediately upon the failure of tubes which will reduce the spare inventory to less than the maximum permitted, place a purchase order with your supplier. This purchase order should bear the required certification as-

PART 3289—RADIO AND RADAR
[Preference Rating Order P-133, as Amended Oct. 8, 1943]
ELECTRONIC EQUIPMENT

Section 3289.41 *Preference Rating Order P-133* is hereby amended to read as follows:

§ 3289.41 *Preference Rating Order P-133*—(a) *What this order does.* This is a complete revision of Preference Rating Order P-133. It gives preferences ratings to persons engaged in certain businesses. It also entitles some of them to use the allotment symbol "MRO". The ratings and symbol can be used only to get materials for maintenance, repair and operating supplies; and there are also certain special restrictions set forth in paragraph (e). The businesses, and the ratings and symbol assigned to persons engaged in them are:

(1) Radio communication—AA-1. Persons engaged in this business are also entitled to use the allotment symbol "MRO".

(2) Radio broadcasting—AA-2. Persons engaged in this business are also entitled to use the allotment symbol "MRO".

(3) Sound recording for commercial, educational or industrial purposes—AA-5.

(4) Operation and maintenance of public address, intercommunication, plant sound or other similar electronic systems. such as systems for the controlled distribution of musical programs—AA-5.

(b) *What is meant by maintenance, repair and operating supplies.* These terms include whatever is necessary to keep a person's business property and equipment in sound working condition, or to fix it when it has broken down or is about to break down. They also include those things which are normally used in the day-by-day operation of any of these businesses, being as a rule things which are consumed in use. On the other hand, there are some things which these terms do not include, and to which the benefits of this order do not extend. These are production materials, capitalized repairs, capital equipment, capital replacements, plant expansion, addition of facilities, and the construction and remodeling of buildings.

(c) *Relation of this order to War Production Board regulations and other orders.* This order and all things done under it are subject to the provisions of all applicable regulations and orders of the War Production Board, except that persons who are engaged in the businesses listed in this order to that extent are entitled to none of the benefits, and are subject to none of the restrictions, contained in CMP Regulations No. 5 and No. 5A. Any one using this order should read particularly Priorities Regulation No. 3, which tells how to apply and extend ratings, and which contains a list of things which blanket MRO ratings (such as those assigned by this order) cannot be used to get (Priorities Regulation No. 3, paragraph (f) and List B).

(d) *How to use the ratings and allotment symbol.* (1) Persons entitled to use these ratings and the allotment symbol "MRO" under this order may do so by placing on their purchase orders either the form of certificate provided in Priorities Regulation No. 3, or that provided in CMP Regulation No. 7. In every case those persons entitled under this order to use the allotment symbol "MRO" must place on their purchase orders in addition to the certificate the symbol "MRO-P-133".

(2) Any purchase order for controlled materials which bears such a certificate and symbol is an authorized controlled material order, and on such orders the preference rating should not be shown. The preference rating must, of course, be shown on orders for anything but controlled materials.

(e) *Restrictions on the use of the ratings and allotment symbol.* No person shall use these ratings or allotment symbol:

(1) To buy or to repair a tube unless a similar tube has first been operated to failure, or unless he has in stock less than one new and one rebuilt, or two rebuilt spare tubes for each active tube socket. All power tubes of 250 watts or more (plate dissipation), which have been operated to failure and are not to be repaired, shall be returned to the manufacturer.

(2) To replace in stock any spare parts except parts which are subject to frequent failure or rapid deterioration, or parts which are of such special design that their failure would cause a lengthy interruption of operations unless they could be immediately replaced from stock.

(3) To replace in stock a new part (other than a tube) if the old part can be repaired.

(4) To replace equipment which has not been used within the ratings specified by the manufacturer of the equipment.

(5) To increase the value of a person's inventory of repair parts (not including tubes) above the value of such inventory on October 5, 1942.

(6) To increase a person's inventory of operating supplies (not including tubes) above a ninety-day requirment.

(7) To get aluminum if the use of any other material is practicable, or to get more than five hundred pounds of aluminum in any calendar quarter in any event.

(8) To get materials for the maintenance, repair or operation of equipment for the account of War Emergency Radio Service.

(f) *Persons who service these businesses.* Any person (such as a service repair shop) who does maintenance or repair work for anyone engaged in any of the businesses described in this order may use the rating and symbol to which his customer would be entitled in order to get materials to do that work for his customer. In such a case the restrictions of paragraph (e) apply as to the customer and the customer shall be responsible if they are violated.

(g) *Special rule for international, point-to-point, radio communication carriers.* Any person engaged in international, point-to-point radio communication, as a commercial operation, may use the rating and allotment symbol given by this order to rearrange, modify or expand existing facilities and equipment (but not buildings) either to maintain his regularly established services, or to provide whatever new or modified service may be necessary to render services required by or for the account of the United States Army, the United States Navy, any agency of the United States Government, or any agency of any foreign government.

The cost of materials for any one project undertaken under this paragraph (g) must not exceed $1,500.00, in which case the restrictions of paragraph (e) of this order, and the rules of Conservation Order L-41 shall not apply, and an authorization to begin construction shall not be necessary.

(h) *Penalties for violating this order.* Any person who wilfully violates any provision of this order or falsifies the certificate prescribed in paragraph (d), or who conceals any material information or furnishes false information to any department or agency of the United States is guilty of a crime. If convicted, he may be punished by fine or imprisonment. He may also be deprived of any or all priorities assistance. For example, he may be prohibited from getting, delivering, processing, or using anything which is subject to priority control by the War Production Board.

(i) *How to appeal from any provision of this order.* Any person may appeal for relief from any provision of this order by writing a letter which explains fully what provisions he is appealing from and why he thinks he should be relieved from those provisions so far as they relate to him or his business. He should send this letter with two signed copies to the War Production Board.

(j) *Letters and reports about this order.* Any letters about this order, or any reports which persons subject to this order may be required to file, should be addressed to the War Production Board, Radio and Radar Division, Washington 25, D. C., Ref: P-133.

Issued this 8th day of October 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

signing the preference rating AA-2, MRO-P-133. When placing the purchase order request delivery prior to a definite date and ask your supplier to advise you immediately if for any reason the order cannot be filled on or before the required date. If notice is received from supplier that delivery cannot be made by the date specified, immediate *inquiry* should be made to all other known sources of supply concerning their ability to fill the order in accordance with your requirements. If these inquiries result in a satisfactory delivery promise from another supplier, the original order *should be cancelled* and another order placed with the new supplier (WPB Regulation 3, amended June 26, 1942, Section (b), paragraph 3. This regulation forbids duplicate orders.)

5. The following certification form should be placed on all orders:

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this purchase order, and that such application or extension is in accordance with Priorities Regulation No. 3, as amended, with the terms of which the undersigned is familiar.

.... Name of Purchaser
.... Address

By.. (Signature and title of duly authorized officer)
.... Date

6. If after following the procedure outlined in paragraph 4 a satisfactory delivery promise is not obtained, an order should be placed with the supplier offering the best delivery promise. At the same time a 541 form should be filed with the War Production Board, Director of Industry Operations, Washington, D. C. Be sure to furnish all required information, including your purchase order number or the vendor's order number, on the WPB-541 (formerly PD-1A) and outline in the covering letter the substance of your correspondence under paragraph 4.

7. If capital equipment, such as turntables, microphones, amplifiers, monitors, transmitters, antennas, etc., is destroyed by fire, accident or other causes, it is suggested that the problem of obtaining proper authorizations for the replacement of the lost equipment be referred to the regional WPB office for instructions. A directory of regional WPB offices will be found in this issue of NAB Reports and Broadcast Engineering Bulletin No. 3.

8. If your station is actually off the air due to the failure to obtain spare tubes or parts or if the tubes or parts in use (for which no replacements are available) appear to be approaching failure communicate immediately by telephone or telegraph with the WPB Emergency Branch, Washington, D. C. The telephone number is REpublic 7500, extension 75052. This communication should refer to your 541 application, if previously filed.

To avoid confusion, it is suggested that Broadcast Engineering Bulletin No. 1 dated February 5, 1943, be removed from your files and this bulletin substituted. The complete text of the new order as amended October 8, 1943, is printed herewith.

DIRECTORY OF REGIONAL OFFICES RADIO AND RADAR DIVISION, WPB

REGION 1—
Boston, Mass.
Michael Scott, Chief
17 Court Street
Boston, Massachusetts
Phone: Lafayette 7500

REGION 2—
New York, N. Y.
Frank S. Misterly, Chief
Empire State Building
New York, New York
Phone: Murray Hill 3-6805
Charles Eppleur
Globe Indemnity Building
Newark, New Jersey
Phone: Market 2-0700
W. T. Croysdill
1138 Rand Building
Buffalo, New York
Phone: Madison 3-160

REGION 3—
Philadelphia, Pa.
David Miller, Chief
1617 Pennsylvania Boulevard
Philadelphia, Pennsylvania
Phone: Locust 3400

REGION 4—
Atlanta, Georgia
Guy Mankin
116 Candler Building
Atlanta, Georgia
Phone: Walnut 4121

REGION 5—
Cleveland, Ohio
Howard J. Shartle, Chief
1318 Union Commerce Building
Cleveland, Ohio
Phone: Cherry 7900
M. G. Thomas
34 E. Fourth Street
Cincinnati, Ohio
Phone: Parkway 0100
Wm. H. Martin
1st National Bank Building
Pittsburgh, Pennsylvania
Phone: Grant 5370

REGION 6—
Chicago, Ill.
Raymond H. Woodford, Chief
226 W. Jackson Boulevard
Chicago, Illinois
Phone: Andover 3600

REGION 7—
Kansas City, Mo.
Fred H. Larrabee
Mutual Interstate Building
Kansas City, Missouri
Phone: Harrison 6464

REGION 8—
Dallas, Texas
R. C. Watson
1221 Mercantile Bank Building
Dallas, Texas
Phone: Riverside 5711

REGION 9—
Denver, Colorado
George Joslyn
Continental Oil Building
Denver, Colorado
Phone: Tabor 3137

REGION 10—
San Francisco, Calif.
Harold S. Ayers
1355 Market Street
San Francisco, California
Phone: Klondike 2-2300
Herman Schmieter
1031 South Broadway
Los Angeles, California
Phone: Richmond 1261

REGION 11—
Detroit, Mich.
John G. Carroll
7310 Woodward Avenue
Detroit, Michigan
Phone: Trinity 2-4900

REGION 12—
Minneapolis, Minn.
H. M. Richardson
334 Midland Bank Building
Minneapolis, Minnesota
Phone: Main 3244

REPAIRED TUBES

Many stations have been able to maintain adequate tube inventories through the use of repaired tubes. When difficulties are encountered in obtaining new tubes (250 watts or more) it may be well to investigate thoroughly the repair facilities now available. A directory of firms engaged in this work will be found in NAB Reports of October 2, 1942, page 580, and October 23, 1942, page 611. If additional information is desired concerning either tube repairing facilities or the dependability of repaired tubes, communicate with the NAB Engineering Department.

FEDERAL COMMUNICATIONS COMMISSION

FCC NETWORK RULE

The FCC has ordered that Regulation 3.107 relating to the ownership of more than one network serving substantially the same area by a single network organization, which had been indefinitely suspended, should become effective on April 12, 1944.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARING

The following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, October 25th. It is subject to change.

Tuesday, October 26

WOI—Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa.—For special service authorization; 640 kc., 5 KW, 6 a. m. to local sunrise.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KRKO—The Everett Broadcasting Co., Inc., Everett, Wash.—Granted modification of license (B5-ML-1174) to increase night power from 100 to 250 watts.

KWFC—Clyde E. Wilson & Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—Granted renewal of license for the regular period (B3-R-1072).

KWFC—Clyde E. Wilson & Howard A. Shuman, d/b as Hot Springs Broadcasting Co. (Assignor), Clyde E. Wilson (Assignee), Hot Springs, Ark.—Granted consent to involuntary assignment of license (B3-AL-377) from Clyde E. Wilson & Howard A. Shuman, d/b as Hot Springs Broadcasting Co., licensee of Station KWFC, to Clyde E. Wilson, personally. The station was sold at public auction for a consideration of $49,000.

WDSM—WDSM, Inc., Superior, Wisc.—Granted construction permit (B4-P-3526), to make changes in transmitting equipment and increase power from 100 to 250 watts.

The Blue Network Company, Inc.—Granted authority to transmit recorded programs to all broadcast stations under the control of the Canadian authorities that may be heard consistently in the United States (B1-FP-118).

WDSU—WDSU, Inc., New Orleans, La.—Adopted Order (B-178) granted application for renewal of license of station WDSU; also granted reinstatement of application for construction permit for increase in power, installation of new transmitter, directional antenna and change site.

WMIS—Natchez Broadcasting Co., Natchez, Miss; WGRM—P. K. Ewing, Greenwood, Miss.—Adopted Order (B-178) extending outstanding temporary licenses for a period of one month from October 21 to November 21, 1943, for stations WMIS and WGRM.

KCMC—KCMC, Inc., Texarkana, Texas.—Granted construction permit (B3-P-3413) to change frequency from 1450 to 1230 kc., and make changes in transmitting equipment.

DECISIONS GRANTED

The Commission adopted a Decision and Order (B-187) granting the application of WRDO, Inc., licensee of Radio Station WRDO, Augusta, Maine, for construction permit to relocate transmitter and antenna site, install a new transmitter, and increase power from 100 to 250 watts.

This action is consistent with the Supplemental Statement of Policy issued by the Commission on August 11, 1943, permitting increases in power in the case of local broadcast stations, under stated conditions.

DESIGNATED FOR HEARING

WNAC—The Yankee Network, Inc., Boston, Mass.—Designated for hearing application for construction permit (B1-P-3537) to move auxiliary transmitter from Dorchester Street, Quincy, Mass., to corner of Vershire St. and Harriett Ave., Quincy, Mass.

KTHS—Radio Broadcasting, Inc., Hot Springs, Ark.—Designated for hearing application for construction permit (B3-P-3525) to increase power from 5 KW day, 10 KW night, to 50 KW; change hours of operation from sharing KRLD to unlimited time; install new transmitter, new DA for night use, and move studio and transmitter to Little Rock, Ark.

MISCELLANEOUS

WWPG—Lake Worth Broadcasting Corp., Palm Beach, Fla.—Granted modification of license to change corporate name of licensee from Lake Worth Broadcasting Corp. to Palm Beach Broadcasting Corp. (B3-ML-1177).

WLBZ—Main Broadcasting Co., Inc., Bangor, Maine.—Granted license to cover construction permit as modified, for increase in power, and installation of new equipment and directional antenna for day and night use (B1-L-1773); granted authority to determine operating power by direct measurement of antenna power (B1-Z-1552).

The Commission has adopted an Order denying petition for intervention of Ira Chase Koehne in behalf of himself and of others indicated as creditors of Blue Network Co., Inc., et al., in the matter of Radio Corp. of America (transferor) and American Broadcasting System, Inc. (transferee), (Docket No. 6536).

WJNO—WJNO, Inc., West Palm Beach, Fla.—Denied petition requesting Commission to reconsider its action of December 15, 1942, in designating for hearing application to use formerly licensed composite transmitter (250 watts) and install vertical antenna as an auxiliary unit, and grant same without hearing.

West Allis Broadcasting Co., West Allis, Wisc.—Adopted order denying petition to reinstate application (B4-P-3045, Docket 6098) for new station.

The Times Herald Company, Port Huron, Mich.—Placed in pending files pursuant to Commission Order No. 79, application for construction permit (B2-PH-141) for new FM broadcast station.

APPLICATIONS FILED AT FCC

850 Kilocycles

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Modification of license to operate with directional antenna after sunset at Gainesville, Florida, instead of after local sunset.

990 Kilocycles

WNOX—Scripps-Howard Radio, Inc., Knoxville, Tenn.—Special service authorization to make changes in transmitting equipment and operate with 500 watts power for emergency purposes only during power line failures, for the period ending 4-1-44.

1230 Kilocycles

WAYX—Jack Williams, Waycross, Ga.—Authority to determine operating power by direct measurement of antenna power.

1280 Kilocycles

WKST—WKST, Inc., New Castle, Pa.—Acquisition of control of license corporation by S. W. Townsend and Wanda E.

Townsend, through purchase of 80 shares of stock from Joseph Thomas by Wanda E. Townsend.

1480 Kilocycles

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—License to cover construction permit (B3-P-3521), which authorized move of auxiliary transmitter.

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Authority to determine operating power by direct measurement of antenna power of auxiliary transmitter.

MISCELLANEOUS APPLICATIONS

NEW—National Broadcasting Co., Inc., area of Chicago, Ill.—Construction permit for a new relay broadcast station to be operated on **1606, 2074, 2102** and **2758 kc.**, 25 watts power and A1, A2 and A3 emission.

NEW—National Broadcasting Co., Inc., Hollywood, Calif.—Construction permit for a new relay broadcast station to be operated on **1606, 2074, 2102** and **2758 kc.**, 500 watts power and A1, A2 and A3 emission.

FEDERAL TRADE COMMISSION DOCKET

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Quick Mfg. Company—Misrepresentation of the quality, merits and price of gauze and latex bandages is alleged in a complaint issued against John W. Kellogg, trading as Quick Manufacturing Co., Quick Prophylactic Co. and Sealtex Co., 2012 Wabansia Ave., Chicago. (5061)

Research Mfg. Corp.—A complaint has been issued charging Research Manufacturing Corp., Portland, Conn., and its president, Harold S. Guy, and its former president, J. L. Seat, with misrepresentation in connection with the sale of an antifreeze solution designated "Fre-Zex." (5063)

Charles W. Wolf, Inc., 22 Cortlandt St., New York, engaged in the sale of handbags, leather goods, luggage, and other merchandise, is charged in a complaint with misrepresenting the character of its business and the sales prices of its products. (5062)

R. C. Miller & Co., and Marie Leiblinger & Co., 2416 McNally St., Altadena, Calif., manufacturing and distributing a medicinal preparation designated "Nonat," is charged in a complaint with false advertising and misrepresentation. (5064)

CEASE AND DESIST ORDERS

The Commission issued no cease and desist orders last week.

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Calhoun Poultry Farm and Hatchery, Montrose, Mo., have entered into a stipulation to cease and desist from certain misrepresentations in connection with the sale of baby chicks. The Potts-Turnbull Co., 912 Baltimore Ave., Kansas City, Mo., an advertising agency which disseminated advertisements on behalf of the Calhouns, also signed the stipulation. (03152)

Dermatological Products Corp., 110 Observer Highway, Hoboken, N. J., engaged in selling Seborol Scalp Lotion and Seborol Scalp Ointment, stipulated that it will cease representing that the mark "Seborol" is a registered trade-mark in the United States Patent Office unless it is so registered. (03151)

L. M. Kupersmith & Company, et al.—Two New York City firms engaged in the sale and distribution of furs and fur garments, L. M. Kupersmith Co., Inc., 350 Seventh Ave., and Samuel Kanik and Moe Greenberg, trading as Kanik & Greenberg, 305 Seventh Ave., stipulated that they will discontinue the use of the words "Asiatic Mink" or "Asiatic" as descriptive of coats or garments manufactured from the peltries of Japanese mink, and will cease selling, invoicing or branding any fur product in any manner which is or may be deceptive or misleading as to the geographical origin of the animal from which the peltry has been obtained. (3732-3733)

V. E. Michael, Ashtabula, Ohio, has entered into a stipulation to discontinue misrepresenting the therapeutic value of a medicinal preparation he sells under the names "Vi-Mins" and "Vita-Food." (03150)

F. H. Noble & Company—Stipulations to discontinue fictitious price marking of their merchandise have been entered into by F. H. Noble & Co., 559 West 59th St., Chicago (3735), and Presidential Silver Co., Inglewood, Calif. (3736), both engaged in the manufacture and sale of trophies, emblems and similar merchandise. They agree to cease and desist from the use of any false, fictitious or misleading price representation which purports to be the retail sales price of an article but which is actually in excess of the price for which it is customarily sold in the usual course of retail trade. (3735-3736)

Paramount Remnant Co., Lexington, N. C., entered into a stipulation to cease and desist from representing, in connection with the sale of quilting materials, that all money is refunded to dissatisfied purchasers when actually reimbursement is not made for all charges sustained by the purchasers including cost of the goods, transportation charges, and C.O.D. fees. (07149)

Pretorius Approved Products, 1115 South Glendale Ave., Glendale, Calif., entered into a stipulation to cease and desist from certain misrepresentations in connection with the sale of food products designated "Alfamint" and "Minrich," and an electric mixing device known as the "Pretorius Liquifier." (3731)

H. H. Robertson Co., Farmers Bank Bldg., Pittsburgh, manufacturer of a monolithic floor surfacing designated "Robertson Hubbellite," entered into a stipulation to cease and desist from representing that the product is inherently sanigenic or provides self-sanitizing floor surfaces without regard to conditions of use and continuously disinfects the surface; that it is capable, under conditions of ordinary use, of destroying micro-organisms generally and may be relied upon to prevent the spread of disease; or that it prevents, to any effective degree, the growth on its surface of such micro-organisms as are associated with athlete's foot, wounds and abscesses, boil, typhoid fever, paratyphoid fever, and hog cholera. (3734)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 44, October 29, 1943

NEWLY FORMED NAB MUSIC COMMITTEE TO MEET SOON

Music in its many aspects plays a most important part in broadcasting. Not only must the industry take steps to insure an adequate supply of music as was done by the creation of BMI, not only must it protect itself against the actions of James Caesar Petrillo, but it must study the whole field of music, learn more about its possible and varied uses, anticipate the problems which the industry will face over a term of years, and adopt a constructive program.

Too long have our battles in the music field been defensive. The more the industry learns about music, and puts that knowledge to good use, the greater will be the public response and the greater will be the listening audience.

For the purpose of studying the whole field of music as it relates to broadcasting, the following Committee has been appointed:

Chairman, Campbell Arnoux, WTAR, Norfolk, Va.; James P. Begley, KYW, Philadelphia, Pa.; Arthur Church, KMBC, Kansas City, Mo.; Robert Enoch, KTOK, Oklahoma City, Okla.; C. W. Myers, KALE, Portland, Ore.; Elliott Sanger, WQXR, New York City; Frank R. Smith, Jr., WWSW, Pittsburgh, Pa.; John Wahlstedt, WHB, Kansas City, Mo.; Warren Williamson, WKBN, Youngstown, O.; Thomas Belviso, NBC, New York City; Frank White, CBS, New York City.

ASCAP Claims To Be Studied

The ASCAP audits, and the proper interpretation of the ASCAP contracts in the light of the consent decree present an immediate problem. Many stations which have recently been audited by ASCAP have written the NAB regarding demands made by ASCAP as the result of the audits. We believe that rather than have each station argue these claims with ASCAP, a real service could be rendered both to the industry and to ASCAP by a meeting of the Music Committee with ASCAP whereby the subject could be handled on an industry-wide basis. ASCAP has indicated an interest in meeting with the Committee.

There are other problems which the Committee can well consider and in connection with which the Committee can render service to broadcasters. The work of the Committee will in no way duplicate or overlap upon the work of the Program Managers Committee or of the Advisory Committee on the Recording Ban, both of which Committees are active in related but different fields.

The first meeting of the Committee will be held on December 1st-2nd at the Hotel Roosevelt, New York City. Following the meeting, a report will be made to the industry.

$12,000,000 CONTRIBUTION TO THIRD WAR LOAN BY STATIONS AND ADVERTISERS

"The donations to the Third War Loan of more than $12,000,000 in time and talent, by the radio industry and its advertisers, is one of the great achievements of this campaign," writes Ted R. Gamble, national director war finance division of the Treasury Department, to Neville Miller, confirming an estimate supplied by NAB.

In the same mail, Gamble thanks the radio industry for its cooperation, as follows:

> "Now that the Third War Loan Drive has come to a successful conclusion, I should like to tell you how much we in the Treasury Department have been encouraged by the generous and wholehearted response of the American people. The unprecedented results of this drive will undoubtedly strengthen our united efforts for speedy victory.
>
> "A large part of this splendid achievement was due to the complete and patriotic cooperation of members of the radio industry. Your valuable help in contacting radio stations throughout the country and encouraging their participation in the campaign was a most important part in bringing the War Bond message home to all the American people.
>
> "Such generous assistance is deeply appreciated by myself and my co-workers, and particularly, by our troops who depend on the contributions of the home front to bring about the victory we all desire."

Vince Callahan, director of advertising, press and radio, supplied significant statistical information:

> "When the Third War Loan sales were tabulated a total of $18,943,000 in War Bonds had been sold. I know that you share with us our pride in this achievement, for your faithful assistance in the campaign was a vital contribution to its success.
>
> "Not only was the national quota of fifteen billion dolars exceeded by almost twenty-five per cent, but sales to individuals mounted to $5,377,000,000, against a quota of five billion dollars. Here again we are indebted to you, for it was in this most crucial phase of the drive—the effort to reach as many people as possible with the War Bond message—that your services were an invaluable aid.
>
> "Knowing that we can rely upon your continued support of the war financing effort, we approach the prospect of the Fourth War Loan in January with renewed assurance.
>
> "Once again, my sincere thanks for your splendid cooperation."

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Arthur C. Stringer, *Director of Promotion.*

K. C. CHAMBER AIDS RADIO LEGISLATION

The Kansas City Chamber of Commerce is on its toes. KMBC has just reported that the Kansas City Chamber of Commerce sent the following letter signed by its President, Ward C. Gifford, to all Missouri Senators and Representatives.

> "The Directors of this Chamber of Commerce recently discussed the Supreme Court's interpretation that the Communications Act not only confers upon Federal Communication Commission the power to superview the traffic of radio broadcasting, but also puts upon the commission the burden of determining the composition of that traffic.
>
> "This interpretation would imply that the legislation goes far beyond the field of radio. The freedom of the press and in fact, the freedom of all forms of communications are apparently placed in jeopardy. Under this interpretation, all advertising media and the contents of advertisements themselves would be embraced in this line of reasoning.
>
> "Is there any consideration being given to the amendment of the Communications Act so as to remove any and all threat against the freedom of the press and the freedom of various kinds of communications? We are strongly of the opinion that Congress did not intend to place the freedoms in jeopardy when it enacted the law and that the Court ruling to the contrary would indicate the need of some amendment."

Labor

WMAL AND WCOV LABOR ACTIVITIES

Station WMAL, Washington, and AFRA have submitted to the War Labor Board a dispute as to whether the station should pay staff announcers extra fees for all local commercials.

Station WCOV, Montgomery, Ala., and the IBEW have submitted to arbitration a dispute as to whether nonmembers of the union can handle studio controls. The American Arbitration Association is to name the arbiter.

TALENT EXCHANGE

The WMC has advised the NAB that the exchange of free lance talent among various stations and networks under job freezing orders is being worked out by the New York regional office since the problem centers there. The NAB had asked the commission for an exemption for free lance talent.

48-HOUR WORK WEEK ORDERED IN 31 CITIES

The War Manpower Commission has ordered a 48-hour work week by November 15 in all Group I cities where the longer work week has not yet become effective. These are:

Meriden, Conn.
New Bedford, Mass.
Newport, R. I.
Massena, N. Y.
Allentown, Pa.
Elizabeth City, N. C.
Petersburg, Va.
Spruce Pine, N. C.
Adrian, Mich.
Muskegon, Mich.
Anderson, Ind.
Fort Wayne, Ind.
Racine, Wis.
South Bend, Ind.
Indianapolis, Ind.
Columbus, Ga.
Jacksonville, Fla.
Spartanburg, S. C.
Oklahoma City, Okla.
Pine Bluff, Ark.
Dallas, Tex.
Galveston, Tex.
Butte, Mont.
Brice, Utah
Rock Springs, Wyo.
Wallace-Kellogg, Idaho
Eureka, Calif.
Spokane, Wash.
Stockton, Calif.
Sturgeon Bay, Wis.

Radio stations in these cities should immediately get in touch with their local WMC officials to explain:

(1) What their present schedules are.

(2) Whether an increase in any of these schedules would permit the release of any manpower.

(3) What schedules they propose.

Remember, the purpose of the longer work week is to release manpower. If putting in a longer work week would not accomplish this purpose, the WMC will approve present schedules.

RADIO MARKET DATA HANDBOOK OFF THE PRESS

The Radio Market Data Handbook prepared by the NAB Research Department under the direction of the NAB Research Committee is today being prepared for mailing. The book is a 260-page collection of market data of value to radio stations and users of broadcast time.

One copy of the handbook will be sent without charge to each member station and each associate member organization. Also a complimentary copy will be sent to a selected list of advertisers and agencies actively interested in national spot radio advertising. The cost of the publication has necessitated our keeping the number of complimentary copies to a minimum. Therefore, the agency and advertiser lists have been confined to those placing substantial national spot business.

Member stations may desire to present copies of the handbook to local agencies and possibly advertisers. A limited number of copies will be available at NAB Headquarters at printing cost—$1.50 per copy.

Numerous orders have been received in advance of publication for copies of the handbook. NAB members are urged to order early if additional copies are desired.

AMERICAN THEATRE WING ASKS HELP OF STATION MANAGERS; PROGRAM DIRECTORS ON MUSIC

(The following letter sent to Neville Miller by Oscar Hammerstein, 2nd, chairman of the American Theatre Wing Music War Committee is self-explanatory.)

"The American Theatre Wing Music War Committee was created to marshal the forces of music to help, as we can, in winning the war. As its chairman, I welcome this opportunity to inform the membership of the National Association of Broadcasters concerning our reasons for being and the things we are trying to do.

"The Committee is a division of the American Theatre Wing set up to coordinate the wartime efforts of the music industry. It includes the country's leading songwriters, publishers and music men, who are all working,

ENGINEERING COMMITTEE

The NAB Executive Engineering Committee met in the Hotel Roosevelt in New York on Friday, October 29. Full details of the meeting will appear in the next issue of the NAB "Reports."

without thought of profit, to make music serve our country's war effort.

"Songwriters have, from the beginning of this war, been conscientiously and industriously trying to supply the civilian population and the armed forces with songs to sing, and during this time some very good songs have been written. Each one of these had its own applicability at the time it was popular. "The Last Time I Saw Paris" was a sentimental tribute to the tragic fall of that city, but its resigned acceptance of the defeat was appropriate only to the time that the song was written, and such a song today would be out of key with our aggressive spirit and our determination not to remember Paris as it was but to restore it to its former glory.

"'When the Lights Go On Again All Over the World' was a very popular song, its propaganda value, however, being extremely dubious. A great many of the Music War Committee members feel that it is a mistake to emphasize wishful thinking about the end of the war. It is better to sing about how we are fighting to end it and what we are going to do about a peace when we win it.

"This critical approach shows an important part of what the Music War Committee is trying to do. It is not enough to find a song relative to the war that has the elements of popularity; we must consider also whether that song *should* be popular, whether its popularization would tend to increase or whether it would tend to diminish the vigor and forcefulness with which an American approaches his job in winning the war.

"On the other hand, the Music War Committee tries to remember that a war song gets no virtue from its high purpose or patriotic intent alone. To justify itself it must stand on its feet as a really good *song*. A fairly good war song is of no more use to the war effort than a fairly good egg is to a breakfast.

"The American Theatre Wing Music War Committee has found its work divided into two main channels. One is the job of creating songs to help the war effort and the other is the job of getting those songs heard once we have ferreted them out. It is in this second phase of our work that we call for your help.

"The songs selected for recommendation by the Music War Committee are referred to its Catalogue Committee. If a song is published the sub-committee obtains copies from the publisher; if not, it has lead sheets or piano copies printed.

"Our catalogue as it stands at present is listed below. It includes songs of all kinds, from corn to cantata, and after careful consideration we are ready to say that each one, in its own way, can help to carry forward our war effort. We also say that this listing eliminates songs that might encourage complacency, idleness, or wishful thinking.

"We ask that station managers and program directors study this list of songs, listen to them on network broadcasts or on records, use them as much as possible on their own stations and use their influence to have them used in their communities. We urge all to write for copies to the American Theatre Wing Music War Committee, 730 Fifth Avenue, New York 19, N. Y. In doing this I believe they will get not only a group of good songs, but an opportunity to help in what we feel is an important service in wartime America.

With sincere good wishes,

OSCAR HAMMERSTEIN, 2nd, Chairman
American Theatre Wing
Music War Committee."

Songs recommended by the

AMERICAN THEATRE WING MUSIC WAR COMMITTEE

October 25th, 1943

Published

ANCHORS IN THE SKY—by John Latouche and Peter De Rose, published by Robbins.

BEST OF ALL—by Allie Wrubel, published by Irvin Berlin.

GEE ISN'T IT GREAT TO BE AN AMERICAN—by Bob and Gale Sherwood, published by Bob Miller.

I SPOKE TO JEFFERSON AT GUADALCANAL—by Hy Zaret and Lou Singer, published by Leeds.

LET'S KEEP IT THAT WAY—by Milton Berle and Ervin Drake, published by Chappell.

NEW WIND A-BLOWIN'—by Elie Seigmeister and Langston Hughes, published by Musette.

ONE DOWN AND TWO MORE TO GO—by Ray Henderson and Lew Brown, published by A B C Music.

THAT DEMOCRATIC FEELING—by Buck Ram, published by Noble.

THE FLIGHT OF THE BOMBER B-17—by Al Hoffman and Jerry Livingston, published by Southern Music.

THE MESSAGE GOT THROUGH—by Milton Drake and Fred Jay, published by Feist.

UNCONDITIONAL SURRENDER—by Redd Evans and John Jacob Loeb, published by Famous Music Corp.

TAKE 'ER DOWN—by Vic Mizzy and Irving Taylor, published by Santly-Joy.

WE ARE AMERICANS TOO—by Andy Razaf, Eubie Blake and Chas. Cooke, published by Handy Bros.

WEST OF TOMORROW (the Submarine Song)—by Bob Sour and Henry Manners, published by Feist.

YANKEE DOODLE AIN'T DOODLIN' NOW—by Pearl Fein, published by Irving Berlin, Inc.

Unpublished

BABY WATCH FOR ME—by Harry Lenk and Evelyne Love Cooper.

DIRTY OVERALLS—by Woody Guthrie & Earl Robinson.

FREEDOM TRAIN—by Elie Seigmeister.

HAVE YOU WRITTEN HIM TODAY—by Eddie de Lange and Ruth Cleary.

HULLABALOO-BA-LAI—by Bob Russell, Hy Zaret and Charley Hathaway.

(IN BUSINESS) SINCE 1776—by Ervin Drake and Carl Kent.

IS YOUR TAIL SHOWING—by Milton Drake.

ON HILLS OF FREEDOM—by Hugo Frey and Elsie Jean.

ONE MORE MILE—by Charley Hathaway and Bob Russell.

PORTERHOUSE LUCY—Earl Robinson and Al Hayes.

SONG OF THE FREE MEN—by Earl Robinson and Millard Lampell.

SONG OF THE MEDICAL CORPS—by Captain Victor Lief and Will Schwartz.

THE FUEHRER ISN'T FEELING VERY WELL—by Milton Drake.

THE MAN OF TOMORROW—by Bernie Bierman, Jack Manus and Milton Shaw.

THE UNITED STATES SUBMARINERS—by Allie Wrubel.

THEY CAN'T DO THAT TO ME—by Milton and Ervin Drake.

VOICE OF THE UNDERGROUND—by Florence Tarr and Fay Foster.

WE'RE MELTING ALL OUR MEMORIES—by Milton Drake, Lenore Glasner and Al Kaufman.

YOU'RE A LUCKY LITTLE FELLOW—by Blanche and George Posnack.

BYRON PRICE; HAROLD RYAN PRAISE FOREIGN LANGUAGE RADIO WARTIME CONTROL

Letters from Byron Price, director, and Harold Ryan, assistant director of the Office of Censorship, to Arthur Simon, WPEN, chairman of the foreign language radio wartime control, are reproduced herewith:

> "Mr. Ryan has told me of the progress that has been made by you and your fellow-representatives in tightening up the censorship procedures of foreign language broadcasting stations.
>
> "I wish to add to Mr. Ryan's comment my own commendation. I have never felt that the broadcasting industry, or any part of it, would fail the government when called upon to help in the prosecution of war. Censorship is a wartime measure and a wartime weapon. Properly administered, it can deal direct blows against the enemy which cost him heavily. It can and does, at the same time, save the lives and conserve the materials of our own armed services. That the broadcasting industry has recognized this fact and has acted upon that recognition is a testimonial to its public spirit and patriotism.
>
> Sincerely,
>
> BYRON PRICE,
> *Director.*"

> "I believe the time has come when you, as chairman of the Foreign Language Radio Wartime Control and special liaison officer between the Office of Censorship and our field representatives, should have a report regarding the status of voluntary censorship in the foreign language broadcasting industry.
>
> "As you will recall, Mr. Price and I met with you and other foreign language broadcasters in Chicago during the conference of the National Association of Broadcasters. On that occasion we lamented the fact that a large percentage of foreign language broadcasters had failed to install censors and monitors in their stations, as suggested in the Censorship Code.
>
> "Acting in behalf of the Foreign Language Radio Wartime Control, you volunteered that organization's services to attack the problem on an industry basis and to recommend men in the field who could represent this Office in correcting the situation.
>
> "Under the impetus of this voluntary offer, 20 men in the foreign language broadcasting segment of the industry accepted the invitation of this Office to represent it in meeting personally with broadcasters in their respective areas. Those who accepted this task and performed it without compensation and at considerable sacrifice of time were: Mr. T. F. Allen, Radio Station WFCI, Pawtucket, Rhode Island; Mr. Howard W. Davis, Radio Station KMAC, San Antonio, Texas; Mr. Charles Lanphier, Radio Station WEMP, Milwaukee, Wisconsin; Mr. Milton Meyers, Radio Station WEIM, Fitchburg, Massachusetts; Mr. William T. Welch, Radio Station WSAR, Fall River, Massachusetts; Mr. J. Fred Hopkins, Radio Station WJBK, Detroit, Michigan; Mr. N. Pagliara, Radio Station WEW, St. Louis, Missouri; Mr. Walter C. Bridges, Radio Station WEBC, Duluth, Minnesota; Mr. Lumir Urban, Radio Station KORN, Fremont, Nebraska; Mr. Harry Burdick, Radio Station KGGM, Albuquerque, New Mexico; Mr. Joseph Lang, Radio Station WHOM, Jersey City, New Jersey; Mr. O. E. Richardson, Radio Station WJOB, Hammond, Indiana; Dr. O. J. H. Preus, Radio Station KWLC, Decorah, Iowa; Mr. John C. Libby, Radio Station WOCU, Lewiston, Maine; Mr. Lee Little, Radio Station KTUC, Tucson, Arizona; Mr. S. H. Patterson, Radio Station KSAN, San Francisco, California; Mr. W. L. Gleeson, Radio Station KPRO, Riverside, California; Mr. C. Glover DeLaney, Radio Station WTHT, Hartford, Connecticut; Mr. Gene T. Dyer, Radio Station WGES, Chicago, Illinois.
>
> "I am delighted to tell you now that through the efforts of these men and by virtue of the patriotic response with which those efforts were met by the foreign language broadcasters of the country, all of these broadcasting stations are now operating within the recommendations contained in the Code of Wartime Practices for American Broadcasters.
>
> "This Office is indebted to you and your fellow broadcasters who represented us in this undertaking. It is indebted, as well, to all foreign language broadcasters who have met a difficult situation and solved it with no thought of their own problems, but with consideration only for the security of their nation at war.
>
> "This is meant to convey to you our good wishes and our sincere thanks, and to urge upon you and all of your colleagues renewed and unrelenting vigilance in observing the tenets by which wartime censorship operates. Officially the specific assignment given to the field representatives has been fulfilled. We shall continue to think of you, however, as friends in the field to whom we can turn in the event of need.
>
> Cordially,
>
> J. H. RYAN,
> *Assistant Director.*"

PAPER SHORTAGE SERIOUS

Paper mills have started closing down because of shortages of pulp and waste paper. Civilians can't do anything about pulp shortage but they can do everything about bringing waste paper to collection centers.

The shortage is serious because of the effect on our food supply. Carton stocks of all kinds are critical and carton stocks are needed for hundreds of uses, including getting processed foods to consumers.

What Has Been Done

Paper Consuming Industries, Inc., according to government sources, have appropriated $44,000 a month for advertising.

The Olian Advertising Agency, St. Louis, will spend 60% in radio and 40% in newspapers. One hundred and fifty network shows will carry paper salvage messages for three weeks, October 18 to November 8. This is over and above their prior acceptances of allocated war copy.

It may be two weeks after the end of the network campaign before OWI releases any material to the full list of U. S. broadcast stations.

Let's Start Something Now

Because of the critical nature of this emergency, NAB War Committee suggests that stations, of their own volition, jump into the situation locally. Put on a real merchandising job. Work with the local salvage committee if there is one; alone if necessary. This is a real opportunity and one where leadership counts.

Prices Guaranteed

For your protection ceiling prices have been guaranteed by eastern and mid-western mills. Such mills have agreed to pay ceiling prices through February 15, 1944, for prepared and graded waste paper. This will prevent the bottom falling out of prices as occurred before.

What To Do With Paper

Paper may be disposed of in any one of the following ways: (1) sell to junk dealers; (2) donate to charitable organizations, which will pick up; (3) check through local salvage committee which may have other constructive ideas.

RADIO RECRUITS SEAMEN FOR U. S. MARITIME COMMISSION

D. Thomas Curtin, chief, radio section, division of public relations, United States Maritime Commission, reports that he is appreciative of the help received from radio stations.

On Oct. 26, Mr. Curtin supplemented his letter, appearing below, with a telephone call, that approximately 1,100 of the 2,126 men responding to the two MBS announcements (last paragraph), during the World Series, are already at work aboard ships.

Maritime Commission Letter

"From September 8 to 18, 1942, we put on a radio drive for the Recruitment and Manning Organization of the War Shipping Administration. This was a selective drive, aimed only at men with sea experience to return to the sea. Most of it was on the OWI network allocation plan.

"The success was so great that RMO again asked us to appeal through radio for aid in the spring of 1943. America's rapidly expanding volume of cargo ships made the manning problem a serious one. Although excellent training schools were being established, experienced personnel was the first need. Again we put on a radio campaign, from June 1 to August 22. During June the medium was OWI's special assignment plan. Then the medium shifted to the MEN AT SEA series presented by the National Broadcasting Company in cooperation with the United States Maritime Commission and the War Shipping Administration.

"We kept a check-up by using a special address for responses to these one-a-week June-August radio appeals. From them the Washington office alone received 1857 telegrams and 4753 letters.

"The figures given in this summary are significant in that the broadcasting appeals could be answered only by a limited group. Except tankers, the American Merchant Marine had faded sadly for many years; therefore the number of experienced men was relatively small.

"During September no radio plugs for seamen were used because of the Third War Loan Drive. Toward the end of the month, RMO informed us that in spite of their recruiting exhibits in several cities, the recruitment curve was falling rapidly.

"Was this due to the discontinuance of radio appeals, or had the dwindling supply of former seamen reached bottom?

"Two announcements by Gillette over Mutual on the World Series gave us the answer—448 telegrams and 1678 letters accepted the challenge to come back to the sea. This left no doubt in our minds of the power of radio to reach all the people and cause them to act."

Lambdin Kay Writes NAB

(Neville Miller received the following letter just recently from Lambdin Kay, formerly of WSB, Atlanta, and we print it as a matter of information to friends of Mr. Kay who might wish to know his present activities.)

"It looks like I have hired out to Mr. Morgenthau for the duration, and beyond, handling publicity in Georgia under his plan for a continuous, year-round War Bond selling effort.

"We have just closed our drive in which Atlanta, and Georgia, did themselves proud.

"I have never worked any harder, enjoyed it more, or saw greater opportunity for useful service.

"I simply want to say that in my opinion, broadcasting did an unprecedentedly conspicuous job of backing up the Third War Loan effort. Those all-day network ballyhoos sold more bonds than I dreamed was possible and our local and Georgia stations outdid themselves in practical, intelligent support.

"Hoping all is well with you and that you may be heading south before long.

"Lambdin Kay,
"Georgia Publicity Director,
"War Finance Committee."

AMERICAN EDUCATION WEEK

American Education Week, sponsored jointly by the National Education Association, the American Legion, U. S. Office of Education and National Congress of Parents and Teachers, will be observed November 7-13.

Principal effort of the week is to get parents to visit schools to see what their children are doing and to get acquainted with teachers. Other information may be obtained from the NEA, 1201 16th St., N. W., Washington 6, D. C.

SCHOOL BROADCAST CONFERENCE

Radio's role in the war-time classroom, and at home and abroad in education after the war, will be the considerations of the seventh annual School Broadcast Conference, which George Jennings announces will be held at the Morrison Hotel, Chicago, Nov. 28, 29, and 30.

Program plans now being formulated call for special network broadcasts originating from the Conference, outstanding speakers from educational and commercial broadcasting, and demonstrations of the use of radio in both elementary and high schools. Emphasis will be placed on radio in national and international affairs during and after the war.

As in the past four years, the Executive Committee will cite an individual for outstanding service in the field, and announcement of the award will be made at the annual conference banquet.

Entries are now being received at the headquarters of the School Broadcast Conference, 228 N. LaSalle St., Chicago 1, Ill., in the fourth annual Utilization Competition. There are no restrictions or entry fees connected with entering the competition, and application blanks are available from Conference headquarters.

NEW MICROPHONE ADOPTED BY ARMY

A midget microphone, worn on the upper lip, which eliminates outside noises and leaves the hands free, has been adopted for use by the Army Ground Forces and is now in production under the supervision of the Signal Corps, Army Service Forces.

Sustained in position by bands around the ears, the "lip mike" fits easily under gas masks and dust respirators and gives clear and intelligible reproduction with little distortion.

The microphone operates on a new noise-canceling principle and intensive tests under the supervision of the Armored Command have demonstrated that the instrument is capable of superior performance in high noise levels.

To increase clearness in reproduction the microphone is provided with breath shields in front and back, acting as buffers against puffs of air from the mouth which would otherwise cause confused or unintelligible sounds. Outside noises enter at both sides of the microphone's diaphragm in equal volume, and thus cancel themselves, while speech enters the opening nearest the mouth with much greater intensity than on the opposite sides. The frequency response is from 200 to 4000 cycles at normal altitude.

FEDERAL COMMUNICATIONS COMMISSION

NOTES FROM FLY'S NEWS CONFERENCE

Study of post-war frequency allocations will take a year to make, FCC Chairman James Lawrence Fly told a press-radio conference early this week. Commissioner T. A. M. Craven is representing the Commission in this study, cooperating with I. R. A. C., which is composed of representatives of all Government Departments interested in radio.

Chairman Fly, without going into any details, told the conference that the Commission has received a request to check up and complete action on newspaper-owned broadcast stations.

The Chairman said that he had understood that the Lea Committee was drawing up written charges which had been made during the course of the hearings before the Committee. Questioned about the Commission's answers, Fly said that he thought they would be made in writing, but he felt sure that the Committee would give the Commission a full and fair hearing in addition to the written answers.

FTC MAKES AD ANALYSIS

In connection with its regular continuing survey of radio and periodical advertising, the Federal Trade Commission recently made special analyses of advertisements dealing with war related subjects and reported to the Office of Censorship and the WPB.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, November 1st. They are subject to change.

Wednesday, November 3

Oral Argument Before the Commission

REPORT NO. B-189:

WGAR—The WGAR Broadcasting Company, Cleveland, Ohio.—C. P., **1220 kc.**, 5 KW, unlimited, DA-day and night.

WHBC—The Ohio Broadcasting Company, Canton, Ohio.—C. P., **1480 kc.**, 1 KW, unlimited, DA-night.

WADG—Allen T. Simmons, Akron, Ohio.—C. P., **1220 kc.**, 50 KW, unlimited, DA-day and night.

Wednesday, November 3

Further Consolidated Hearing

WFTL—Ralph A. Horton (Assignor), The Fort Industry Company (Assignee), Fort Lauderdale, Fla.—Voluntary assignment of C. P., and license of WFTL; and licenses of relay stations WAAD and WRET. **1400 kc.**, 250 watts, unlimited. Under C. P.: **710 kc.**, 10 KW, unlimited, DA-night.

WFTL—Ralph A. Horton, Fort Lauderdale, Fla.—License to cover C. P. and authority to determine operating power by direct measurement. **1400 kc.**, 250 watts, unlimited. Under C. P.: **710 kc.**, 10 KW, unlimited, DA-night.

WFTL—The Fort Industry Company, Fort Lauderdale, Fla.—Modification of license to move main studio from Fort Lauderdale, Florida. (Contingent upon granting of B3-APL-15.) **1400 kc.**, 250 watts, unlimited. Under C. P.: **710 kc.**, 10 KW, unlimited, DA-night.

Thursday, November 4

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Modification of license. **1480 kc.**, 5 KW, unlimited, DA-night.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WTBO—Leon E. Pamphilon, Transferor, Aurelia S. Becker, Transferee, Associated Broadcasting Corp. (Licensee), Cumberland, Md.—Granted acquisition of control of Associated Broadcasting Corp., licensee of station WTBO, by Aurelia S. Becker, for a consideration of $10,484, representing 50 additional shares of capital stock (B1-TC-333).

KFMB—The First National Trust and Savings Bank of San Diego, Trustee under Declaration of Trust for Warren B. Worcester (Transferor), O. L. Taylor and Jack O. Gross (Transferees), Worcester Broadcasting Corp. (Licensee), San Diego, Calif.—Granted transfer of control of Worcester Broadcasting Corp., licensee of station KFMB, from The First National Trust and Savings Bank of San Diego, to O. L. Taylor and Jack O. Gross, for a consideration of $95,000 (B5-TC-331).

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted construction permit (B1-P-3542), to change frequency from **820** to **1450 kc.**, and hours of operation from limited to unlimited, subject to engineering condition.

WJBW—Charles C. Carlson, New Orleans, La.—Adopted order transferring hearing now scheduled to be held in Washington on November 8, to New Orleans, and authorized the Presiding Officer at said hearing to adjourn the same to such other points as he deems necessary for the expedition thereof and to serve the ends of justice.

Frontier Broadcasting Co., Cheyenne, Wyo.—Granted petition for reinstatement of two applications for construction permits for new relay broadcast stations (B5-PRY-283, and B5-PRE-430), and granted same.

WBKB—Balaban and Katz Corp., Chicago, Ill.—Granted modification of construction permit for changes in aural transmitting equipment and extension of completion date to date of grant of license application (B4-MPCT-16).

WBKB—Balaban and Katz Corp., Chicago, Ill.—Granted license (B4-LCT-16) to cover construction permit for new commercial television station, in part. Conditions.

DESIGNATED FOR HEARING

Charles Swaringen, Alex Teitlebaum, Myer Wiesenthal, Jack N. Berkman, Richard Teitlebaum, John J. Laux, Louis Berkman, Joseph M. Troesch, John L. Merdian, partners, d/b as Buckeye Broadcasting Co., Akron, Ohio.—Designated for hearing application for construction permit (B2-P-3539) for a new station to operate on **1240 kc.**, with 250 watts power.

WOCB—Harriet M. Allemon and Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., West Yarmouth, Mass.—Designated for hearing application for renewal of license of station WOCB.

WGKV—Kanawha Valley Broadcasting Co., Charleston, W. Va.—Adopted order designating for hearing application for renewal of license of station WGKV, upon issues to be determined by the Commission.

LICENSE RENEWALS

WJW—WJW, Inc., Akron, Ohio.—Present temporary license extended until November 16, 1943, or such earlier date as WJW goes on program tests at Cleveland.

WMIS—Natchez Broadcasting Co., Natchez, Miss.—Adopted Order granting renewal of license for the regular period (Docket No. 6333).

WGRM—P. K. Ewing, Greenwood, Miss.—Adopted Order granting renewal of license for the regular period (Docket No. 6334).

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Granted petition for postponement of hearing now set for November 4, continuing same to December 6, in re application for modification of license (Docket 6522).

WOKO—WOKO, Inc., Albany, N. Y.—Granted petition for extension of time within which to file proposed findings now due November 9; extension granted to December 9, in re application for renewal of license (Docket 6486).

MISCELLANEOUS

KVEC—Valley Electric Company, San Luis Obispo, Calif.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-1555).

KNOW—Frontier Broadcasting Co., Inc., Austin, Texas.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-1554).

WMEJ—The Metropolis Co., area of Jacksonville, Fla.—Cancelled license for relay broadcast station in accordance with Administrative Order No. 2, as revised, pursuant to request by applicant (B3-RRY-249).

APPLICATIONS FILED AT FCC

560 Kilocycles

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—License to cover construction permit (B4-P-2827 as modified), which authorized change in hours of operation, installation of directional antenna for night use and move of transmitter.

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Authority to determine operating power by direct measurement of antenna power.

620 Kilocycles

WAGE—Sentinel Broadcasting Corp., Syracuse, N. Y.—Voluntary assignment of license from Sentinel Broadcasting Corp. to WAGE, Inc.

1240 Kilocycles

WSNY—Western Gateway Broadcasting Corp., Schenectady, N. Y.—Authority to make changes in automatic frequency control equipment.

1250 Kilocycles

KPAC—Port Arthur College, Port Arthur, Texas.—License to cover construction permit (B3-ML-956), which authorized increase in power and changes in directional antenna system.

KPAC—Port Arthur College, Port Arthur, Texas.—Authority to determine operating power by direct measurement of antenna power.

1400 Kilocycles

NEW—Truett Kimzey, Greenville, Texas.—Construction permit for a new standard broadcast station to be operated on **1400 kc.,** 250 watts power, unlimited time. Amended: re transmitter site and change in type of transmitter.

MISCELLANEOUS APPLICATIONS

NEW—Head of the Lakes Broadcasting Co., Superior, Wis.—Construction permit for a new high frequency broadcast (FM) station to be operated on **44500 kc.** with coverage of 2,754 square miles. Amended: to change coverage to 407 square miles and change type of antenna and equipment.

NEW—Matheson Radio Co., Inc., Boston, Mass.—Construction permit for a new high frequency broadcast (FM) station to be operated on **46100 kc.** with coverage of 3,600 square miles. Amended: to change requested frequency to **47700 kc.**

W2XWV—Allen B. DuMont Laboratories, Inc., New York, N. Y.—Construction permit to change from experimental to commercial operation and make changes in antenna system.

WTMC—Ocala Broadcasting Co., Inc., Ocala, Fla.—License to cover construction permit (B3-P-3535), which authorized change in transmitting equipment and increase in power.

FEDERAL TRADE COMMISSION DOCKET

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Celcure Wood Preserving Corp.—A complaint has been issued charging Celcure Wood Preserving Corp., 1040 E. 8th St., Jacksonville, Fla., with misrepresentation in the sale of Celcure, a preparation designed to preserve wood against rot, termites, marine borers and other destructive agencies. The respondent corporation also sells lumber, treated with the preparation which is known as "Celcure Processed (Impregnated) Lumber," and it operates wood-treating plants at Columbia, S. C., Atlanta, Ga., and Miami and Jacksonville, Fla. (5067)

E. J. Goodier, trading as Universal Laboratories and as Goodier Company, 321 North Bishop St., Dallas, Texas, is charged in a complaint with disseminating false advertisements concerning some 60 medicinal and cosmetic preparations he sells in interstate commerce. The products are sold principally by house-to-house canvassers and are advertised by the respondent in catalogs, circulars and other advertising literature, distributed by the respondent's agents and canvassers to the purchasing public. (5069)

James Jebaily, Inc., 36 E. 31st St., New York, manufacturer of women's wearing apparel, is charged in a complaint with misrepresenting the fiber content of certain of its products, in violation of the Federal Trade Commission Act, and with misbranding others, in violation of the Wool Products Labeling Act. (5066)

National Assn. of Blouse Mfg., Inc., et al.—A complaint has been issued charging the National Association of Blouse Manufacturers, Inc., the Greater Blouse, Skirt & Neckwear Contractors Association, Inc., and the Blouse and Waist Makers Union, Local 25, all of New York City, with participating in a combination and conspiracy to restrain trade and promote a monopoly in the interstate sale of clothing such as blouses, blousettes, waists, gilets, vestees and tunic blouses. The complaint also is directed against the officers and members of the Manufacturers Association and the Union and against the officers of the Contractors Association. (5068)

CEASE AND DESIST ORDER

The Commission issued the following cease and desist order last week:

M. E. Lee, et al.—An order to cease and desist from misrepresentation of the therapeutic value of a mineral water designated "Merlek" has been issued against Michael E. Lee, Myron E. Lee and Kenneth L. Lee, trading as Lee-Sons and as Merlek, Alameda, Calif. (4868)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Ache-Knock Company, Honolulu, T. H., engaged in the sale of a preparation known as "Ache Knock Tablets," entered into a stipulation to discontinue representing that the product will relieve or cure rheumatism, sciatica, lumbago or neuritis; that it will cure or prevent the recurrence of headache or toothache; that it will relieve all pain or excessive acidity; and that it is safe and will produce no ill effects. (03159)

Wilbur Adams, 114 E. 32nd St., New York, stipulated that he will cease and desist from certain misrepresentations in connection with the sale of their Nostradamus Chart and Forecast and Tarot Card Chart. (03156)

Alba Bio-Products Co., 4620 No. Leamington Ave., Chicago, engaged in the sale of a preparation designated "Vita-Rex Capsules," stipulated that it will cease and desist from representing that the preparation possesses therapeutic value in the treatment of poor assimilation, constipation, indigestion, gaseous conditions of the stomach or intestines, functional weakness or nerve disorders; that it will enrich the blood, improve appetite, correct gastro-intestinal disorders, increase systemic resistance or produce better health; that it will protect individuals against colds, aches or a tired-out feeling and supply the body with ample nutritional substances, and that it possesses value as an iron preparation. (03158)

American Hardware Co., Inc., and its wholly owned subsidiary, Totty Trunk and Baggage Co., both of Petersburg, Va., have stipulated that, in connection with the sale of luggage, they will cease using as trade names, brands or labels, or in trade literature or advertising, the words "Tweeds," "Flextwood," "Tweedcraft" or "Cordurette" to describe products not composed of cloth or textile or corded fabric, or the words "Flexhyde," "Black Polar Shark Grain Flexhyde" or similar terms as descriptive of products which are not composed of leather or sharkskin, as the case may be. (3738)

By-Chemical Products Co., 750 Natoma St., San Francisco, engaged in the sale of a shoe dubbing preparation used principally as a leather preservative and water repellent, stipulated that in the sale of the product she will cease representing that it has been made in accordance with Army specifications or any other indicated specification or formula when actually it is not so compounded or prepared. (3737)

Farrand Chemical Co., Tyrone, Pa., has entered into a stipulation to discontinue certain misrepresentations in connection with the sale of formulas for compounding various cleansing, cosmetic, medicinal and other types of preparations; bulletins and pamphlets containing information as to where to buy and sell sundry products and services; and a cleansing preparation, insecticides, polishes and perfume. (03154)

Herb Juice-Penol Co., Inc., Danville, Va., has entered into a stipulation under which it agrees that, in connection with the dissemination of any advertisement of its medicinal preparation designated "Pow-O-Lin," it will reveal that the preparation should not be used in cases of abdominal pain or other symptoms of appendicitis, provided, however, that the advertisements need contain only the statement: "CAUTION, Use Only As Directed," if the directions for use on the labeling contain a warning to the same effect. (03153)

Ideal Optical Service, Inc., 802 F St., N. W., Washington, D. C., has stipulated that it will cease and desist from representing that it sells eyeglasses for "one price only," which covers everything; that the price is $7.50 and no more for either single or double vision glasses of any style; that the price of any spectacles complete is $7.50; or representing in any other manner, by assertion or implication, that no more than $7.50, or any other fictitious maximum price, will be charged for the complete sets of eyeglasses it offers for sale. (3739)

Jeri Yarn Company—A stipulation to cease and desist from misbranding knitting yarns sold in interstate commerce has been entered into by Herman Rosenberg, trading as Jeri Yarn Co., 345 Grand St., New York. (3740)

Wilson Industries, Inc., 545 West Lake St., Chicago, has entered into a stipulation to cease and desist from representing that its preparation called "Athygienic Foot Powder" or its device designated "Athygienic Foot Glove" is a remedy for corns or foot ailments generally. (03157)

Yoghurt Products, Inc., 108 Denny Way, Seattle, Wash., has entered into a stipulation to cease and desist from representing that the laxative preparation which it sells under the name "Yog-A-Lax" is a stomach or bowel corrective or non-habit forming. (03155)

FTC DISMISSES CASE

The Federal Trade Commission has dismissed its complaint against Continental Baking Co., New York, engaged in the manufacture and sale of bread and allied products. The company was charged with using unfair methods of competition and unfair and deceptive acts and practices in commerce in violation of the Federal Trade Commission Act, and with discriminating in price between different purchasers of its products of like grade and quality, in violation of section 2 (a) of the Robinson-Patman Act.

In this proceeding hearings were held before a trial examiner of the Commission, and witnesses subpoenaed by the Commission and by the respondent were heard. Counsel for the respondent filed briefs and appeared before the Commission and argued the case orally.

After consideration of the record the Commission entered an order of dismissal upon the ground that the allegations of the complaint were not sustained by the evidence.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 45, November 5, 1943

PETRILLO HEARING CONTINUES

The National War Labor Board's Petrillo panel resumed its hearings Wednesday in New York on the merits of the recording dispute.

The only remaining party strictly speaking, is NBC Thesaurus, although the panel has before it petitions for intervention by RCA Victor and Columbia Recording.

The panel has submitted to the WLB an intermediate report on the settlement between the A. F. of M. and the other transcription companies, as well as the Decca Record settlement. To date, the WLB has taken no action on the intermediate report.

LEA OUTLINES FCC INVESTIGATION PLANS

The House Committee investigating the Federal Communications Commission will be "thorough, fair and without playing favorites," Representative Lea, of California, chairman of this special committee, said over Station WWDC, Washington, D. C., on Wednesday night in a short broadcast.

Mr. Lea spoke briefly of the Radio Act and of the creation of the FCC and its duties. He said that 3,000 pages of testimony were taken by the special committee under the chairmanship of Mr. Cox but that "there is a lot yet to be done."

Chairman Lea said that one of the first things he asked to be done when he became chairman was to have the testimony already taken analysed and that citations be made on charges against the commission. The Commission, he said, will be given an opportunity to answer these charges and make its own citations.

EDGAR BILL ASKS STATION MANAGERS TO TAKE PUBLIC RELATIONS RESPONSIBILITY

(Released by NAB News Bureau Nov. 2.)

Station managers are being asked to recognize their responsibility in the conduct of public relations by "signing up" with the Public Relations Committee of NAB, Edgar Bill, Chairman, announced today.

A printed pamphlet entitled: "There Is an Indispensable Man!" has been mailed to the personal attention of each station manager. The return card requests the signature of the manager as the party primarily responsible for the conduct of public relations at his station. This, the pamphlet points out, is not only a pledge but provides a personal contact for the NAB Public Relations Committee and District Public Relations chairmen, seventeen in number.

"We know," said Bill, "that some stations have full time directors of public relations, but they are not many. These men are doing a fine job and are perhaps several years ahead of the industry. We are already working with them and will expect their names to come back to us on the return cards. The great majority of stations, however, do not have such people on a full time basis and cannot be asked to provide them in these times. That's where the manager comes in; because he has been actually responsible for public relations, delegating authority to various members of the staff, as required."

The pamphlet asks station managers to acknowledge their responsibility for the following basic reasons: (1) Because he controls station policy, (2) Because he can commit the station to cooperation in public projects, (3) Because he can direct the expenditure of funds for staff memberships in civic and social clubs and other organizations, (4) Because he can delegate responsibility, (5) Because he is a "public symbol" of the station itself, (6) Because he is permanent.

"Many public relations projects are in the mill for local action," Bill concluded, "awaiting the returns from station managers throughout the industry."

Engineering

NAB COMMITTEE CONSIDERS TECHNICAL PLANS

The NAB Executive Engineering Committee met in New York City on Friday, October 29. Those present were

(Continued on page 452)

ERRATA

An unfortunate typographical error appears in Special Legislative Bulletin No. 20 of October 29, 1943. The error gives an entirely erroneous meaning to the position of the NAB Board on paid government advertising. As it appeared in Bulletin No. 20 it read:

> "Now, Therefore, Be It Resolved that the Board of Directors of the National Association of Broadcasters, reaffirms its former actions but does *not* take the position that if Congress contemplates such legislation every effort should be made to see that there be no discrimination as between the press and radio or any other media of communications, and * * *"

The italicized word "not" should have been "now". It will be seen that with this change, the resolution has an entirely different import.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Lewis H. Avery, *Director of Broadcast Advertising;* Walter L. Dennis, *Chief, News Bureau;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Arthur C. Stringer, *Director of Promotion.*

NAB COMMITTEE CONSIDERS TECHNICAL PLANS

(Continued from page 451)

John V. L. Hogan, Chairman, WQXR; William B. Lodge, CBS, representing E. K. Cohan; F. M. Doolittle, WDRC; O. B. Hanson, NBC; Arthur C. Stringer and H. S. Frazier. G. Porter Houston, WCBM, was unable to be present but telegraphed his comments on the various agenda items.

The meeting convened at 1:00 P.M. with a full agenda and adjourned after 5:00. The discussion included the following items—Selective Service and Probable Effect on Technical Operating and Supervisory Personnel, NAB Training Course for Women, NAB Technician Pool, Home Receiver Service Conditions, Scope and Functions of District Engineering Committee and Post War Planning.

Arthur C. Stringer, NAB Promotion Director, reported on the present situation concerning the availability of tubes and batteries for civilian home receivers. The news about batteries was good. Stringer reported that one large manufacturer would increase his production of farm battery packs by fifty thousand units during the fourth quarter. Another manufacturer, previously a minor factor in the production of farm batteries, has been persuaded to substantially increase his production of batteries for farm radios. He also reported that during the third quarter more than one million farm packs reached dealers in this country.

Most of the Committee's time was devoted to post war planning problems. O. B. Hanson and H. S. Frazier reported to the Committee on the organization and present status of the Radio Technical Planning Board. NAB is a contributing sponsor of the Radio Technical Planning Board and is represented on the Administrative Committee of the Board by H. S. Frazier, Director of Engineering. Frazier will also be the chairman of Panel Number 4 on Standard Broadcasting of RTPB. The Committee recommended that NAB should be represented on the following RTPB panels:

1. Panel on Spectrum Utilization
2. Panel on Frequency Allocation
4. Panel on Standard Broadcasting
5. Panel on VHF Broadcasting
6. Panel on Television
7. Panel on Facsimile
9. Panel on Relay System

It was further recommended that NAB, while not participating actively, should review the work and recommendations of the following panels:

3. Panel on High Frequency Generation
8. Panel on Radio Communications
10. Panel on Radio Range, Direction and Recognition
11. Panel on Aeronautical Radio
12. Panel on Industrial, Scientific and Medical Equipment
13. Panel on Police and Emergency Service

It was the Committee's opinion that Panel 4 of RTPB should consider the long range technical objectives of the standard broadcaster and the possibilities for improvement of interference and coverage conditions that may be possible through engineering development. It was also proposed that the Standard Broadcast Panel, through subcommittees, review the standards for broadcast receivers with the objective of securing improvement in audio fidelity, selectivity, and nonradiating receivers. All members of the Executive Engineering Committee will be appointed to various panels of RTPB for which they are best qualified.

John V. L. Hogan has been appointed by RTPB Chairman Dr. W. R. G. Baker to the chairmanship of Panel No. 7, Facsimile. Mr. Hogan has been prominently identified with facsimile development for many years. H. S. Frazier, NAB Director of Engineering, was authorized to proceed with the organization of the Panel on Standard Broadcasting with further recommendations to be secured from the members of the Committee as the organization progresses.

No date was fixed for the next meeting of the Committee, but it is believed that the rapid progress of the Radio Technical Planning Board will require another meeting in the near future.

CONFERENCE ON TECHNICAL FUTURE OF RADIO SET

The Federal Communications Commission has called a conference in Washington, beginning November 17, between government agencies and the industry to discuss the technical future of radio, Chairman James Lawrence Fly announced at a special news conference on Thursday.

Those who will take active part in this conference, which will consist of thirty or forty people, will be members of the FCC, the Board of War Communication, IRAC, (Government Interdepartmental Committee on radio frequency allocations) and the Radio Technical Planning Board. The Chairman explained that the discussions will be of post war frequency allocation, and he called attention to the fact that the responsibility for these allocations rests with the FCC for the general public, and with IRAC for government departments.

Mr. Fly spoke of the various developments in radio which will open up higher frequencies, and he called special attention to the fact that the present broadcast band is a small part of the frequency band which has a range, he said, from ten to thirty million kilocycles. He predicted international television service after the war, but he does not expect this service to begin in the near future. In order to put such a service into action and to take care of the hundreds of new uses which will come through further radio developments, it will be necessary to open up many new frequencies.

In further discussing the forthcoming conference, he said there would be complete cooperation between the government agencies and the industry, and he expected it to be in the nature of a get-together meeting to discuss organization, procedure and exploratory matters.

FIRE INSURANCE

Many stations are carrying "loss of use" insurance coverage on fire, tornado, and other hazards to plant and equipment. Under peace time conditions, the destruction of essential equipment, such as transmitters, monitors, speech input equipment and microphones, ordinarily did not make the stations inoperative over a long period. Generally speaking, replacement items were then readily available. For this reason "loss of use" insurance coverage, covering a period of ten to thirty days, was normally adequate.

However, at the present time most capital equipment replacement items are almost unobtainable. Even with assistance from WPB the replacement cycle may be measured in months instead of days. This matter is brought to the attention of broadcasters so that they may review existing insurance coverage, particularly "loss of use" indemnity, in order that steps may be taken to increase the amount of such coverage when this seems desirable.

AMATEUR LIMITATION AMENDED

In order to permit radio amateur operators under direction of the War Emergency Radio Service of the OCD to make or transfer radio sets and electronic equipment for civilian defense emergencies, Limitation Order L-265 has been amended by the WPB.

The amendment provides that restrictions of the order shall not apply "to gratuitous transfers of electronic equipment to or for the account of the War Emergency Radio Service by any person; and to the manufacture or transfer of electronic equipment for the account of the War Emergency Radio Service by any individual who is not a commercial producer or supplier of electronic equipment."

PEABODY AWARDS ENTRY BLANKS MAILED OUT

Official entry forms for the 1943 George Foster Peabody Radio Awards have been mailed to the some 900 broadcasting stations in this country from Athens, Ga.

At the same time, report blanks are being sent to the chairmen of the listening-post committees which have been set up in approximately 23 universities and in approximately 118 cities in more than 40 states.

December 10 is the closing date for this year's entries. In addition to awards for news, drama, music, education, and children's programs, there will be two awards for meritorious public service by large and small stations. Large stations will include clear channel broadcasters and all of those having power of 1,000 watts or above. Small stations will include broadcasters of less than 1,000 watts.

Any radio station or network is eligible to receive the award for news reporting, drama, music, children's programs, or education. Only local and regional stations are eligible to receive the community welfare programs.

Entries may be submitted by individual stations, networks, radio editors of newspapers and magazines, listener groups, or any person or organization wishing to direct the attention of the Peabody Board to a special program or programs. The Board in its selections will not necessarily be restricted to entries, but will consider the reports of its own listening-post committees, and may on its own initiative select a program or a station for an award. The Board also reserves the right to make more or less than seven awards, depending upon the entries and the circumstances at the time of the awards.

FEDERAL TRADE COMMISSION SAMPLING REQUESTS CLARIFIED

The following statement was obtained from P. B. Morehouse, director of Radio and Periodical Division, Federal Trade Commission, with respect to requests for sampling of commercial continuities:

(See NAB "REPORTS" of May 7, 1943, p. 203)

"The Radio and Periodical Division of the FTC is in receipt of frequent letters and telegrams from individual station broadcasters making urgent request for information about current or forthcoming calls for their respective samplings of commercial continuities.

To relieve them of concern through lack of knowledge of coverage procedure, they should be advised that July 6, 1943 the Commission adopted a policy for the duration of procuring copies of commercial radio continuities from individual station broadcasters at the reduced rate of twice yearly per station, commencing July 1, 1943.

Pursuant thereto, the usual fifteen-day sampling of commercial script is desired only in response to specific requests which will be issued by the Commission on a staggered basis as to groups of broadcasters, scheduled in a manner that will assure complete coverage of all such stations twice during the fiscal year.

Due to the reduction in its rate of coverage, the Radio and Periodical Division has had to adopt a new schedule, substantially different from the former coverage which was at the rate of four times yearly. Consequently, the fifteen-day sampling periods which may be specified in the current and forthcoming requests for script will seldom fall within the same calendar period with respect to the same station, as may have occurred on occasions in previous years. Selections of stations have been realigned for reporting purposes with consideration given to transmittal power, geographic location, population centers, etc., in arranging the staggered groups.

The continued cooperative responses of broadcasters generally in submitting commercial script is appreciated."

NATION NEEDS ALL WASTE PAPER

This nation needs waste paper in tremendous quantities. Mills have already shut down because they do not have a sufficient supply.

Waste paper is ammunition. Give your listeners the story. Take the lead. You can't get too much paper.

It may happen, that listeners with paper to give do not know how to dispose of it. Chief avenues are 1) junk dealers and 2) charitable organizations.

Will Pick Up Paper

Consistent with local gas and tire regulations, both agencies will pick up waste paper. In many locations, stops will be made for as little as 100 pounds of paper; perhaps more will be required where tires and gas are short. But there is absolutely no reason for dealers refusing to pick up paper in less than 1,000 pound lots. Yet such a case was reported this week in a large Georgia city.

Notify State Secretary and NAB

Should other stations encounter a similar situation they should immediately report the fact to their State Executive Secretary for Salvage (see list below), and send a carbon of the reporting letter to NAB.

NAB will consult with WPB here. This will have a constructive effect on the national field force.

OWI is cooperating with the WPB in the waste paper collection program. William Spire, deputy radio chief, stated Thursday that initial inertia had been overcome. From now on it is anticipated that radio will roll up an impressive amount of waste paper.

List of State Executive Secretaries for Salvage

B. G. Waters, Jr., Executive Secretary
Massachusetts State Salvage Committee
17 Court Street, Boston (8), Mass.

Bice Clemow, Executive Secretary
Connecticut State Salvage Committee
119 Ann Street, Hartford, Conn.

Clifford Somerville, Executive Secretary
Maine State Salvage Committee
142 High Street, Portland, Me.

E. J. Soucy, Executive Secretary
New Hampshire State Salvage Committee
State House, Concord, N. H.

Lawrence Lanpher, Executive Secretary
Rhode Island State Salvage Committee
530 Industrial Trust Building, Providence, R. I.

John O. Baxendale, Executive Secretary
Vermont State Salvage Committee
120 State Street, Montpelier, Vt.
Paul W. Zeckhausen, Executive Secretary
New York City Salvage Committee
45th Floor, Empire State Bldg., New York (1), N. Y.
William Arnoldy, Executive Secretary
New York Salvage Committee
112 State Street, Albany (7), N. Y.
Joseph F. Devane, Executive Secretary
New Jersey State Salvage Committee
20 Washington Place, Newark (2), N. J.
Colley S. Baker, Executive Secretary
Pennsylvania State Salvage Committee
State Museum Building, Harrisburg, Penn.
Lt. Col. R. G. Rust, Executive Secretary
Delaware State Salvage Committee
G-7 Nemours Building, Wilmington, Del.
James F. Solley, Jr., Executive Secretary
Maryland State Salvage Committee
1025 Baltimore Trust Bldg., Baltimore (2), Md.
Carl H. Luebbert, Executive Secretary
Virginia State Salvage Committee
701 E. Franklin Street, Richmond, Va.
Horace Walker, Executive Secretary
District of Columbia Salvage Committee
1100 H Street, N. W., Washington (1), D. C.
Thomas H. Hall III, Executive Secretary
Georgia State Salvage Committee
1427 Candler Building, Atlanta (1), Ga.
J. Leon Gilbert, Executive Secretary
Alabama State Salvage Committee
612-13 Shepard Building, Montgomery, Ala.
C. G. Campbell, Executive Secretary
Florida State Salvage Committee
314 West Monroe Street, Jacksonville, Fla.
J. K. McDowall, Executive Secretary
Mississippi State Salvage Committee
Tower Building, Jackson, Miss.
James B. Vogler, Executive Secretary
North Carolina State Salvage Committee
803 Capitol Club Building, Raleigh, N. C.
Lewis A. Emerson, Executive Secretary
South Carolina State Salvage Committee
Waters Bldg., Sumter and Senate Sts., Columbia (56), S. C.
Everett R. Jones, Executive Secretary
Tennessee State Salvage Committee
314 Stahlman Building, Nashville, Tenn.
Robert O. Weible/Ralph H. Stone, Executive Secretary
Ohio State Salvage Committee
101 North High Street, Columbus (15), Ohio
John J. Rice, Executive Secretary
Kentucky State Salvage Committee
Old State Capitol Building, Frankfort, Ky.
Burman T. Mitchell, Executive Secretary
West Virginia State Salvage Committee
1814 Washington Street, Charleston (30), W. Va.
Thomas J. McHugh, Executive Secretary
Illinois State Salvage Committee
226 West Jackson Boulevard, Chicago, Ill.
F. G. Thompson, Executive Secretary
Indiana State Salvage Committee
308 Board of Trade Bldg., Indianapolis, Ind.
Herbert C. Plagman, Executive Secretary
Iowa State Salvage Committee
327 Liberty Building, Des Moines, Ia.
Charles F. Kuepper, Executive Secretary
Wisconsin State Salvage Committee
7038 Plankinton Building, Milwaukee (1), Wis.
Harold A. Trowbridge, Executive Secretary
Missouri State Salvage Committee
State Office Building, Jefferson City, Mo.
Wallace Cowan, Executive Secretary
Arkansas State Salvage Committee
318 Pyramid Building, Little Rock, Ark.
Harry W. Woods, Executive Secretary
Kansas State Salvage Committee
509 National Reserve Bldg., Topeka, Kansas
Fred S. Larkin, Jr., Executive Secretary
Nebraska State Salvage Committee
915 City National Bank Bldg., Omaha (2), Neb.
A. S. Patrick Flood, Executive Secretary
Texas State Salvage Committee
701 Scarbrough Building, Austin (22), Texas
Basil B. Cobb, Executive Secretary
Louisiana State Salvage Committee
216 Triad Building, Baton Rouge (6), La.
H. L. Eddy, Executive Secretary
Oklahoma State Salvage Committee
411 Key Building, Oklahoma City, Okla.
T. R. Ellis, Executive Secretary
Colorado State Salvage Committee
535 Continental Oil Building, Denver (2), Colo.
Edward J. Kelley, Executive Secretary
Montana State Salvage Committee
212 Power Block, Helena, Mont.
W. B. McCollum, Executive Secretary
New Mexico State Salvage Committee
103½ W. Central Avenue, Albuquerque, N. M.
B. L. Wood, Executive Secretary
Utah State Salvage Committee
413 Atlas Building, Salt Lake City (1), Utah
E. S. Moore, Jr., Executive Secretary
Wyoming State Salvage Committee
State Capitol Building, Cheyenne, Wyo.
Harold Brayton, Executive Secretary
California State Salvage Committee
1355 Market Street, San Francisco (3), Cal.
Alma V. Tate, Executive Secretary
Arizona State Salvage Committee
402 Security Building, Phoenix, Ariz.
Lindon F. Watson, Executive Secretary
Idaho State Salvage Committee
Capitol Securities Building, Boise, Idaho
Bernard C. Hartung, Executive Secretary
Nevada State Salvage Committee
P. O. Box 1751, Reno, Nev.
Wm. R. Finney, Executive Secretary
Oregon State Salvage Committee
908 Bedell Building, Portland, Ore.
Elmer J. Nelson, Executive Secretary
Washington State Salvage Committee
238 Stuart Building, Seattle, Wash.
John D. McGillis, Executive Secretary
Michigan State Salvage Committee
1208 Detroit Savings Bank Bldg., Detroit (26), Mich.
Byron W. Hanson, Executive Secretary
State Salvage Committee
218 Midland Bank Bldg., Minneapolis (1), Minn.
C. S. McCulloch, Executive Secretary
North Dakota State Salvage Committee
Rm. 10, 202½ Eltinge Bldg., Bismarck, N. D.
H. A. Billion, Executive Secretary
South Dakota State Salvage Committee
306 Western Surety Bldg., Sioux Falls, S. D.

ATS AND N. Y. AD CLUB TO HOLD JOINT TELEVISION MEETING

American Television Society and the Advertising Club of New York will hold a joint dinner meeting in New York City next Wednesday evening, Nov. 10, in order to achieve the objective described in the following statement:

"Appreciating the fact that, in the American system of broadcasting, commercial sponsorship is a basic factor, adequate preparation should be made to supply advertising agencies, sponsors and other users of television, with such information as may be helpful in enabling them to form plans for the utilization of television as an advertising medium.

"There should be a central clearing house through which all knowledge and experience in television programming and technique can be exchanged, and whose business it will be to stimulate interest in television on the part of those we believe will be instrumental in its future economic structure."

NAB will be represented at this meeting. Speakers include: Allen B. Dumont, Allen B. DuMont Labs.; Thomas Joyce, Radio Corporation of America; Robert L. Gibson, General Electric Co.; Thomas Hutchinson, Ruthrauff & Ryan; and John Southwell, Batten, Barton, Durnstine & Osborn.

DEDICATE MOODY BIBLE'S FM STATION

WDLC, FM station of Moody Bible Institute, Chicago, was dedicated November 1. It is now operating with 1,000 watts but will go to 50,000 watts after the war. The station is one of five FM stations in the Chicago area.

Wendell P. Loveless, program director, WMBI and WDLM, and Robert Parsons, assistant program director, directed the dedicatory program. Dr. Will H. Houghton, president, Moody Bible Institute; Dr. William Culbertson, dean; and H. Coleman Crowell, vice-president and radio station manager, participated prominently in the program.

FRIED TELLS BUSINESS MEN ABOUT RADIO

Adriel Fried, general manager, KLX, Oakland, was the principal speaker at the monthly luncheon meeting of the Emeryville Industries Association, Oct. 26, at the Claremont Hotel, Berkeley.

His subject was "The Broadcasting Industry in War Time,"—a timely discussion of radio censorship, the Petrillo ban, radar, television, and short wave.

SALVAGE OKAY IN ASHEVILLE

Lee Chadwick, program director, WWNC, Asheville, N. C., reports that three carloads of tin cans have already been shipped and two more are about ready for shipment. Despite this substantial collection, an additional drive is to be undertaken within a short time in and around Asheville.

Regarding fats, Mr. Chadwick said that butcher shops are cooperating satisfactorily.

NEW SONGS FOR SCHOOLS AT WAR AVAILABLE

The Treasury Department has just published a sixteen page book of New Songs for Schools at War, in cooperation with the Music Educators National Conference, for use by music teachers and supervisors in elementary schools.

Thirty thonsand members of the association will soon receive the song book but it is available to others in the education field. Copies will be sent to radio stations upon request. Address Education Division, War Finance Division, Treasury Department, Washington 25, D. C.

RADIO TODAY IS VITAL TO VICTORY

"Radio today is vital to victory," asserts John C. McCormack, general manager of KWKH-KTBS, in a letter accompanying a large folder depicting radio's role in the war.

Since Pearl Harbor, these two stations have donated toward the war more than $280,000 in radio time alone, the folder points out. Illustrations show the many fields of war in which radio is playing an important part.

The folder's center section is a reprint of a double page spread in the Shreveport *Times*.

KFI IN SPECIAL SALUTE TO MEXICAN GOVERNMENT

In a special broadcast from the Biltmore Hotel on Wednesday, October 27, KFI's Noon Farm Reporter saluted the Government of Mexico and the Mexican National Harvesters who are aiding in California's wartime agricultural program, with high governmental officials from south of the border participating.

Nelson McInnich, the Noon Farm Reporter, was in charge of all the arrangements and emceed the program.

W. B. Ryan, KFI General Manager made the opening address and welcomed Colonel Vicente Peralta, Consul General of Mexico; Senor Manuel Aguilar, Mexican Consul, and several others prominent in the National Harvesters movement.

By special arrangement, Governor Earl Warren of California spoke on the broadcast by transcription. A luncheon was held following the program.

The Noon Farm Reporter is a public service feature of Clear Channel station KFI and is heard at high noon Monday through Saturday.

Transcriptions of the program were made for shipment to Mexico, where re-broadcasts will be arranged by Mexican radio stations.

IOWA GOVERNOR SPRINGS SURPRISE ON WHO

Without previous warning, Bourke B. Hickenlooper, governor of Iowa, used his regular broadcast time over WHO to swear in the new state treasurer, John Grimes, newspaper publisher of Osceola, for the remainder of the term of Willis G. C. Bagley, deceased.

Woody Woods, war program manager of WHO, hastily reconstructed the scene of the ceremony for a photograph which made the news deadline.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, November 8th. It is subject to change.

Monday, November 8

To Be Held in Court Room 223, Post Office Building,
600 Camp Street, New Orleans, Louisiana

WJBW—Charles C. Carlson, New Orleans, Louisiana.—Renewal of license, **1230 kc.**, 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KROY—Royal Miller, Marion Miller, L. H. Penney, Gladys W. Penney, Will Thompson, Jr., a partnership, d/b as Royal Miller Radio (assignors); Royal Miller, Marion Miller, L. H. Penney, Gladys W. Penney, d/b as Royal Miller

Radio (assignees); Sacramento, Calif.—Granted consent to voluntary assignment of license from Royal Miller, Marion Miller, L. H. Penney, Gladys W. Penney, Will Thompson, Jr., a partnership, doing business as Royal Miller Radio, licensee of Station KROY, to Royal Miller, Marion Miller, L. H. Penney, Gladys W. Penney, doing business as Royal Miller Radio. The transaction involves the purchase of the five percent interest of Will Thompson, Jr., by Marion Miller (2½%) and Gladys W. Penney (2½%), for a total consideration of $2,854 (B5-AL-383).

KVGB—Helen Townsley (assignor), KVGB, Inc. (assignee), Great Bend, Kans.—Granted consent to assignment of license of Station KVGB from Helen Townsley, an individual, to KVGB, Inc. No cash consideration is involved (B4-AL-357).

KGY—KGY, Inc., Olympia, Wash.—Granted construction permit to increase power from 100 to 250 watts and make changes in transmitting equipment (B5-P-3548).

W49D—John Lord Booth, Detroit, Mich.—Granted modification of construction permit, as modified, for extension of completion date (B2-MPH-115); granted license to cover construction permit, in part, subject to the condition that licensee shall, when required materials and personnel become available, take immediate steps to comply fully with the Rules, Regulations and Standards of the Commission (B2-LH-42).

DESIGNATED FOR HEARING

KGGF—Hugh J. Powell, Coffeyville, Kans.—Designated for hearing application for renewal of license of Station KGGF; hearing to be consolidated with hearing on applications of KOMA, Oklahoma City, Okla., for construction permit to change frequency from **1520** to **690 kc.**, increase power from 5 to 10 KW, install new transmitter and directional antenna for day and night use, and of KGGF for construction permit to increase night power on **690 kc.** from 500 watts to 1 KW, install directional antenna for day and night use, and new transmitter and change transmitter location (B4-R-710).

LICENSE RENEWALS

WBLK—Charleston Broadcasting Co., Clarksburg, W. Va.—Granted renewal of license for regular period (B2-R-923).

WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Granted renewal of license for regular period (B2-R-858).

KVGB—Helen Townsley, Great Bend, Kans.—Granted renewal of license for regular period (B4-R-920).

W47R—WHEC, Inc., Rochester, N. Y.—Granted license to cover construction permit for new high frequency (FM) broadcast station, subject to the condition that licensee take immediate steps to comply fully with the Rules, Regulations and Standards of the Commission when materials and personnel become available (B1-LH-43).

MISCELLANEOUS

WSAY—Brown Radio Service & Lab. (Gordon P. Brown, owner), Rochester, N. Y.—Granted modification of construction permit as modified, which authorized change in frequency, increase in power, installation of directional antenna for day and night use and new transmitter, and move of transmitter, for extension of completion date from November 1, 1943, to February 1, 1944 (B1-MP-1726).

WFAM, Inc., Mobile, area of Lafayette, Ind.—Granted construction permit for new relay broadcast station; frequencies **30820, 33740, 35820, 37980 kc.**, 15 watts (B4-PRE-437).

The Commission granted the petition of August G. Hiebert, licensee of Class I experimental facsimile Station K7XSB, Fairbanks, Alaska, for authority to operate that station as a relay broadcast station until January 1, 1944, for transmitting special programs for broadcast by a domestic radio network and for test purposes in connection therewith. This temporary authorization is granted subject to conditions re censorship, non-interference, and that no charge shall be made for the transmissions. Frequencies are **12862.5** and **17310 kc.**, A3 emission.

APPLICATIONS FILED AT FCC

560 Kilocycles

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Modification of construction permit (B5-P-3150 as modified, which authorized change of frequency, increase in power, installation of new transmitter and directional antenna) for extension of completion date from 12-1-43 to 2-1-44.

570 Kilocycles

WMCA—WMCA, Inc., New York, N. Y.—Voluntary assignment of license from WMCA, Inc., to Cosmopolitan Broadcasting Corporation.

770 Kilocycles

WCAL—St. Olaf College, Northfield, Minn.—Authority to determine operating power by direct measurement of antenna power.

1270 Kilocycles

WSPR—WSPR, Inc., Springfield, Mass.—Construction permit to increase power from 500 watts to 1 KW, employing directional antenna day and night, and make changes in transmitting equipment.

1340 Kilocycles

WTAL—Capital City Broadcasting Corp., Tallahassee, Fla.—Authority to determine operating power by direct measurement of antenna power.

1400 Kilocycles

KLUF—The KLUF Broadcasting Co., Inc., Galveston, Texas.—Authority to determine operating power by direct measurement of antenna power.

FM APPLICATIONS

NEW—Durham Radio Corp., Durham, N. C.—Construction permit for a new high frequency (FM) broadcast station.

NEW—North Jersey Broadcasting Co., Inc., Paterson, N. J.—Construction permit for a new high frequency (FM) broadcast station to be operated on **49900 kc.**, with coverage of 4,928 square miles.

TELEVISION APPLICATION

NEW—Don Lee Broadcasting System, San Francisco, Calif.—Construction permit for a new commercial television broadcast station to be operated on frequency of **50000-56000 kc.**

MISCELLANEOUS APPLICATION

NEW—Karl L. Ashbacker and Grant F. Ashbacker, d/b as Ludington Broadcasting Co., Ludington, Mich.—Construction permit for a new standard broadcast station to be operated on **1490 kc.**, 250 watts power, unlimited hours of operation. Amended: to change frequency to **1450 kc.**

FEDERAL TRADE COMMISSION DOCKET

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

American Dietaids Co., Inc.—A complaint has been issued charging American Dietaids Co., Inc., 176 South Broadway, Yonkers, New York, and its officers, Joseph G. Spitzer and

Marvin Small, with disseminating false advertisements concerning the therapeutic, nutritional or other properties of certain preparations advertised and sold under the names Enrich, Stamina, Souplets, Ritamine, Joyana, Sorbex, Vitalets, Nyce Special Soap, Nyce Cream, and Tam. (5070)

Brooks Appliance Co., Marshall, Mich., and its officers Harold C. Brooks and Louis E. Brooks, are charged in a complaint with disseminating false advertisements in connection with the sale of a truss designated as Brooks Rupture Appliance and as Brooks Automatic Air Cushion, and a device called Natural Uterine Supporter intended for use by women. The company maintains branch offices at 500 Fifth Ave., New York, and 5 North Wabash Ave., Chicago. (5072)

Tea Bureau, Inc., 500 Fifth Ave., New York, is charged in a complaint with disseminating false advertisements in connection with its business of increasing the consumption of tea in the United States. The complaint also is directed against William Esty & Co., Inc., New York City, advertising agency which participated in the preparation and dissemination of the advertisements in question. (5071)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Beacon Milling Co., Inc., Cayuga, N. Y., selling dry dog food preparations designated "Beacon Dog Pellets" and "Beacon Dog & Puppy Meal," referred to generally in its advertising as Beacon Dog Foods, has stipulated to cease and desist, in its advertising from using the unqualified terms "meat" or "beef" and representing, directly or by implication, that its preparations contain meat or beef. (03161)

Buxton Medicine Co., Abbot Village, Maine, selling a medicinal preparation designated "Buxton's A Special Compound," has stipulated to cease representing that the preparation has been approved by a Federal agency; that it is a remedy or cure for sciatica, arthritis, neuritis or rheumatism, or for diseased liver, stomach or kidneys; eliminates uric acid from the system; is a treatment for indigestion or stomach trouble; is a blood purifier; or that it overcomes acidity, strengthens the heart or normalizes the kidneys or bladder. (03160)

Gardner Nursery Company, Osage, Iowa, and Clark E. Gardner, Robert E. Gardner and G. B. Gardner, individually and as officers of the company, engaged in the sale of nursery products, have stipulated to cease and desist from representing that 50 cents or any other specified amount of money is the maximum assessment made to cover shipping or delivery expenses when charges over and above such specified amount of money are assessed before delivery of the advertised article. (03162)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Thomas E. Collins Co., 5036 Geary Boulevard, San Francisco, selling and distributing a medicinal preparation designated "Ailmentone" has been ordered to cease and desist from misrepresentations of his product. (4816)

Louis Ulrich, trading as J-Bee Distributing Company, and Julius Weinfelt, both of 37 West 20th St., New York, engaged in the sale and distribution of novelty merchandise, have been ordered to cease and desist from the use of lottery methods in the sale and distribution of their products. (4500)

World's Medicine Company, whose mailing addresses are post office boxes in Columbus, Ohio, and Indianapolis, has been ordered to cease and desist from misrepresentation in the sale of a medicinal preparation designated "World's Tonic." (4817)

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The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 46, November 12, 1943

WHITE-WHEELER HEARINGS

A full report of the White-Wheeler hearings is contained in a separate Legislative Bulletin, enclosed with this REPORT.

LEA TO ASK ADDITIONAL APPROPRIATIONS

Following a recent executive session of the Special House Committee investigating the FCC, Representative Lea of California, Chairman, announced that his committee would ask the House for an additional $75,000 to carry on this investigation. Those who have been in close touch with the situation feel that the House will allow this or some other amount. It will be recalled that orginally the House made an appropriation of $60,000 for this purpose.

Mr. Lea said also that his committee had not yet decided whether it will continue to retain Eugene L. Garey, the special investigator, who began work when Representative Cox of Georgia was chairman.

Chairman Lea has announced that hearings will be resumed at 2:30 p. m. Monday, November 15.

The session will be devoted to a continuation of the New York hearings with respect to Short Wave Research, Inc.

COMMISSION PLEDGES COOPERATION

Chairman James Lawrence Fly of the Federal Communications Commission, speaking during the News Conference held in Washington on November 4, pledged the Commission's cooperation with industry in the solving of technical planning problems. Said Chairman Fly:

"The radio spectrum can not be indefinitely and permanently divided up. So at any time there is a problem of reassignment of the various available frequencies it is very essential that we make a cooperative approach. There will be complete cooperation with the industry as the industry is represented by the Radio Technical Planning Board. But of course the *ultimate assignments* and the *responsibility* for those assignments must be carried out by the IRAC working under the Board of War Communications in the one field, and by the Commission in the other. I think we have in the making here a successful cooperative undertaking and the only purpose of the suggested conference (joint meeting of FCC, BWC, IRAC and RTPB on Nov. 17th) is that the groups get together and get organized and get their bearings and their directions and dig in for some hard and useful and significant work."

RTPB Panel Organization

Rapid organization of RTPB, including thirteen technical panels, has been effected. Mr. L. G. F. Horle of New York, manager of the RMA Data Bureau, has been chosen as "Coordinator" of the panel organization and work. W. B. Cowilich, assistant secretary of IRE, has been named secretary of RTPB, and Bond Geddes, executive vice president of RMA, is the RTPB treasurer.

Following are the RTPB panels which have been organized and their respective chairmen and vice chairmen:

Panel #1 on Spectrum Utilization

Scope—The analytical study of the factors pertinent to the most effective use of the transmission medium.

Dr. A. N. Goldsmith, Chairman 580 Fifth Avenue New York, N. Y.	Dr. R. H. Manson, Vice Chairman Stromberg-Carlson Mfg. Co. Rochester, N. Y.

Panel #2 on Frequency Allocation

Scope—The allocation of frequency bands to services on basis of propagation and equipment characteristics with due respect to military requirements, public interest, and past practices.

Dr. C. B. Jolliffe, Chairman RCA-Victor Division Camden, N. J.	Mr. F. M. Ryan, Vice Chairman American Telephone & Telegraph Co. 195 Broadway New York, N. Y.

Panel #3 on High Frequency Generation

Scope—The present status and probable progress in the development of electronic tubes and the necessary associated equipment for increasing frequency of generation and operation.

Mr. R. M. Wise, Chairman Sylvania Electric Products, Inc. 500 Fifth Ave. New York, N. Y.	Mr. H. F. Argento, Vice Chairman Raytheon Production Company Waltham, Mass.

Panel #4 on Standard Broadcasting

Scope—The review and further development of standards with reference to broadcasting on medium frequencies.

Mr. Howard S. Frazier, Chairman National Association of Broadcasters 1760 N Street, Northwest Washington, D. C.	Mr. Burgess Dempster, Vice Chairman Crosley Corporation Cincinnati, Ohio

Panel #5 on VHF Broadcasting

Scope—The review and further development of standards with reference to broadcasting in the frequency band of 30 to 300 mc.

Mr. G. E. Gustafson, Chairman Zenith Radio Corp. 6001 Dickens Avenue Chicago, Illinois	Mr. C. M. Jansky, Jr., Vice Chairman Jansky & Bailey National Press Building Washington, D. C.

(Continued on page 460)

NAB Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Robert T. Bartley, *Director of War Activities;* Lewis H. Avery, *Director of Broadcast Advertising;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Arthur C. Stringer, *Director of Promotion.*

RTPB PANEL ORGANIZATION

(Continued from page 459)

Panel #6 on Television

Scope—The review and further development of standards with respect to television.

Mr. D. B. Smith, Chairman
Philco Corporation
Philadelphia, Pa.

Mr. I. J. Karr, Vice Chairman
General Electric Company
Bridgeport, Conn.

Panel #7 on Facsimile

Scope—The review and further development of standards with respect to facsimile.

Mr. J. V. L. Hogan, Chairman
730 Fifth Avenue
New York, N. Y.

Mr. C. J. Young, Vice Chairman
RCA-Victor Division
Camden, N. J.

Panel #8 on Radio Communication

Scope—The review and further development of standards with reference to radio communication.

Mr. Haraden Pratt, Chairman
% Mackay Radio and Telegraph Co.
67 Broad Street
New York 4, N. Y.

Panel #9 on Relay Systems

Scope—The review and further development of standards with reference to radio relay systems.

Mr. E. W. Engstrom, Chairman
RCA Laboratories
Princeton, N. J.

Dr. Ralph Bown, Vice Chairman
Bell Telephone Laboratories
463 West Street
New York, N. Y.

Panel #10 on Radio Range, Direction, and Recognition

Scope—The development of standards with respect to radio range, direction finding, recognition, and locating systems.

Mr. W. P. Hilliard, Chairman
Bendix Radio Corporation
Baltimore, Maryland

Mr. C. G. Fick, Vice Chairman
General Electric Company
Schenectady, N. Y.

Panel #11 on Aeronautical Radio

Scope—The review and further development of standards with reference to aeronautical services.

Mr. J. C. Franklin, Chairman
Director of Communications
Transcontinental Western Airlines
Kansas City, Mo.

Panel #12 on Industrial, Scientific, and Medical Equipment

Scope—The study of the necessary characteristics of industrial, medical and scientific equipment with particular reference to potential radio interference and the development of appropriate standards therefore.

Mr. C. V. Aggers, Chairman
Westinghouse Elec. & Mfg. Co.
Baltimore, Maryland

Mr. H. B. Marvin, Vice Chairman
General Electric Company
Schenectady, N. Y.

Panel #13 on Police, Emergency Services

Scope—The review and further development of standards with respect to police and emergency services.

Professor D. E. Noble, Chairman
Galvin Manufacturing Corporation
4545 Augusta Blvd
Chicago, Illinois

Mr. Frank Walker, Vice Chairman
International Association of Chiefs of Police
% Michigan State Police
Detroit, Michigan

Organization of RTPB now includes these six contributing sponsors: American Institute of Electrical Engineers, American Radio Relay League, FM Broadcasters, Inc., Institute of Radio Engineers, National Association of Broadcasters, and Radio Manufacturers Association.

ROCHESTER FALL MEETING

The annual joint meeting of the Radio Manufacturers Association and the Institute of Radio Engineers was held in Rochester, New York, on November 8 and 9. There was a record attendance of engineers and manufacturers. Of particular interest to broadcasters were the following papers presented during the meeting:

"Demountable Versus Sealed-off Tubes,"
I. E. Mouromtseff, Westinghouse Electric & Manufacing Company.
"Twenty-Eight Volt Operation of Electron Tubes,"
Walter R. Jones, Sylvania Electric Products, Inc.
"Message of RMA Director of Engineering,"
Dr. W. R. G. Baker.

Dr. Baker outlined the organization, procedure and objectives of the Radio Technical Planning Board, of which he is the chairman. More than three hundred radio engineers attended the Tuesday morning session, many of whom will become active in the studies to be made by RTPB, heard from Dr. Baker a detailed report on RTPB activities.

Among the broadcast engineers present were Edward Content, WOR; Howard S. Frazier, NAB; Kenneth Gardner, WHAM, and A. C. Heck, WPIC.

The United States Army Signal Corps exhibited captured enemy radio equipment which was examined with much interest by those present.

COMMITTEE DISCUSSES RADIO TUBES

Plans whereby the present and future output of nonmilitary radio receiving tubes would be made available from manufacturers to distributors on an equitable basis and thus receive wider distribution among owners of household radio sets for maintenance and repair were discussed by the Electronics Distributors Industry Advisory Committee meeting in Washington yesterday. A plan proposed by Frank H. McIntosh, chief of the Domestic and Foreign Radio Branch of the Radio and Radar Division, War Production Board, who was Government Presiding Officer at the meeting, was recommended by the committee.

Under this plan, each of the half dozen manufacturers first would offer for sale to the other manufacturers a certain minimum percentage of each type of tube he manufactures, in order that all manufacturers would have a supply of all types of tubes. The manufacturers then would offer to the electronics distributors with whom they deal a supply of tubes based on a percentage of the amount of tubes by type which the distributors purchased in 1941. In this way, the distributors would have a more balanced stock with which to supply their dealers who attempt to keep the public's radio sets functioning.

The plan would not necessarily bring about any additional supply of radio tubes for civilians, Mr. McIntosh emphasized, but would result in a more balanced distribution based on distributors' business in 1941. Some manufacturers have been following this practice voluntarily, but others have been filling orders for tubes on the basis of precedence of orders, members of the Electronics Distributors Industry committee said.

The Radio and Radar Division's proposal provides that manufacturers would set aside a suitable quantity of their production for export purposes.

The program would leave to distributors the decision on how their stocks were to be pro-rated among dealers in order that the public would be best served.

Although supplies of receiving tubes for household sets are still short of demand because of military requirements, the program seeks to correct unbalanced situations in which one distributor or a dealer has a large stock of one type of tube and none of others or another lacks minimum supplies of any type. It is expected to permit the average owner of a radio set to obtain a replacement tube at the first store to which he applies, instead of having to shop over an entire city for the required tube.

INFORMATION PLEASE

Information is desired concerning Leonard Wyatt, radio entertainer last on "air" as "Whitey and the Pine Ridge Boys", playing at Knoxville. Also played fiddle with old time music at dances. Anyone having information as to the whereabouts of this party, please send information to NAB, 1760 N Street, N. W., Washington 6, D. C.

VACATION TRAVEL

Joseph B. Eastman, Director of the Office of Defense Transportation, has requested the executives of all trade associations to call to the attention of the membership the necessity for curtailing holiday travel. Mr. Eastman points out that war impelled passenger traffic is severely taxing the facilities of both rail and bus, as well as air lines, and that every effort should be made to minimize travel, especially between December 17 and January 10.

Employers are requested to refrain from giving employees vacations during that period and to limit business travel to only the most essential occasions.

4 RADIO QUESTIONS IN CONSUMER SURVEY

A nationwide consumer survey is currently being conducted for the Office of Civilian Requirements by the Bureau of the Census according to information from Arthur D. Whiteside, WPB vice chairman. Census enumerators will visit with 7,000 households to ask about the availability of 115 types of goods and services used in homes and on the farms.

Items in which broadcasting has a special interest are tubes, radio batteries, radio repair facilities and new sets excluding auto sets.

The following committee has approved the technique being employed:

T. M. Brown, professor of business statistics, Harvard Business School; A. M. Crossley, Crossley, Inc.; George Gallup, director, American Institute of Public Opinion; Paul Lazarsfeld, research professor, Columbia University; Elmo Roper, Elmo Roper, Inc.; and S. M. Wilks, professor of mathematical statistics, Princeton University.

Questions will be asked in the following areas: rural farm; rural nonfarm; 2,500-25,000 cities; 25,000-100,000 cities; and in cities 100,000 and over.

Hope for the Best

Since the survey is being conducted by the Bureau of the Census it is expected that those interviewed will respond to the best of their ability. However, the size of the data sheets used by the enumerators is somewhat formidable.

With regard to the questions of special interest to broadcasters it is sincerely hoped that usable information will be obtainable. There is a possibility, though, that the fatigue element involved in asking 8 questions concerning each of 115 types of goods and services may render the radio information obscure.

Of the radio questions, radio tubes stand as No. 49, radio batteries, No. 71, new radio sets, No. 86 and radio repair No. 112 in the list of goods and services.

SALVAGE REPORTS

L. W. Trommlitz, manager, KORE, Eugene, Ore., has stimulated the local salvage committee to greater action in behalf of tin can collection.

F. H. Booton, program manager, WDZ, Tuscola, Ill., reports that fat collection is now "pretty fair."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, November 15th. They are subject to change.

Monday, November 15

WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license, **920 kc.**, 1 KW night, 5 KW day, unlimited.

Wednesday, November 17

Further Consolidated Hearing

To be held in Room 582, U. S. Court House, Chicago, Illinois.

WFTL—Ralph A. Horton (Assignor), The Fort Industry Co. (Assignee), Fort Lauderdale, Fla.—Voluntary assignment of C. P., with license of WFTL; and licenses of Relay Stations WAAD and WRET; **1400 kc.**, 250 watts, unlimited under C. P.: **710 kc.**, 10 KW, unlimited, DA-night.

WFTL—Ralph A. Horton, Fort Lauderdale, Fla.—License to cover C. P. and authority to determine operating power by direct measurement. **1400 kc.**, 250 watts, unlimited. Under C. P.: **710 kc.**, 10 KW, unlimited, DA-night.

WFTL—The Fort Industry Company, Fort Lauderdale, Fla.—Modification of license to move main studio from Fort Lauderdale, Fla. (contingent upon granting of B3-APL-15). **1400 kc.**, 250 watts, unlimited. Under C. P.: **710 kc.**, 10 KW, unlimited, DA-night.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

W. J. Harpole and J. C. Rothwell, a partnership, Plainview, Texas.—Adopted order granting petition to reinstate and grant application for construction permit for a new station to operate on **1400 kc.,** 250 watts, unlimited time. This grant is subject to the condition: "Prior to the issuance of a construction permit, the applicant shall obtain approval of the Commission of the exact transmitter and studio location and antenna system to be used. Application for such approval shall be filed within two months after the effective date of this order. If for any reason such application cannot be submitted within the time allowed, an informal request for extension of time must be submitted stating the necessity therefor." (B3-P-3420)

WLOL—Independent Merchants Broadcasting Co., Minneapolis, Minn.—Granted petition for authority to identify Station WLOL with St. Paul as well as with Minneapolis in making station identification.

DESIGNATED FOR HEARING

WJAX—City of Jacksonville, Fla.—Designated for hearing application for construction permit to install a 100 watt transmitter for auxiliary purpose only (B3-P-3541).

LICENSE RENEWALS

Granted renewal of following station licenses for period beginning December 1, 1943, and ending not later than December 1, 1945:

KGKY, Scottsbluff, Nebr.; KPLC, Lake Charles, La.; KTBI, Tacoma, Wash.; KYCA, Prescott, Ariz.; KYOS, near Merced, Calif.; WDNC, Durham, N. C.; WGAL, Lancaster, Pa.; WJBK, Detroit, Mich.; WMRC, Greenville, S. C.; WMRF, Lewistown, Pa.; WOMI, Owensboro, Ky.; WSTP, Salisbury, N. C.; WWSW, Pittsburgh, Pa. (and auxiliary); KNOW, Austin, Tex.

DOCKET CASE DECISION

The Commission announced the adoption of its Findings of Fact, Conclusions and Order (B-189) granting the application of the WGAR Broadcasting Co., WGAR, Cleveland, Ohio, for construction permit to change frequency from **1480** to **1220 kc.,** increase nighttime power from 1 to 5 KW, make changes in directional antenna for nighttime use, and move transmitter site locally. This grant is subject to the condition that (a) applicant shall take whatever steps are necessary to improve the signal of WGAR over the Cleveland business district to comply with the Commission's Rules and Regulations when materials and equipment again become available for construction of broadcast facilities; and (b) that applicant shall submit proof that the proposed radiating system is capable of producing a minimum effective field of 175 millivolts per meter at one mile for 1 KW power (or 392 millivolts per meter for 5 KW power). (Docket No. 6309)

Grant was also made of a construction permit to the Ohio Broadcasting Co., WHBC, Canton, Ohio, to make changes in transmitting equipment, install directional antenna for nighttime use, change frequency from **1230** to **1480 Kc.,** and increase power from 250 watts to 1 KW. (Docket No. 6310)

In the same action, the Commission denied the application of Allen T. Simmons, WADC, Talmadge, Ohio, for construction permit to install new transmitting equipment and a directional antenna for both day and night use, change transmitter location, and to change the operating assignment from **1350 kc.** with 5 KW power, unlimited time, using a directional antenna, to **1220 kc.** with 50 KW power, unlimited time, using a directional antenna. (Docket No. 6311)

MISCELLANEOUS

WQAM—Miami Broadcasting Co., Miami, Fla.—Granted license to cover construction permit as modified, for installation of new transmitter and increase in power (B3-L-1776); granted authority to determine operating power by direct measurement of antenna power (B3-Z-1557).

WGRC—North Side Broadcasting Corp., Louisville, Ky.—Granted license to cover construction permit for move of main studio and transmitter (B2-L-1778); granted authority to determine operating power by direct measurement of antenna power (B2-Z-1559).

WJOB—O. E. Richardson, Fred L. Adair and Robert C. Adair, d/b as Radio Station WJOB, Hammond, Ind.—Granted license to cover construction permit for increase in power and change in type of transmitter (B4-L-1774); granted authority to determine operating power by direct measurement (B4-Z-1553).

WAYX—Jack Williams, Waycross, Ga.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-1538).

WNAX—WNAX Broadcasting Co., Yankton, S. D.—Granted license to cover construction permit as modified for increase in power and directional antenna for night use (B4-L-1775); granted authority to determine operating power by direct measurement of antenna power (B4-Z-1556).

WAHL—Paducah Broadcasting Co., Inc., area of Paducah, Ky.—Granted modification of license to change area of operation to permit use with Station WSON, Henderson, Ky., and WPAD, Paducah, Ky. (B2-MLRY-46).

W6XLA—Television Productions, Inc., Los Angeles, Calif.—Granted modification for construction permit, as modified, for extension of completion date of new experimental television relay station to February 1, 1944 (B5-MPVB-106).

United Automobile Workers, Congress of Industrial Organizations, Washington, D. C.—Denied petition requesting informal hearing on alleged censorship and operation contrary to public interest by station WHKC, Columbus, Ohio.

Pottsville News and Radio Corp., Pottsville, Pa.—Adopted an order denying petition for reinstatement of application for new station to operate on **580 kc.** with 250 watts daytime. (Docket 4402)

APPLICATIONS FILED AT FCC

750 Kilocycles

WHEB—WHEB, Inc., Portsmouth, N. H.—Transfer of control of license corporation from R. G. LeTourneau, to Charles M. Dale, 100% or 750 shares of common stock.

1070 Kilocycles

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Voluntary assignment of license and construction permit to H. G. Wall, Margaret B. Wall and Thelma M. Lohnes, d/b as Indiana Broadcasting Company.

1390 Kilocycles

KSIM—Oregon Radio, Inc., Salem, Oregon.—Transfer of control of licensee corporation from H. B. Read to Paul C. McElwain and Glenn E. McCormick (150 shares of common stock).

1410 Kilocycles

WKBH—WKBH, Inc.—Relinquishment of control of licensee corporation by Harry Dahl through transfer of 400 shares of stock to Howard Dahl, Kenneth Dahl, Dorothy Dahl and Catherine Dahl Wood—100 shares each.

1490 Kilocycles

NEW—Birney Imes, Jr., Tupelo, Miss.—Construction permit for a new standard broadcast station to be operated on **1490 kc.,** 250 watts, unlimited time.

NEW—Granite District Radio Broadcasting Co., Murray, Utah.—Construction permit for a new standard broadcast station to be operated on **1490 kc.,** 250 watts, unlimited time. Amended to specify studio site, changes in transmitting equipment and antenna and change in corporate structure.

NEW—Kingston Broadcasting Corp., Kingston, N. Y.—Transfer of control of licensee corporation from Benjamin F. Feiner, Jr., Morris S. Novik and Louis J. Furman, to Myer

Wiesenthal, Charles C. Swaringen, John J. Laux, Richard Teitlebaum, Jack N. Berkman, Alex Teitlebaum, Louis Berkman, Louis J. Furman and Morris S. Novik.

FM APPLICATION

Standard Broadcasting Company, Los Angeles, Calif.—Construction permit for a new high frequency (FM) broadcast station to be operated on **45300 kc.** with coverage of 7,000 square miles.

MISCELLANEOUS APPLICATION

NEW—Great Trails Broadcasting Corp., area of Dayton, Ohio.—License for a new relay broadcast station to be operated on **1606, 2074, 2102** and **2758 kc.**, 125 watts power, A3 Emission.

FEDERAL TRADE COMMISSION DOCKET

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Harry Fischer & Company, 315 North 12th St., Philadelphia, manufacturing and selling men's topcoats, overcoats and other articles of clothing, is charged in a complaint with violation of the Wool Products Labeling Act of 1939 and the rules and regulations issued thereunder. (5073)

E. R. Squibbs & Sons—A complaint has been issued charging E. R. Squibbs & Sons, 745 Fifth Ave., New York, with disseminating false advertisements in connection with the sale of a laxative preparation designated "Granaya with Cascara," which it advertises as an effective treatment for chronic and stubborn cases of constipation. (5075)

Susquehanna Woolen Mills, New Cumberland, Pa., engaged in manufacturing and selling blankets and other products, is charged in a complaint with violation of the Wool Products Labeling Act and the rules and regulations promulgated thereunder. (5074)

Tiger Yarn Company, et al.—Misrepresentation of the fiber content and origin of knitting yarn is alleged in a complaint issued against Benjamin Goldman, 1643 Bathgate Ave., The Bronx, New York, who trades as Tiger Yarn Co., Minnette Yarn Co., Bengo Yarn Shop and Goldman's Yarn Shop. (5077)

Victory Coal Saver Mfg. Company—A complaint has been issued charging Eugene Clement d'Art, 32 North Pearl St., Albany, N. Y., with falsely advertising that a chemical preparation which he sells under the name "Victory Coal Saver," and which contains 90% common salt, is effective in reducing coal consumption. The respondent trades as Victory Coal Saver Mfg. Co. (5076)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Benedict Manufacturing Company, East Syracuse, N. Y., manufacturing and selling plated silverware, has stipulated to cease and desist from the use of any false, fictitious or misleading price representation which purports to be the retail sales price of its products but which is in fact in excess of the price for which such merchandise is customarily sold at retail; and to discontinue directly or inferentially representing, through the use of a fictitious or marked-up price, that the price for which its merchandise is offered for sale is an exceptional price, a low price or a discounted price when in fact the price is that for which the merchandise is customarily sold in the usual course of retail trade. (3742)

C. A. Briggs Co., trading as H. B. Sales Co., 418 Main St., Cambridge, Mass., has stipulated that in connection with the sale of H-B Cough Drops it will cease and desist from use of the term "Hospital Brand" as descriptive of its cough drops, the effect of which may tend to convey the belief that they are made in accordance with a formula prescribed or endorsed by a hospital; and from representing that the cough drops contain vitamin A, that their use will impart the benefits derived from the consumption of vitamin A, or that they purify and soften all hardened places in the throat. (3745)

Lewis-Howe Co., Fourth & Spruce Sts., St. Louis, Mo., selling a drug product designted "NR Tablets" or "Nature's Remedy," has stipulated to cease disseminating any advertisement which fails to reveal that the product should not be used when abdominal pain, nausea or other symptoms of appendicitis are present; provided, however, that such advertising need contain only the statement, "CAUTION: Use Only As Directed," if the directions for use on the label or in the labeling contain a caution or warning to the same effect. (03163)

National Neckwear Manufacturing Co., 359 Broadway, Brooklyn, has entered into a stipulation to discontinue certain misrepresentations in connection with the advertising and sale of neckties. (3746)

Paramount Dress Company—Under a stipulation entered into Joseph Kravitz and Louis Duboff, copartners trading as Paramount Dress Co., 302 South Market St., Chicago, agree to discontinue advertising or selling women's dresses or other products composed in whole or in part of rayon without disclosing such fact by use of the word "rayon"; and when such fabrics are composed in part of rayon and in part of other fabrics or materials, they shall be designated in immediate connection with the word "rayon" in letters of at least equal size and prominence which shall truthfully describe such constituent fiber or material. (3747)

Paramount Yarn Company, 362 Grand St., New York, selling and distributing knitting yarns, has stipulated to cease and desist from use of the words "Scotch," "Saxony" or other words connoting any foreign geographical origin as designations for or as descriptive of products which are not imported from the country or locality indicated by the use of such geographical designations. (3743)

Superior Shirt Co., 1216 Arch St., Philadelphia, selling and distributing men's shirts, has stipulated to cease representing by use of brands or labels such as "U. S. Pat. No. 2,156,704," "Miracle Weave" or "Guaranteed Miracle Weave," or in any other way that collars not actually constructed in accord with the specifications of such patent or made thereunder, are of the quality indicated, are rightfully or truthfully designated as "Miracle Weave," or that such collars have the same attributes and features as those previously sold under such labels and brands; that a collar made of the same or similar material or of the same threads or ply as the body of the shirt is "Guaranteed for life of the Shirt," or otherwise implying that such collar equals in wearing quality or will outwear the rest of the shirt. (3744)

Utica Textile Co., 138 Eldridge St., New York, wholesale distributor of dry goods and piece goods, has entered into a stipulation to cease and desist from use of the term "full size" as descriptive of a blanket or quilt cover the finished size of which is less than 72 inches by 84 inches, the figures "80 80" as applied to a product the finished size of which is less than 80 inches square, or any other terms or expressions which do not accurately indicate the true dimensions of the finished articles; and from use of the terms "80 square" or "80 80" as descriptive of the fabric from which such products are made, when in fact the thread count either way per square inch is other than 80, or any other expressions or representations indicative of the thread count which do not accurately inform purchasers with respect thereto. (3741)

Ward & Sons, 10534 Vincennes Ave., Chicago, selling a medicinal powder designated "Dr. Gray's Foot Bath Powder," has stipulated to cease representing that the preparation is used by doctors, hospitals or sanitariums; that it is the result of scientific research or a study of foot ailments; that statements in his advertising have been made by or are quotations from the literature of the U. S. Public Health Service, or that the U. S. Public Health Service or any other agency of the Government has endorsed or recommended the use of the product; that a package of the powder has a greater value than the price at which it is regularly sold or that its price is limited as to time; or that the powder draws poisons from the feet, has curative or healing powers or destroys germs. (03164)

Zimmerman-Scher, Inc., 150 West 30th St., New York, engaged in the sale of fur garments, stipulated that it will cease and desist from using the words "camel's hair" to designate garments not made of camel's hair; from using the word "lapin" to describe products made from rabbit or other peltries, unless such word is compounded with the word "dyed" or the word "processed" and when so compounded is immediately followed by the true common English name of the fur; and from describing furs or fur garments in any manner other than by using the true name of the fur as the last name of the description, and, when any dye or process is used in simulating any other fur, the true name of the fur appearing as the last word of the designation or description shall be immediately preceded in equally conspicuous type by the word "dyed" or the word "processed" compounded with the name of the simulated fur, as for example, "Seal-dyed Muskrat." (3748)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Dickson Weatherproof Nail Co., 1515 Sherman Ave., Evanston, Ill., with a branch office and factory in Birmingham, Ala., manufacturing and selling various kinds of roofing nails, including a nail designated "Dickson Lock Screw Shank Lead Head Nail," has been ordered to cease and desist from misrepresentation of the product. (4700)

Embalmers' Supply Co., Westport, Conn., manufacturing and distributing embalming fluids and chemicals, including a product designated "San-Veinio Spray," has been ordered to cease and desist from misrepresentations of the product. (3936)

Fox Studios—An order to cease and desist from misrepresenting the quality, price and terms of sale of photographs, particularly colored enlargements and miniatures, has been issued against John C. Lucas, Boise, Idaho, trading as Fox Studios and formerly as United Studios, and Isla Fineman Lucas. (4807)

Miracle Manufacturing Co., Conshokocken, Pa., manufacturing and selling mechanical devices designed as attachments for radio receiving sets, has been ordered to cease and desist from misrepresentations of the devices designated "Miracle Radio Control" and "Miracle Aerial Loop." (4623)

FTC DISMISSES COMPLAINT

The Federal Trade Commission has dismissed without prejudice its complaint charging Pakula and Co., trading as L. W. Ring Co., Chicago, with misrepresentation in connection with the sale of jewelry and novelties.

The respondent corporation has been dissolved. The Commission in its order dismissing the complaint reserves the right to institute further proceedings should conditions warrant.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 47, November 19, 1943

BOARD OF DIRECTORS MEETING

The NAB Board of Directors held its regular fall meeting in Washington on Wednesday and Thursday. At the time these REPORTS go to press, the meeting had not yet adjourned. A full report of the sessions will be contained in next week's REPORTS.

LA GUARDIA-FLY EXCHANGE

Chairman Fly of the FCC today made public the correspondence between himself and Mayor Fiorello H. LaGuardia of New York, regarding the Mayor's broadcast November 7, 1943 over Radio Station WNYC. Mayor LaGuardia wrote Mr. Fly as follows:

"As you know, WNYC, owned and operated by the City of New York, is a non-commercial station. It is under my direct supervision. I have made it an unalterable rule to keep it non-political. This year we tried an interesting experiment that was to give equal time to the major parties as well as independent candidates.

"As Mayor I have a scheduled program every Sunday in which I talk on matters of interest to the people of the city concerning their welfare, health and safety. Last Sunday I made an analysis of the results of this year's election. I am now charged with having made a political talk. If so, I am guilty of a violation of my own rule. I did not intend to make a political talk and limited myself to an analysis of the results the same as any commentator would do. Be that as it may, the statement made by me, which I enclose herewith, speaks for itself. The enclosed copy is a verbatim record of my statement on this subject made extemporaneously. The background in reference to the election of a Supreme Court Judge is as follows:

"(1) The Supreme Court Judges in this State are nominated by judicial convention of the respective political parties. The Republican and Democratic parties nominated Magistrate Thomas Aurelio.

"(2) The Democratic Judicial Convention took place on August 23, 1943, at 8:30 P. M. and nominated said Aurelio.

"(3) The following morning, Tuesday, August 24th, 1943, at 8:25 A. M. during a telephone conversation to one Frank Costello, an underworld character, whose telephone was lawfully being tapped by the police department of this city in the course of official duties investigating a violation of the law, a voice was recognized as that of Mr. Aurelio, expressing his thanks, gratitude and undying loyalty to the said underworld character. The matter was immediately brought to the District Attorney of New York County.

"(4) That same evening the Republican Judicial Convention met and at about ten o'clock nominated said Aurelio.

"(5) Under the laws of the State of New York, as only recently construed by the highest Appellate Tribunal of this State, the Convention, having performed its duty and adjourned, lost all control and jurisdiction of the nomination for such office. Under the law of this State, the candidates have a right to decline the nomination within a certain time fixed by law.

"(6) Mr. Aurelio refused to decline the nomination. Thereupon both the Democratic and Republican parties repudiated the nomination. In the meantime, as soon as the information had been imparted to the leadership of the American Labor Party, one of its candidates for this office immediately declined the nomination and the Committee on Vacancies, pursuant to the provision of the State law, nominated one Matthew M. Levy.

"(7) Thereafter the Democratic Party, though unable to remove Mr. Aurelio from the ballot, endorsed Mr. Matthew M. Levy and urged its voters to support said Levy and not the candidate on its ticket. On September 1st, after Mr. Levy had been nominated by the American Labor Party and endorsed by the Democratic Party, the Republican Party designated their candidate whose name was placed on the ballot by independent petitions.

"(8) It was known as a mathematical certainty that a division of the anti-Aurelio vote would result in the election of Mr. Aurelio whose name appeared as candidate on both the Democratic and Republican Parties.

"(9) Every effort was made to obtain endorsements and support for Mr. Levy who had the advantage of being on a regular party ballot, which gave him a basis and a start of some 80,000 votes. The Republican Party leadership insisted upon keeping the third candidate on the ballot although it had until September 4th to withdraw and decline the nomination, and then center all efforts on the one candidate who had a regular party designation in addition to strong endorsements of the bar associations and an independent petition. In all fairness, it must be said that the third candidate, too, received approval as to his character and fitness by the same bar associations.

"The vote cast, and the mathematics, you will find in my analysis as given over the broadcast in question.

"Charge is also made that in analyzing the vote along party lines, I gave my opinion concerning the present political feeling toward President Franklin D. Roosevelt. I need not point out that there is no presidential campaign this year and that my analysis referred to the political situation as of today.

"If any one individual demands time to speak for the Republican Party, the station would have to accord a like privilege to any other Republican. In fact, there are many factions of Republicans in our City. It would also start a political pressure on the station which would destroy its very usefulness.

"I would concede that if my analysis and comment on the situation is considered political within the meaning of the law and your regulations, that someone should be entitled to the use of the station for a time equal to that consumed by me on the subject. It can be easily timed. You must also bear in mind that I deserve less consideration than perhaps anyone else because, if you followed the debate in the House, I took quite a part in insisting upon the free and proper use of the radio in the early days of radio legislation.

"I want to be fair to all concerned, but, inasmuch as I am personally involved and am of the firm belief that I did not abuse the use of the station and that my statement was not of the character intended by the law and the

(Continued on page 466)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Robert T. Bartley, *Director of War Activities;* Lewis H. Avery, *Director of Broadcast Advertising;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Arthur C. Stringer, *Director of Promotion.*

LA GUARDIA-FLY EXCHANGE

(Continued from page 465)

FCC regulations requiring the opportunity now demanded, I am hardly in a position to judge the matter with an open mind.

"I enclose herewith

"(1) Statement made by the Chairman of the Republican County Committee on Sunday morning, November 7th;

"(2) His letter to the Director of WNYC asking for time;

"(3) Statement made by the County Chairman following my broadcast.

"I know it is an imposition to ask you to advise on this matter, but I feel that it is of sufficient importance to bring it to your attention for, after all, if I have erred, I want to know of it from a source in whom I have confidence and for whom I have great respect. It will also be helpful as a guide to our own station as well as to others similarly situated. It will also establish the limits and latitude of a commentator or an analyst giving his own deductions and opinions on political as well as other subjects.

"I would greatly appreciate your cooperation and of course will abide by your decision."

Following is the excerpt from Mayor LaGuardia's broadcast of November 7 which Chairman Fly of the FCC discussed in his letter to the Mayor dated November 12:

> "We had one interesting contest, that was the election of a Supreme Court Judge who was charged with having obtained his nomination with the help of an underworld character. I think it has been established that Thomas Aurelio was nominated because of the help he got from the racketeer, Frank Costello. But, he owes his election to the Republican Party. I can't make that any too strong. I believe, too, that if the Bar Association had been more vigorous and less inclined to divide along party lines, Mr. Aurelio would have been defeated. There is one thing that I want to say, and one thing which I shall continue to say to the entire country, the electorate in your city is intelligent and a greater number of voters voted against Mr. Aurelio than voted for him. He was elected because of the insistence of the Republican Party in putting up a third candidate.
>
> "As I stated Monday evening before election, if all the Republicans in the Bronx and in Manhattan voted for Mr. Frankenthaler, Mr. Aurelio would still have been elected. Now, I'll give you another mathematical instance. Taking the Frankenthaler vote and adding the 92,000 votes which Mr. Aurelio received on the Republican ticket, Aurelio would still have been elected. It was very simple, Mr. Levy was on the American Labor Party Line. Mr. Aurelio was on the Republican Line and Mr. Frankenthaler was put in afterwards, but the vote was given to Mr. Aurelio on the Republican line. I repeat, if every Republican in New York and Bronx County had voted for Mr. Frankenthaler, Mr. Aurelio would still have been elected.
>
> "The Republicans only have 24 per cent of the vote in Manhattan and they have only 14 per cent of the vote in the Bronx. They couldn't elect anybody. Oh, yes, I won on the Republican ticket, but that's different. Even when I won on the Republican ticket, I had the Republican organization in Queens and in the Bronx against me. That was back in 1919 when I was elected President of the Board of Aldermen to succeed the distinguished Governor, Al Smith, who had been elected Governor. That year I ran on the Republican ticket, as I say, with the opposition of the Republicans in the Bronx and Queens and was elected, but we'll come back to that in just a minute.
>
> "Now, I'm going to repeat this because I think it is manifestly unfair to get the idea abroad in this country that the majority of the people in this City are callous or not intelligent enough to vote. They are. A manifestly unfair statement appeared in the *Herald Tribune* this morning by Mr. Thomas Curran, Chairman of the New York County Republican Committee. He says, 'further, I believe it noteworthy to point out that whereas Matthew M. Levy (the A. L. P. Candidate) polled a meager 38,456 votes on the Integrity and Justice line, a total of 140,000 were recorded for Mr. Frankenthaler on his single Judiciary party line.'
>
> "Wouldn't that make it appear that Frankenthaler got 140,000 votes and that Levy got only 38,456. Well, that is not true. Levy got 217,577 votes; Frankenthaler got 140,000 and add the 92,000 that Aurelio got on the Republican ticket, and Aurelio would still have been elected. Now, that ought to be clear.
>
> "I mentioned the Bar Association. First, I must say that Mr. Wardwell, President of the Bar Association and Dean Embree of the New York County Bar Association did give every possible help. This is what happened: The Aurelio telephone conversation, expressing his undying loyalty to the racketeer was at 8:25 in the morning. The Republicans had not yet nominated anyone. They met after nine o'clock at night and nominated Aurelio. When District Attorney Hogan made known this conversation, Mr. Allen Wardwell, Mr. Dean Embree and Mr. John G. Jackson made every effort to get a joint candidate under the circumstances. They realized that the American Labor Party had withdrawn a candidate in order to put one in who could fight this situation. They gave whole-hearted and unstinted support to Matthew Levy, as did other leaders of the bar, but then when it went to the committee of the bar, both candidates were endorsed. Members divided on giving support, all to the confusion of the voters. Some members of the bar—outstanding lawyers—when the matter was called to their attention frankly stated, 'Well, the Republican Party is our first love,' and they let it go at that. The result you have.
>
> "I've been asked to comment on the statement that this is a defeat of the New Deal. Well, again I say I can only talk for New York City and it is not a defeat for the New Deal. The forces that were supposed to be for the New Deal were generalled by Mr. James Farley and who said that James Farley is for the New Deal? In fact, when did James Farley ever win an election in New York City? Well, let us see, in '33 he commanded the campaign of the candidate against me. We licked him. In 1940, he was not for the President. In 1941 he again assumed command of the Mayoralty campaign and was defeated. In 1942, he again assumed the command for the governorship and was defeated; in 1943, you know the results. I can only speak for New York City and I've repeated that four times now, and I say if Mr. Roosevelt were to run tomorrow in New York he would carry this city by over 750,000 votes. And that's the situation as far as the vote in New York has any significance to the national question. True, Mr. Hanley got a very good vote. Mr. Dewey has given an excellent administration and other factors entered into it, but the fact remains that insofar as New York City's vote is concerned, it has no bearing whatsoever with either President Roosevelt's following or the support of the New Deal."

Mr. Fly's response follows:

"This will acknowledge receipt of your letter of November 10 in which you ask for my opinion in regard to the request of the Chairman of the Republican County Committee for time on Radio Station WNYC to answer remarks made by you over the Station on last Sunday.

You understand, of course, that the responsibility for the programming of the Station rests upon the licensee. The discretion exercised by the licensee is not reviewable by the Commission except at a time when the over-all conduct of the station over the long stretch is brought up for general review. The mandatory provision of the statute requiring equal facilities for candidates for public office is not applicable in this instance. I shall, therefore, assume that you have asked for an expression from me as to my own appraisal of the broadcaster's duty in the operation of this vital mechanism of free speech.

I doubt if there is any substantial divergence of opinion between us as to the general philosophy which ought to apply to radio broadcasting. I assume that when any speaker enters the field of controversy on any current problem, or where any speaker, political or otherwise makes charges of a serious nature against responsible persons or organizations, the least the opposition should have is equal opportunity to present to the public its own answer to any charges made. Nor, in my view, is it essential to the application of this principle that the original broadcast in question be political or non-political. The ideal toward which my own thinking aims is that the public is entitled to a balanced presentation on all lively, current issues. I should think that this principle is only accentuated when there is something accusatory in the original broadcast.

I have reviewed your entire speech, a copy of which covers ten and one-half mimeographed pages. Surely, most of that speech can properly be deemed a report from the Mayor to the electorate of his own City on non-controversial matters of current interest to the public. I assume that the material in question covers a little over two pages from near the top of page 2 through the middle of page 4.

I do not think this material is of the greatest current political interest, but I do think that it may have some-long-range impact in the political realm. In this way it may affect the local Republican organization. Of somewhat greater significance, however, is the fact that your language appears to me to be somewhat accusatory in nature in that you lay the blame for the Aurelio election, which is assumed to be unwholesome, on the doorstep of the Republican organization. You may well be right in doing this, and the array of facts presented by you without countervailing evidence point in the direction of this responsibility. Indeed, at a distance, I had already been inclined to assume that the election of Aurelio was made both possible and probable by the failure of the appropriate organizations to concentrate in support of one qualified opponent. Thus, the upshot of my own thinking on the subject at a distance is that I tend to come off with the feeling that you are right.

But therein lies the danger. In terms of the over-all operation of the mechanism of free speech in the broad public interest, it is ever so essential that the public be not, through one-sided presentation, led to think on any subject as either or both of us may think. The question of fact is serious, the blame sought to be placed upon the Republican organization is serious, and that organization raises a responsible voice seeking to be heard. This leads me to the thought that the public is entitled to hear them and that the Republican County Committee should be enabled to express its view. The time and facilities extended to the Republican organization should be no less desirable or effective than that enjoyed by you. I would assume that you spent about six minutes on this general subject. If I may be specific, I would suggest that you extend to them ten minutes of this same period on Sunday, November 14, or at such other time as may be mutually arranged.

With every assurance of my kind regards."

BANKHEAD BILL PASSES SENATE

S. 1457 (The Bankhead Bill on Newspaper Advertising) passed the Senate by the close vote of 37-35 and was sent to the House for concurrence. It was there referred to the House Committee on Ways and Means.

The membership of the House Committee on Ways and Means is as follows:

Robert L. Doughton, N. C.
Thomas H. Cullen, N. Y.
Jere Cooper, Tennessee
Wesley D. Dingell, Mich.
A. Willis Robertson, Virginia
Milton H. West, Texas
James P. McGranery, Penna.
Wilber D. Mills, Ark.
Noble J. Gregory, Ken.
A. Sidney Camp, Georgia
Walter A. Lynch, New York
Aime J. Firand, Rhode Island
Thad. F. Wasieleski, Wis.
Paul H. Maloney, Louisiana
Allen H. Treadway, Mass.
Harold Knutson, Minn.
Daniel A. Reed, New York
Roy O. Woodruff, Mich.
Thomas A. Jenkins, Ohio
Donald H. McLean, New Jersey
Bertrand W. Gearhart, Calif.
Frank Carlson, Kansas
Richard M. Simpson, Pennsylvania
Charles S. Dewey, Illinois.

BROADCASTING NOW AA-1

The Radio and Radar Division of WPB has again amended Preference Rating Order P-133 as of November 17, 1943. The new order authorizes the preference rating AA-1 instead of the former rating AA-2. This change now places radio broadcasting on an equal basis with other branches of the radio communications industry. The preference rating applicable to commercial sound recording has also been raised from AA-5 to AA-2. Section (e) (1) has been clarified.

We are printing below the portions of the order amended on November 17. All other sections of the order as amended October 8, 1943, remain unchanged. As only a small portion of the order has been modified, the new order will not be printed in its entirety. It is therefore suggested that the previous order published by NAB in Broadcast Engineering Bulletin No. 3, October 22, 1943, and NAB Reports, page 438-439 of October 22, 1943, be corrected as shown below.

(1) Radio communication—AA-1. Persons engaged in this business are also entitled to use the allotment symbol "MRO."

(2) Radio broadcasting—AA-1. Persons engaged in this business are also entitled to use the allotment symbol "MRO."

(3) Commercial sound recording—AA-2. Persons engaged in this business are also entitled to use the allotment symbol "MRO."

(4) Operation and maintenance of public address, intercommunication, plant sound or other similar electronic systems, such as systems for the controlled distribution of musical programs—AA-5.

(e) *Restrictions on the use of the ratings and allotment symbol.* No person shall use these ratings or allotment symbol:

(1) To buy or repair a tube, unless he has first operated a similar tube to failure, and has in stock less than one new and one rebuilt spare tubes for each active tube socket. All operable tubes which have not been rebuilt shall be counted as new tubes. All power tubes of 250 watts or more (plate dissipation), which have been operated to failure and are not to be repaired, shall be returned to the manufacturer.

TECHNICAL PLANNERS MEET

The necessity for complete cooperation between government and industry groups for the early study of technical problems involved in the future of radio, was generally agreed upon at a meeting held in Washington Wednesday which was attended by members of the Radio Technical Planning Board, representing industry; the Interdepartment Radio Advisory Committee, the Board of War Communications and the Federal Communications Commission.

Subject to priorities of work related to the war, the studies should start as quickly as possible, it was felt.

Government departments concerned with radio work have been invited to appoint observers to work with the Radio Technical Planning Board.

There will be an exchange of information between the government departments and the RTPB so that all concerned in this field can coordinate their work.

The various panels of the RTPB and the government groups will study such problems as (a) Major changes which may be required with respect to each service, i.e., standard broadcasting, FM broadcasting, television, aviation (domestic and international), police and emergency services, international point-to-point, maritime and government; (b) Changes to be made in the Federal Communications Commission's present standards of good engineering practice and other technical rules, and (c) The possibilities of utilizing frequencies above 300 megacycles.

It was suggested that studies should be completed at the earliest possible date to determine the best frequencies for television, FM broadcasting, aviation and other services so that manufacturers can be ready with plans to produce equipment when materials are again made available.

It was brought out that if no change in allocation of frequencies for television is made and large numbers of sets are sold under the present commercial standards, the effect would be to freeze the service without giving the public the benefit of new war time developments.

A need was expressed for more information to determine the lowest and highest frequencies which are actually useful for television and other services.

The meeting was told about studies the FCC is conducting to determine the possibility of long distance skywave interference in the present FM and television bands.

In a discussion of the radio problems in aviation it was reported that some of the technical difficulties from the standpoint of maximum use of frequencies are attributable to the extreme high speeds of modern aircraft.

Chairman of the Radio Technical Planning Board is Dr. W. R. G. Baker, vice-president of the General Electric Co. The Interdepartment Radio Advisory Committee is headed by T. A. M. Craven who is also a commissioner of the FCC. James Lawrence Fly is chairman of the Federal Communications Commission and also of the Board of War Communications.

The group met in response to an invitation issued by the Federal Communications Commission.

Members of the Radio Technical Planning Board who attended the meeting included:

Dr. W. R. G. Baker (Chairman), Vice Pres., General Electric.
L. C. F. Horle (Coordinator), 90 West Street, New York City
Bond Geddes (Treasurer), RMA, Washington, D C.
George W. Bailey, American Radio Relay League, 1530 P St., N. W., Washington, D. C.
Kenneth B. Warner, American Radio Relay League, West Hartford 7, Conn.
Walter J. Damm, FMBI, Milwaukee, Wisc.
G. E. Gustafson, V. Pres., Eng. Dept., Zenith Radio, Chicago, Ill.
Frank Walker, International Assn. Chiefs of Police, Detroit, Mich.
D. E. Noble, Galvin Corp., Chicago, Ill.
H. F. Argento, Raytheon Co., Waltham, Mass.
David B. Smith, Philco Corp., Philadelphia, Pa.
F. J. Bingley, Philco Corp., Philadelphia, Pa.
Burgess Dempster, Crosley Corp.
Howard Frazier, NAB, Washington, D. C.
H. H. Beverage, RCAC, New York City
E. W. Engstrom, RCA Labs., Princeton, N. J.
H. B. Marvin, General Electric, Schenectady, N. Y.
J. M. Constable
Charles J. Young, RCA Labs., Princeton, N. J.
John V. L. Hogan, Faximile Inc., 730 Fifth Ave., New York City
Ralph Brown, Bell Tel. Labs., New York City
Ray H. Manson, Stromberg Carlson Mfg., Rochester, N. Y.
F. M. Ryan, A. T. & T. Co, New York City
C. M. Jansky, Jr., Jansky & Bailey, Washington, D. C.
George T. Harness, American Institute of Electrical Engineers
Haraden Pratt, Mackay Radio and Telegraph Co.
Dr. C. B. Jolliffe, RCA Labs., Princeton, N. J.
Fred Guthrie, RCAC, Washington, D. C.
Herbert A. Friede, International Municipal Signal Assn.
Dr. Alfred N. Goldsmith, 580 Fifth Ave., New York City
R. M. Wise, Sylvania Electric Products, 500 Fifth Ave., New York City
Thomas Streibert, FM Broadcasters, Inc.
Philip Louchs, FM Broadcasters, Inc., Washington, D. C.
W. B. Lodge, Columbia Broadcasting System
Fred D. Williams, Philco Corp.
H. W. Holt, NIB
Frank J. Martin, National Electric Mfgrs. Assn.
D. W. Rentzel, Aeronautical Radio
Walter Murray, Aeronautical Radio

Government Officials who attended were:

Commander Franz O. Willenbucher, Navy Department
Lt. Commander Paul Segal, Navy Department
J. H. Dellinger, National Bureau of Standards
Lt. Commander Paul D. Miles, Navy Department
E. C. Wagner, Agriculture Dept.
Lt. A. L. Budlong, Coast Guard
Ensign E. J. Brumbaugh, Coast Guard
Capt. E. M. Webster, Coast Guard
L. H. Simson, C. A. A.
A. G. Simson, Lt Col., Signal Corps.
John S. Timmons, WPB

Chairman James Lawrence Fly; Commissioners T. A. M. Craven; C. J. Durr; Paul A. Walker; Ray C. Wakefield, of the Federal Communications Commission.

Federal Communications Commission Staff Members: E. K. Jett, Chief Engineer; Charles Denny, General Counsel; P. F. Siling; Rosel Hyde; Dr. L. P. Wheeler; George Sterling; William H. Bauer; George Adair; George Turner; James P. Veatch; Harry Plotkin; William N. Krebs.

The Lea Committee met this morning with Commissioner Craven on the stand in his capacity as chairman of Interdepartment Radio Advisory Committee (IRAC). The session was largely devoted to the reading into the record of the minutes of IRAC relating to the Committee's recommendations that the chairmanship of IRAC be rotated and that the recommendations and proposals of IRAC be submitted to the president through its own chairman rather than through the chairman of the FCC.

The afternoon session followed along the same lines with Counsel Garey asking Commissioner Craven whether or not one of the main complaints by members of IRAC to FCC representatives on IRAC was that they come to the meetings unprepared to vote and had to take so many questions back to the Commission. Commissioner Craven pointed out that in many instances he could think of the representative of the FCC could not vote without going back to the Commission for reactions in view of the necessity in case of the removal of a licensee from his frequency without first going through a hearing.

In this connection Mr. Garey asked whether the Commission had ever revoked a license without a hearing. Commissioner Craven said that he felt that since it was a statutory requirement that no such action had ever been taken. Mr. Garey asked him about the Watertown, New York case in which a construction permit had been issued, some several thousand dollars spent in construction and finally the construction permit had been rescinded by the Commission by telegram.

Commissioner Craven said he would be glad to look up the details and report back to the Committee later on. He called attention to the fact, however, that at the Sanders hearing he had made recommendations to the committee of the necessity for legislation regarding Commission procedure and that he still felt that remedial legislation along these lines was needed. He indicated that he was preparing recommendations for submission to the Senate Committee which is now holding hearings on the Wheeler-White Bill regarding the establishment of a conference group on the allocation of frequencies which should include the various interested government departments and also members of the House Interstate and Foreign Commerce Committee and of the Senate Interstate Commerce Committee.

The hearings were recessed until 10:00 a. m., Monday, November 22.

Labor

CHRISTMAS BONUSES

The National War Labor Board has announced that regular Christmas bonuses may be paid this year without approval of the Board if they do not exceed bonuses given last year.

The Board reaffirmed its General Order No. 10, issued November 6, 1942, which authorized the payment of bonuses if they do not amount to a greater fixed sum than previously paid, or, if computed on a percentage basis, the same rate and method of computation is used. Greater amounts may be given in instances where the same percentage and method are used to compute the bonus.

Bonuses in excess of amounts paid previously, or otherwise contrary to General Order No. 10 require approval by the Various Regional War Labor Boards.

Such applications, the Board said, will be approved only in exceptional cases where failure to pay the bonus would be manifestly unjust to the employees involved.

COMMISSION INCREASES

The National War Labor Board has decided that the "Little Steel" formula, as a general rule, will not be applied to those employees under the Board's jurisdiction who receive their wage payments by the commission method.

In a resolution drawn up after a careful investigation into all phases of the problem, the Board also said that each commission case would "be considered upon its own merits in the light of all the facts." Each decision made in any of the 12 Regional War Labor Boards or industry commissions will be submitted promptly to the National Board to be summarized. Reports will be made and submitted to all the regions and commissions, the resolution said.

It is estimated that more than 5 million workers are paid by the commission method in some form. The Board's resolution applied to all the workers, but particularly to salesmen in the distribution and service industries.

The "Little Steel" formula permits an increase in the hourly rates of employees up to 15 per cent above the rate paid on January 1, 1941 to compensate workers for the increased cost-of-living.

The Board found that the "Little Steel" formula, as a rule, was inapplicable to commissions because of the complexity of the types of commissions, and because, generally, no record of the number of hours worked is kept. The "Little Steel" formula is based on the hourly rate. In some instances, virtually all earnings are pure commission earnings while in other cases the commission constitutes only a very small proportion of the total earnings. Commission plans, even within a single industry or bargaining unit, may vary between these two extremes. In some instances, very complex plans are in effect, providing for a complex rate schedule, a salary, and/or a guaranteed rate.

For example, taxi cab drivers may receive a flat percentage varying with the volume of business. A driver may receive 35 per cent of the first $36 collected in a week and 50 per cent on all collections over $36. Another may receive an hourly rate plus 40 per cent commission on all bookings over $10 a day.

A laundry driver salesman may receive a flat percentage of gross business or he may receive $20 a week as a guarantee based upon a $15 per week salary plus a 5 per cent commission on all sales; that is, if the $15 and 5 per cent do not yield at least $20 per week the driver salesman nevertheless will receive the $20 guarantee.

The National Board's resolution was passed after a public hearing on the question October 23, 1943. The Board also received briefs from approximately 30 interested labor and employer organizations. Organizations in the Driver-Salesman and Insurance fields were most actively interested in presenting material to the Board.

The text of the resolution follows:

"By unanimous vote the Board today resolved with reference to the commission method of wage payment particularly for distribution and service industries:

1. As a general rule the Little Steel formula shall not be applied.

2. Each case shall be considered upon its own merits in the light of the detailed facts of each case.

3. Every decision in a dispute or voluntary case shall be promptly reported to the National Board (Wage Stabilization Division) to be summarized and reported to all regions and commissions."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARING

The following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, November 22d. It is subject to change.

Monday, November 22

WJNO—WJNO, Incorporated, West Palm Beach, Fla.—C. P., **1230 kc.**, 250 watts. For emergency purposes only.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WQAM—Miami Broadcasting Co., Miami, Fla.—Granted modification of license in part to permit operation of formerly licensed 1 KW RCA main transmitter for emergency auxiliary purposes (B3-ML-1176).

KMPC—The Station of the Stars, Inc., Beverly Hills, Calif.—Granted modification of license to move main studio from 9631 Wilshire Blvd., Beverly Hills, to 5939 Sunset Blvd., Los Angeles, Calif. (B5-ML-1178).

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted application for modification of construction permit authorizing extension of completion date to December 31, 1943 (B4-MP-1728).

APPROVE SALE OF WMCA

The Commission has authorized the transfer of control of Radio Station WMCA in New York City from WMCA, Inc., wholly owned by Edward J. Noble, to the Cosmopolitan Broadcasting Corporation. Mr. Nathan Straus and the Davega-City Radio, Inc., own approximately 59% and 41% respectively of the voting stock of the Cosmopolitan company.

The Commission's Decision and Order found that "the Cosmopolitan Broadcasting Corporation is legally, financially and technically qualified to operate Station WMCA and that the proposed assignment is in the public interest."

At the same time, the Commission denied the petition of Donald Flamm, owner of WMCA prior to 1941, to intervene in the proceeding.

Mr. Noble, recent purchaser of the Blue Network, is sole stockholder of the American Broadcasting System, Inc., licensee of the Blue Network's key station WJZ in New York City. Mr. Noble's sale of WMCA is in accordance with the prohibition in the Commission's rules against multiple ownership by a network organization of stations covering substantially the same service area.

DESIGNATED FOR HEARING

WNBZ—Upstate Broadcasting Corp., Saranac Lake, N. Y.—Designated for hearing application for renewal of license of station WNBZ.

MISCELLANEOUS

WTMC—Ocala Broadcasting Co., Inc., Ocala, Fla.—Granted license to cover construction permit which authorized change in transmitting equipment and increase in power (B3-L-1781).

WCAL—St. Olaf College, Northfield, Minn.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-1562).

KHTA-KHTB—The Telegraph-Herald, area of Dubuque, Iowa.—Cancelled relay broadcast license authorizations in accordance with written request of licensee (B4-RRY-255; B4-RRY-256).

WGST—Georgia School of Technology, Atlanta, Ga.—Granted motion for continuance of hearing now scheduled for November 15 to November 29, in re application for renewal of license.

Chattahoochee Broadcasting Co., Columbus, Ga.—Denied petition requesting reinstatement of application for construction permit for new station.

The Commission approved a power of attorney for the affairs of Albert S. and Robert A. Drohlich, sole owners and licensees of station KDRO, Sedalia, Mo., to be handled by Mrs. Shirley Wagner as their attorney-in-fact to operate the station and execute papers concerning matters pending or contemplated before the Commission, during licensees' services in the armed forces.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Granted petition to dismiss without prejudice the application of modification of license to operate on **740 kc.**, 5 KW, unlimited time (DA-night and day), (B5-ML-1172).

APPLICATIONS FILED AT FCC

560 Kilocycles

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Modification of construction permit (B4-P-2827 as modified), which authorized change in hours of operation and installation of directional antenna for night use, requesting extension of completion date from 11-18-43 to 2-18-44.

630 Kilocycles

KOH—The Bee, Inc., Reno, Nevada.—Modification of license to change corporate name of licensee to McClatchy Broadcasting Company of Nevada.

850 Kilocycles

WEEU—Berks Broadcasting Co., Reading, Penna.—Special service authorization to operate from 6:45 a. m., EST, to local sunrise during the months of November and December, 1943, and January, February, March and October, 1944.

1010 Kilocycles

WINS—Hearst Radio, Inc., New York, N. Y.—Modification of construction permit (B1-P-3512 as modified), which authorized increase in power from 1 KW to 10 KW, change in hours of operation, installation of new transmitter and directional antenna and move of transmitter, requesting a change in frequency from **1000 kc.** to **1010 kc.**, and changes in directional antenna system and extension of commencement and completion dates.

1180 Kilocycles

WHAM—Stromberg-Carlson Telephone Manufacturing Co., Rochester, N. Y.—Modification of license to change corporate name of licensee to Stromberg-Carlson Company.

1220 Kilocycles

KTBI—Tacoma Broadcasters, Inc., Tacoma, Wash.—Construction permit to change frequency from **1490 kc.** to **1220 kc.**

1230 Kilocycles

WDSM—WDSM, Inc., Superior, Wis.—License to cover construction permit (B4-P-3526), which authorized changes in transmitting equipment and increase in power.

WHLN—Blanfox Radio Company, Harlan, Ky.—Construction permit to change frequency from **1450 kc.** to **1230 kc.**, and make changes in antenna and ground system.

1240 Kilocycles

KROY—Royal Miller, Marion Miller, L. H. Penney, Gladys W. Penney & Will Thompson, Jr., d/b as Royal Miller Radio, Sacramento, Calif.—Construction permit to install a new transmitter and increase power from 100 watts to 250 watts. Amended: to change name of applicant to Royal Miller, Marion Miller, L. H. Penney and Gladys W. Penney, d/b as Royal Miller Radio.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Acquisition of control of licensee corporation by L. M. Kennett through purchase of 500 shares of stock (499 shares from Roy E. Blossom and 1 share from Daisy B. Blossom).

1400 Kilocycles

WSAM—Saginaw Broadcasting Co., Saginaw, Mich.—Acquisition of control of licensee corporation by Milton L. Greenebaum through transfer of 35 shares of stock from Adolph Greenebaum, deceased.

1450 Kilocycles

KNET—Palestine Broadcasting Corp., Palestine, Texas.—Voluntary transfer of control of licensee corporation from Bert Horswell, Beverly Gordon Horswell and the Pauline Mayer Gordon estate to Billy A. Laurie, Leita Moye Laurie and Ben A. Laurie (100 shares capital stock).

1460 Kilocycles

KINY—Edwin A. Kraft, Juneau, Alaska.—Modification of construction permit (B-P-3089 as modified), which authorized increase in power, installation of new transmitter and changes in antenna for extension of completion date from 11-11-43 to 12-11-43.

FM APPLICATIONS

NEW—KRIC, Inc., Beaumont, Texas.—Construction permit for a new high frequency (FM) broadcast station to be operated on **43100 kc.**, with coverage of 6,650 square miles.

NEW—Green Bay Newspaper Co., Green Bay, Wis.—Construction permit for a new high frequency (FM) broadcast station.

MISCELLANEOUS APPLICATIONS

WRRB—WHEC, Inc., Rochester, N. Y. (area of).—License to cover construction permit (B1-PRE-427), which authorized construction of a new relay broadcast station.

W9XMB—The Moody Bible Institute of Chicago, Chicago, Ill.—Modification of construction permit (B4-PST-4 as modified), which authorized construction of a new ST broadcast station for extension of completion date from 11-16-43 to 2-16-44.

WHFM—Stromberg-Carlson Telephone Manufacturing Co., Rochester, N. Y.—Modification of license to change corporate name of licensee to Stromberg-Carlson Company.

WJEN—Stromberg-Carlson Telephone Manufacturing Co., area of Rochester, N. Y.—Modification of license to change corporate name of licensee to Stromberg-Carlson Company.

WJEP—Stromberg-Carlson Telephone Manufacturing Co., area of Rochester, N. Y.—Modification of license to change corporate name of licensee to Stromberg-Carlson Company.

FEDERAL TRADE COMMISSION DOCKET

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

National Bureau of Missing Heirs, Keen Hotel Building, Omaha, engaged in the sale of reply postcards to creditors and collection agencies for their use in obtaining information concerning debtors, is charged in a complaint with falsely representing that her business is conducted for the purpose of locating heirs to estates. (5081)

House of Royalsun, 5 West 36th St., N. Y., engaged in the sale of various grades and types of knitting yarn, is charged in a complaint with misrepresenting the fiber content and the origin of the products they sell. (5078)

C. I. Togstad Company, Kokomo, Ind., and L. O. Williams, general manager of the business, are charged in a complaint with falsely representing in advertisements that the preparation they sell under the name "Dip-Clean," formerly known as "Wonder-Kleen," is a substitute for soap and effective and harmless for cleaning garments and other fabrics. (5080)

Sidney H. Wilcox, who during the past year has had business addresses in Washington, Detroit, Cleveland, Toledo, and Oakland, Ill., is charged in a complaint with misrepresenting the nature of his business in connection with the sale of reply postcards designed and used by creditors and collection agencies in obtaining information concerning debtors. Wilcox conducts his business under the names Board of Employment Research; Division of Employment Research; The Toledo Foundation, Division of Employment Research; and Bureau of Statistics, Division of Employment. (5079)

STIPULATIONS

During the past week the Commission announced no stipulations.

CEASE AND DESIST ORDERS

The Commission issued no cease and desist orders last week.

FTC CLOSES CASE

The Federal Trade Commission has closed the case growing out of the complaint against William I. Miller, trading as Miller Manufacturing Co., Camden, N. J. The complaint had charged the respondent with misrepresentation in the sale of a compound designated "Wonderweld," recommended for use in repairing water jackets, cylinders or other metal parts of machinery.

The Commission has ordered the case closed without prejudice to its right, should future facts so warrant, to reopen the case and resume trial thereof in accordance with the regular procedure of the Commission.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 48, November 26, 1943

CRAVEN URGES CONGRESS ACT NOW

Appearing before the Select Committee of the House, headed by Chairman Lea of California on Wednesday (24), FCC Commissioner T. A. M. Craven urged Congress to act now to get the Commission out of the program and business field of broadcasting.

He recommended that the Interdepartment Radio Advisory Committee be "legalized" and permitted to directly present to the President its recommendations respecting the allocation of wave lengths for government departmental use instead of following the present procedure of going through the FCC.

He also proposed the creation of a Presidential Advisory Board on communications to be composed of members of the House and Senate and departmental and agency heads affected by radio.

A complete report of the Select Committee's proceedings will be covered in an early Legislative Bulletin.

MULTIPLE OWNERSHIP OF STATIONS ORDERED ENDED

The Federal Communications Commission Thursday (23) adopted Order 84-A which promulgates Regulation 3.35 setting forth the Commission's policy with respect to multiple ownership of standard broadcast stations. In a press release, the Commission stated that this policy has been adopted after extensive consideration of the problem raised by concentration of control over standard broadcast stations serving substantially the same area.

The regulation is effective immediately with respect to all applications for construction permit, or for assignment of license or transfer of control. With respect to existing stations, the regulation is to take effect midnight May 31, 1944; provision is made, however, for further postponing, upon a proper showing, enforcement of the regulation in any case where it is necessary to permit the orderly disposition of properties.

Any application for construction permit, or for assignment of license or transfer of control now on file or hereafter filed which may result in a situation of multiple ownership as stated in the regulation will be designated for hearing.

As to existing stations, no action will be taken until midnight May 31, 1944, except where individual licensees request an early hearing in order to secure a determination of the applicability of the regulation to them. Licenses which expire between November 23, 1943, and midnight May 31, 1944, will be extended to midnight May 31, 1944. Promptly after termination of the suspension period, it is contemplated that in each case where the regulation may apply, applications for renewal of license of the stations involved, will be designated for hearing, regardless of the date when the then current license expires; where necessary, the Commission will call for the early filing of such applications. Any determination that the regulation is applicable in a particular case, however, will not become effective until the then current license of the station involved expires.

At the hearings a full opportunity will be afforded for showing that a multiple ownership situation as stated in the regulation does not exist, or that if such a situation does exist, public interest, convenience, or necessity will nevertheless be served by a grant.

The text of the order follows:

"ORDER NO. 84-A

"In the Matter of: Commission's Order No. 84—Multiple Ownership of Standard Broadcast Stations	Docket No. 6165

"WHEREAS, The Commission on August 5, 1941, adopted Order No. 84 announcing a proposed regulation (Section 3.35) with respect to the multiple ownership of standard broadcast stations;

"WHEREAS, Pursuant to the opportunity afforded by said order interested persons filed briefs and on October 6, 1941, argued orally before the Commission as to why the proposed regulation should not be adopted or why it should not be adopted in the form proposed;

"WHEREAS, After due consideration, the Commission is of the opinion that public interest, convenience and necessity will be served by adopting the policy set forth in the following regulation;

"NOW THEREFORE, IT IS HEREBY ORDERED, That the following regulation BE, AND IT HEREBY IS ADOPTED:

"Sec. 3.35 *Multiple Ownership*—No license shall be granted for a standard broadcast station, directly or indirectly owned, operated or controlled [9b] by any person [9c] where such station renders or will render primary service to a substantial portion of the primary service area of another standard broadcast station, directly or indirectly owned, operated or controlled by such person, except upon a showing that public interest, convenience and necessity will be served through such multiple ownership situation.

"IT IS FURTHER ORDERED, This regulation is to take effect immediately, Provided, however, That with

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[9b] The word "control," as used herein, is not limited to majority stock ownership but includes actual working control in whatever manner exercised.

[9c] The word "person," as used herein, includes all persons under common control.

(Continued on page 474)

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Robert T. Bartley, *Director of War Activities;* Lewis H. Avery, *Director of Broadcast Advertising;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Arthur C. Stringer, *Director of Promotion.*

MULTIPLE OWNERSHIP OF STATIONS ORDERED ENDED

(Continued from page 473)

respect to persons who now directly or indirectly own, operate or control a standard broadcast station which renders primary service to a substantial portion of the primary service area of another standard broadcast station, directly or indirectly owned, operated or controlled by such person, the effective date of this regulation shall be midnight May 31, 1944; *Provided, further*, That with respect to such persons the Commission may, upon proper showing, extend the licenses of the stations involved in order, in any particular case, to determine the applicability of this regulation or to permit the orderly disposition of properties.

"Adopted this 23rd day of November, 1943."

NAB BOARD MEETING

The Board of Directors met in Washington last Wednesday and Thursday (17-18). All members were present except Directors Fetzer and Russell who were prevented by illness from attending, and Shouse, who was absent on a foreign mission.

The legislative situation was thoroughly reviewed with particular reference to the presentation being made to the Senate Interstate Commerce Committee in the hearings on the White-Wheeler Bill. It was agreed that the over-all results of the hearings thus far had been quite satisfactory and there seemed an apparent determination on the part of the members of the Senate Committee to recommend some important changes in the Communications Act.

Due to the fact that the hearings were under way each morning many of the Directors were able to attend and hear the industry's case presented by Neville Miller, Leonard Reinsch of WSB, Nathan Lord of WAVE, James W. Woodruff, Jr., of WRBL, and Don S. Elias of WWNC.

The report on NAB membership disclosed that the all time high point has been reached with 566 active and associate members. An interesting aspect of the report was the fact that there has been a net gain of 52 in membership since January 1, 1943. It was the sense of the Board that every effort should be continued by member stations to enroll those stations not yet in membership.

After a thorough discussion of radio's participation in the forthcoming Fourth War Loan campaign, the Board adopted the following resolution:

"WHEREAS the radio industry and its advertisers have provided material contributions of time and talent to previous War Loan campaigns, notable for their success, and

"WHEREAS it is the desire of the industry to devote its efforts to the Fourth War Loan campaign in the most productive manner,

"THEREFORE, BE IT RESOLVED that the National Association of Broadcasters hereby enthusiastically pledges its all-out support of the Fourth War Loan campaign and offers to the Treasury Department, in the interest of greater effectiveness, the following suggestions:

"1. Complete array of quarter-hour and five-minute programs and announcements of various lengths for local sponsorship.

"2. Portfolio describing the programs and containing samples of the announcements.

"3. Certificate signed by the Secretary of the Treasury for radio advertisers who support the Fourth War Loan.

"4. Samples of the transcribed programs to be sent to each radio station well in advance of the campaign for auditioning to local prospects.

"5. Local bond day, similar in intent to the network feature of the Third War Loan, but to take place near the end of the campaign.

"6. Appointment of a special committee of radio station farm editors to counsel with the Treasury Department on the most effective approach to the farm audience."

President Miller and Sydney Kaye, counsel in the AFM recording ban matter, reviewed the relations of the industry with the AFM and the history of the negotiations respecting the recording ban. They reported with respect to the latter that the panel appointed by the War Labor Board still had the matter under advisement and that it will be some time before a final report is made to the WLB and an ultimate decision on the subject is reached.

On recommendation of President Miller, Edward A. Allen of WLVA and Stephen R. Rintoul, WSRR, were added to the committee working upon this matter.

The matter of the Post War Planning Committee was discussed at some length. Pursuant to a prior resolution of the Board, President Miller recommended an addition to the committee of Eugene Carr, J. Leonard Reinsch, and Lewis Allen Weiss, and also the Chairman of the News and Small Market Stations Committees. Thus the full committee is now made up as follows:

Chairman, Neville Miller, NAB President; John J. Gillin, Jr., WOW; Nathan Lord, WAVE; G. Richard Shafto, WIS; William B. Way, KVOO; James W. Woodruff, Jr., WRBL; John V. L. Hogan, WQXR; J. Harold Ryan, WSPD; Edgar L. Bill, WMBD; Harold Fair, WHO; Dietrich Dirks, KTRI; George M. Burbach, KSD; William B. Quarton, WMT; Karl Koerper, KMBC; Marshall Pengra, KRNR; Eugene Carr, WGAR-WJR-KMPC; J. Leonard Reinsch, WSB, and Lewis Allen Weiss, KHJ.

Paul W. Morency, Chairman of the Retail Promotion Committee, gave a summary of the activities of that Committee with particular reference to the initial showings of "Air Force and the Retailer." This disclosed that over 100 showings have been made to date and the over-all impact has been extremely gratifying.

Mr. Morency suggested the need for careful consideration of proper follow up to secure the full benefits of the Plan and President Miller was authorized to appoint a committee of three to consider this matter and recommend ways and means to the Board of Directors.

The subject of the effect of the NAB Code provisions on controversial public issues and solicitation of membership on organized labor was discussed at some length. Mr. Miller was authorized to confer upon this subject with the proper representatives of the unions.

The Board's Finance Committee reported on the financial situation of the Association and was instructed to prepare a detailed budget for the future consideration of the Board.

The matter of District meetings and annual convention was considered and the District Directors were asked to advise of their plans for District meetings to be held in the spring and the Board indicated a tentative desire for a membership meeting to be held sometime between April 1 and May 15, 1944, at a point to be later determined.

U. S. CHAMBER BACKS CHANGE IN LAW

The following item appears in the "Washington Review," a publication of the Chamber of Commerce of the U. S., under date of November 13:

"Delimitation by Congress of Federal Communications Commission's powers over broadcasting happily is in prospect. The need for it arises from a Supreme Court decision interpreting certain very general provisions of the Communications Act as giving the Commission sweeping powers over radio stations.

"The National Chamber strongly believes that when statutory authority is given by Congress, it should be by legislation dealing substantially with the problems involved and setting forth clear and definite standards to guide administrative agencies. Regulation of radio should not invade the proper responsibilities of management, and there should be no attempt to force on the public undesired program matter. Station owners, like newspapers and magazines, should be free to select and edit their program material."

NAB ENGINEER HEADS RTPB PANEL

The Administrative Committee of the Radio Technical Planning Board met in New York on November 18. Dr. A. N. Goldsmith was elected Vice Chairman. The National Electrical Manufacturers Association was admitted as a contributing sponsor. The Committee also approved a budget to cover expenditures during 1943.

Panel 4, Standard Broadcasting, of RTPB is now in process of formation. Howard S. Frazier, NAB Director of Engineering, is the Chairman; Burgess Dempster, Manager of Engineering for the Crosley Corporation, is Vice Chairman; and J. R. Poppele, Chief Engineer of WOR, is Secretary. Membership on the Panel will consist of broadcast operation, consulting allocation, receiver design and transmitter design engineers. R. D. Cahoon of Montreal, Canada, has been designated the official observer for the Canadian Broadcasting Corporation. It is anticipated that the Federal Communications Commission will also designate an observer within the next few days.

Approximately forty engineers have been asked to accept membership on the Panel. When a sufficient number of acceptances have been received, an organizational meeting will be held for the purpose of establishing subcommittees within the Panel and assigning specific study tasks to these groups.

WMAL CASE

Royal Montgomery, hearing officer for the War Labor Board took testimony November 18 in the controversy between Station WMAL and AFRA as to whether staff announcers should receive extra compensation for all local commercials.

Joseph L. Miller, NAB Director of Labor Relations appeared for Station WMAL, to testify that extra compensation for all local commercials was not a prevalent practice in the industry.

Mr. Montgomery will make a report, with recommendations, to the War Labor Board.

PETRILLO HEARING

The protracted hearings before a War Labor Board panel on the Petrillo-Recording dispute closed Monday with final arguments by attorneys for the Union and the three companies still participating in the case.

Arthur Meyer, chairman of the panel, was reported to have said that it would take the panel from five to eight weeks to draft its report and recommendations to the War Labor Board.

Only RCA-Victor, Columbia Recording and NBC Thesarus are still participating.

PARTS SHORTAGE RELIEVED

Since the first of November a sharply increased supply of radio parts has been available to the trade by the Philco Corporation, manufacturers of radio receivers and other products.

Under the direction of C. E. Gerhard, manager, parts sales, a catalog containing 11,000 parts items was prepared and distributed throughout the United States. All items were offered for immediate delivery.

At the month's end Philco has taken stock of the situation and reports a sharp upturn in the morale of radio repairmen. Many had been convinced, apparently, that they would have to do without wanted parts for the emergency.

Included in the listings were 354 types of volume controls; 238 types of electrolytic condensers; 175 types of tubular condensers; 185 types of transformers; 159 types of output transformers and 21 types of audio transformers.

NAB PARTICIPATES IN SCHOOL BROADCAST CONFERENCE

"The Listener's Stake in American Radio," is the subject sponsored by the National Association of Broadcasters at the opening session of the School Broadcast Conference, Chicago, November 28, 29, 30.

Dorothy Lewis, NAB Coordinator of Listener Activity, will preside over this session, assisted by a panel of broadcasters consisting of Lyman Bryson, Columbia Broadcasting System, chairman; Edgar Bill, WMBD; John Gillin, WOW; Charles Myers, KOIN; William Quarton, WMT, and two Quiz Kids, providing the Quiz Kids broadcast over the Blue Network is made from Chicago.

Late advices were uncertain as to the point of broadcast. If from Chicago, James Lawrence Fly, Chairman of the Federal Communications Commission, is to be a guest on the program.

The motion picture, "America Takes to the Air," is also scheduled for this session.

The School Broadcast Conference in its seventh annual meeting will feature leading educators and broadcasters in speeches, panels and open discussions.

Col. Edward M. Kirby, A.U.S., Chief, Radio Branch, War Department, Washington, D. C., formerly NAB Director of Public Relations, will be heard at the Monday luncheon, speaking on the subject, "Radio Fights on All Fronts."

Willard D. Egolf, Washington, will also represent NAB at the Conference.

STATION MANAGERS "SIGNING UP" WITH PUBLIC RELATIONS COMMITTEE

Response to the folder, "There IS an Indepensable Man!" has brought in the signatures of more than two hundred station managers who agree to take active part in station and industry public relations.

Returns also indicate the number of stations with full time public relations executives, whose names are expected in place of station managers' where those jobs exist.

A wind-up of the campaign is needed soon, however, and station managers are requested to send in the return blank from the folder as quickly as possible.

"It will be necessary for district public relations chairmen to contact personally station managers from whom we do not hear," Edgar Bill, WMBD, chairman of the public relations committee, stated. "We hope to have very little follow-up work of this sort, as it will take time from the real job ahead. The folder is self-explanatory and the return blank gives opportunity for clear response."

EGOLF PRESENTS A. F. A. CHARTER TO WOMEN'S ADVERTISING CLUB OF WASHINGTON

"In the field of organization activities I must say that women are more social, more responsive than men," said Willard D. Egolf, NAB assistant to the President and Vice-President of the Advertising Federation of America, in presenting the A.F.L. charter to the Women's Advertising Club of Washington recently.

"Perhaps nature imbued them with a greater feeling of interdependence, nevertheless they are jewels in the crown of organized advertising, always willing to take on responsibilities, head committees and work for the success of any project. My experience as president of an advertising club with men and women members taught me to rely on the women considerably. In the work of the Federation I have found them exceptionally faithful and appreciative of the problems which confront advertising as a part of the national economy. The Women's Advertising Club of Washington provides the latest and most forceful example in that, almost simultaneously with its organization, plans were laid for affiliation with the Advertising Federation of America."

The presentation ceremony was held in a Washington hotel from which station WINX originated a twenty-five minute broadcast.

DUNCAN REPLACES BUCKENDAHL AS 17TH DISTRICT P. R. CHAIRMAN

Chet Duncan, Director of Public Relations for KALE, has replaced Harry H. Buckendahl, of same station, as public relations chairman for NAB District Seventeen.

NATIONAL WAR FUND THANKS RADIO

The following communication signed by Prescott S. Bush, National Campaign Chairman of the National War Fund, has been received by President Miller:

"On behalf of the National War Fund, I want to take this opportunity of expressing our deep appreciation to the radio stations and networks for the extraordinary cooperation accorded to our 1943 campaign. Without a single exception the local stations vied with the chains in giving all out in publicizing our aims and needs.

"The special bulletin devoted to the Fund which you distributed to the stations was most informative and helpful. And, the active support and interest of the Radio Committee you headed contributed to the success of the radio effort."

MILLER HEADS PARALYSIS CAMPAIGN RADIO DIVISION

Neville Miller, NAB President, has been advised by Basil O'Connor, President of the National Foundation for Infantile Paralysis, the organization which sponsors the celebration of the President's birthday, of his appointment as chairman of the National Radio Division. This is the post which Mr. Miller held in the last campaign and he has accepted the assigned. Very shortly complete information regarding the campaign will be sent to all stations.

FCC STAFF CHANGES

Ervin James, assistant to Commissioner Clifford J. Durr, has been appointed assistant secretary of the FCC. Mr. James is a graduate of George Washington Law School and a member of the District of Columbia and Alabama Bars. He has been with the Commission since December, 1941. From November, 1939 to December, 1941, he was on the staff of the Administrative Management Section of the Department of Commerce. From September, 1934 to November, 1939 he was office manager in the employment division of the Federal Work Projects Administration in Washington. Mr. James was born in Montgomery, Alabama, is married and lives in Alexandria, Virginia.

Nathan H. David, an Assistant General Counsel of the FCC, who recently volunteered for induction, expects to report for duty with the U. S. Navy Saturday, November 27.

Mr. David, who is 30 years old, is married, has two children, and lives at 4737 36th Street, N.W. He is a native of Cambridge, Mass.

HARMAN OVERSEAS WITH MARINES

USMC Sgt. James M. Harman, Sr., former program director, (1941) WGOV, Valdosta, Ga., has gone overseas with the 25th Replacement Battalion. His address is:

James M. Harman, Sr., Sgt. USMC,
25th Replacement Battalion,
c/o Fleet Post Office,
San Francisco, Cal.

FUTURE OF TELEVISION DISCUSSED

A significant and important meeting to all those engaged in the radio industry was held early in November in New York. It was under the auspices of the American Television Society and the Advertising Club of New York. In opening the meeting Norman Waters, President of ATS, pointed out that the idea of the joint meeting of the Advertising Club of New York and the ATS in calling the meeting had been to afford an opportunity to discuss the future of television as an advertising medium. He said that television broadcasting would depend for its establishment and development upon the success which it might achieve in securing sponsors.

He pointed out that many agencies are now working upon the technical phases of the problem but said, "Advertisers and advertising agencies will wield as great an influence in television programming as they have in radio broadcasting. That is why it is high time for them to realize their responsibilities, if they are to share in the golden opportunities that lie ahead in commercial television. Television needs them, and it is only right for them to take a leading part in program experimentation, at this early stage."

Mr. Waters then introduced R. L. Gibson, assistant to the manager of General Electric's broadcasting and publicity division, who spoke as follows:

"During four years of broadcasting experience at WRGB, the General Electric television station in Schenectady, our regular checks on program popularity indicate a strong preference for program where seeing is more of a factor than hearing," he said. "Our audiences clearly favor boxing and other sports events, plays and light opera, news commentators making use of war maps and similar programs involving action."

Among other types of programs favored by the Schenectady-Albany-Troy area audience served by WRGB Mr. Gibson named newsreels, puppets, quiz shows and educational presentations. One day last week, he pointed out, the G-E motion picture section took files in the afternoon, dubbed in a commentary, and presented the completed reel on the television program that night. Because puppeteers can read their lines, as in radio, and because puppets show up well, this type of program, he indicated, rates high. Quiz programs in which members of the studio audience are required to answer with some action along with words have proved popular. As an example of an educational program, he cited sewing demonstrations sponsored by McCALLS MAGAZINE.

"Children are likely to be a bigger factor in television programs than in radio," he added. "Children of all ages love it, will look at anything, and in many homes can tune the sets better than grown-ups."

Mr. Gibson mentioned television's first net-work, the relay station in the Helderberg mountains near Albany which links WRGB with NBC in New York, and said that it proved networks are not only practical but highly desirable program-wise. Thus sporting events in Madison Square Garden, the eclipse of the sun seen from the top of the Empire State building and other events have been brought to the up-state audience. Where mobile units are not available, he added, such sports as boxing can be staged in the studio, as at WRGB, and future television studios may be built as sports arenas.

"Television networks are highly desirable because television programming costs are higher than radio and must be spread over the largest possible audience," he said. "Expensive studio programs may be repeated. New shows may not be put on the air on every program any more than is now being done in a motion picture house.

"Humor may have a large place in programs and commercials; sight can help sound in creating humorous situations. The absence of mob psychology in small home audiences may call for a different kind of humor than is now found on the stage and in motion pictures.

As for advertising potentialities, agencies and advertisers who know the potentialities, and the limitations, will probably obtain preferred times over those who know little about the new medium and merely seek to "make over" radio shows, Mr. Gibson said.

"In organizing the program staff at WRGB, we deliberately tried to bring together men with different training—motion pictures, radio, music, the stage—in order to have a balanced staff," he said. "We consider WRGB a laboratory engaged in learning all we can about the operation of a television station, both technically and in programming, and we hope that our experience will be helpful to the industry."

The remarks of the next speaker, Mr. Thomas H. Hutchinson, Supervisor of Television for Ruthrauff & Ryan, follow:

"The other day a representative of one of the advertising publications in New York, called me on the telephone regarding our future plans on experimental television programs. I outlined briefly to him how I felt on the subject and he remarked "so you really are one of those people who believe that television has a future," and I am here this evening in that same state of mind.

"It seems to me that during the last two years too many of us have lost sight of the fact that television is really here right now, not as we would like to have it perhaps, but in a way that can't be ignored.

"It is perfectly true that up to this time advertisers in general have done very little about television, but if we stop for a moment and realize the potential possibilities of this new medium we can't help but be impressed with what it can do and what we as advertisers must do in the very near future if we are going to hold the position in television that the advertising industry now holds in radio. My feeling is that the majority of advertising agencies fail to realize what they are going to be called upon to do to make television programs what they must be if we are to handle the accounts of manufacturers in a way that will make the public accept advertising over this new medium.

"In July of 1941, there were approximately five thousand television sets in the hands of the public in the New York Metropolitan area. On that date a commercial television schedule went into effect with a minmum of fifteen hours program per week per station.

"This program schedule was required by the FCC to enable a station to hold a television license. Television licenses were then and still are very much at a premium and this rule meant that to protect a channel that was assigned to a television station, that station must deliver to the viewing public fifteen hours of television a week.

"On our entry into the war the FCC dropped the broadcast requirements of each station to a minimum of four hours a week, and that is the program requirement of a commercial television station as of today. In New York, the National Broadcasting Company and the Columbia Broadcasting System, both have been assigned commercial television channels. Du Mont Television Laboratories has been assigned an experimental channel and several other groups in the Metropolitan area have applied for licenses. Because of the war nothing has been done with those applications as it is impossible to secure material to start construction. But, this means that at the present time over NBC, Columbia and Du Mont, there are television programs every night in the week except Saturday. NBC broadcasts four hours of television on Monday, Du Mont an hour on Tuesday, and an hour and a half on Wednesday. CBS broadcasts two hours on Thursdays and Friday nights, and Du Mont does an hour and a half on Sunday. The four hours that are being presented by CBS are composed entirely of film. NBS's programs are for the most part film, although they have recently installed a camera in Madison Square Garden and are planning to present programs from Madison Square two or three evenings a month. At the moment, Du Mont is the only station where studio programs are being presented.

"Of the original five thousand television receivers that were sold, probably somewhere in the neighborhood of twenty-five hundred are in operation today and if the potential television advertiser realizes it this fact instead of being a detriment is a very great asset.

"I don't think that any of us realize what we are going to have to do in program experimentation before we find out what the final formula of a successful commercial television program is going to be. Naturally, no advertiser can expect to sell products by means of television to the small audience that exists at this time. But this small audience should prove invaluable if we use it as a guide to try to find out what we are going to have to accomplish. In July of 1936, the first experimental television program using the present electronics system was broadcast by the National Broadcasting Company. Television program experimentation was carried on for four years and during that period over two hundred hours of television programs were broadcast. They consisted of everything that might serve as test programs and in the main those experiments were highly successful. We found that a television audience would sit home and give their undivided attention to television programs from somewhere in the neighborhood of from two to three hours a day. And it was only natural that out of all those hours of programs several basic types were found that met with over all audience approval. Those of you who have followed the progress of television in the U. S. know that all the sporting programs are very good television material. Dramatic programs produced in the studio were highly successful. Personalities when properly presented were more than acceptably received. Musical comedy proved that it has a value in television that it has never reached in radio. The opera took on new meaning, for with the camera directly in front of a great singer, it gave one a close-up picture of an operatic performance that they had never seen on the stage of the theatre.

"But out of all the hours of experimental programs that were put on the air to date, the number of hours that have been devoted to commercial television have been so small that virtually nothing has been accomplished.

"Nobody knows how we should present the sales picture over this new medium, and if advertisers are going to take their rightful place in this new medium, they can't begin to find out what they are going to be up against too soon. So far my experience has been that potential television advertisers who see the programs that are being broadcast today criticize them unmercifully which is quite understandable in view of the fact that practically no money at all is going into television programs. Many of these same critics see the tremendous possibilities that this new medium opens up, but they fail to take into consideration the problems that must be faced by anyone who attempts to produce a first class television program. As you all know on a radio program you must have an engineer and a director in the studio and many successful radio programs are being produced with only these two men, but the minute you attempt to produce a television program the entire picture changes. Instead of one engineer, it is necessary to have somewhere in the neighborhood of fifteen men in the studio, and with the television equipment we have now and will probably have with us for many years to come, there is no way of cutting down on the personnel that is going to be necessary to produce a television program. In the Control room you must have your sound engineer—a picture engineer and some sort of an electronics supervisor to coordinate the output of the studio from an electronic point of view. In the studio you must have a man on each camera, a man on the sound pickup, a man on dollies to move the camera, stage hands, scenic artists, makeup men, video effects man. Aside from all these men who serve in an operational capacity you must have a director and one or two assistants. Every successful television program requires that all the men in the control room and the studio plus the actors, singers, and musicians must know exactly what the other fellow is going to do and when he is going to do it.

"Any man who has an active part in the production of a television broadcast can mar that broadcast irreparably. Actors must be at the right place at the right time. The camera must be in the correct position, and the switches from one camera to another must be made at a precise moment to get the utmost in picture value out of any given scene. There are no retakes in television. All of us know that approximately three times as many feet of film are exposed in making the average motion picture as are ever used. This means that after fifteen years experience in the production of sound movies they still have a three to one percentage of loss. Television has to eliminate this loss right at the jump. A television director has no three to one margin of error. Every mistake that he makes or that is made by any actor or member of the studio crew, is broadcast to the television audience, and when we have a television audience that justifies the expenditures that must be made to successfully produce a big television program, those mistakes just cannot be made, and they can only be avoided through experience. All of us realize that the war is going to be over some day. No one knows exactly when, but whether the end of the war comes in one, two or three years, there is still so much to be done in the way of commercial television program experimentation that many of us will probably not know all the answers to the problems that we are going to be faced with if we start experiments right now. There are many products that are going to be television naturals. I can see how we might very easily visualize the sales appeal of a pair of stockings, but I am very much at a loss to know how we should glamourize a whole host of useful articles. If we want to put across a sales message for tooth paste for instance, is our only problem going to be simply to show someone brushing their teeth? Can we put across a visual sales message by doing that week after week?

"In the few experiments that I have seen, I am convinced that radio sales copy is not going to be successful over television. It has been said many times that one picture is worth a thousand words. I don't think anyone will argue that point. But what is the picture that we are going to show week after week that replaces the thousands of words that we have been using on radio. And the only way we are going to know is to experiment with television commercials until we find the answer. It is quite possible that the delays that have beset television in the United States may prove a blessing in disguise for American advertisers, if we take advantage of the present situation to find out what we are going to have to eventually present. With our present small television audience we can make the mistakes now that we are bound to make without paying through the nose for them. Here we have a small television audience that has seen four years of television programs, that knows what it likes, and is in a very critical mood. Right now is the time for advertisers to take advantage of that situation and find out what they are going to have to do to use this new medium in a way that will dwarf anything that has ever been accomplished in radio. The medium can do it—if we use it correctly. The job is up to us and the longer we wait the costlier our experience is going to be."

Still another aspect of the possible post war commercial use of television was discussed by Thomas F. Joyce, Manager of Radio, Phonograph and Television Department, RCA Victor Division of Radio Corporation of America, in his address. "The Development of the Television Market in the Postwar Period". His remarks follows:

"First, I would like to express a word of appreciation for the great contribution which has been made to the cause of television by Norman D. Waters, President of the American Television Society. The past two years have been discouraging years for the ardent friends of television. But not for Norman Waters. He has continued to work for, and in the interest of, commercial television —even when the outlook was the darkest. The American Television Society, of which Norman Waters has been the moving spirit, has been instrumental in keeping television in the public eye. The regular meetings of the Society have served as a rallying point for those men and women in the New York area who have a keen personal interest in the future of this great art and industry.

"This meeting, tonight, brings together the members of the American Television Society and the Advertising Club of New York. These two organizations both have a vital interest in television and both will play important roles in its future development. The fact that the members of the Advertising Club of New York are meeting here tonight to listen to discussions on the future of television by representatives of two great advertising agencies and by representatives of television equipment manufacturers and television broadcasters, is in itself sufficient reason to put the spotlight on one new industry which holds great possibilities for postwar expansion.

"Others, tonight, have discussed the power of television as an advertising medium. It will be my purpose to try to outline what I consider will be the probable rate of market development for television.

"Television broadcasting, obviously, cannot become a substantial, self-supporting, profitable advertising medium until television receivers are in hundreds of thousands—yes, millions of homes. There are many different views concerning the speed with which television will go forward after the war. The technical and economic problems of building stations in key cities, of interconnecting those stations by network facilities, and of making available audience-building television programs are problems that constitute a real challenge to the engineering, manufacturing, business management. entertainment, and advertising brains of the United States.

"There are some who say that the problems are so vast that they are virtually insoluble. There are others who are more optimistic—and look forward to the day when television broadcasting programs will be as common in the home as radio broadcasting programs are today. It is the views of the latter group that I present tonight.

"To make television a nation-wide broadcasting service will involve the investment of millions of dollars in studios and transmitters to be located in the key cities of the United States; and more millions of dollars for the building of network facilities and the production of suitable television advertising programs. Television cannot succeed without these services—but the answers to these problems would rapidly develop if the biggest problem of all were solved—namely, *an acceptable low-cost radio television receiver*. This is the number one problem of the postwar television industry.

"Given a good low-cost television receiver that is within the buying range of the average American home, then broadcasting facilities and program service will develop with a speed which will amaze even the most ardent friends of television.

"Why do I say this?

Because:

"1. Existing radio station owners are smart enough to know that if acceptable television receivers can be produced for the mass market, television audiences will build at a rapid rate. This means that the operators of a television station will not have to wait an indeterminate number of years before they have television audiences large enough to produce substantial advertising revenue with which to pay operating costs and show some profit.

"2. The application for television licenses by 100 or more prospective operators across the United States, which I believe the advent of an acceptable low-cost television receiver would bring forth, would have a salutary effect on the price of television transmitters and studio equipment. It would mean that manufacturers—instead of building one, two or three transmitters at a time—would build, possibly, 20 to 25 at one time. The lower prices made possible by this semi-quantity production as compared with the cost of tailor-made equipment would encourage still more enterprising businessmen to go into the television broadcasting business. Lest you think that this estimate of 100 or more television transmitters is over-optimistic, may I call your attention to the fact that the number of television broadcasting stations in existence, plus the applications on file with the Commission for experimental and commercial television broadcasting permits, total about 50.

"3. The business interests erecting television transmitters in the key cities of the United States, would create a tremendous pressure for the development of network facilities. Again, some enterprising organization will see that the combination of the rapid development of television facilities in a number of key cities of the United States, and a mass market price for the television receivers, would in the course of two or three years create an economic foundation for the profitable operation of network facilities, thus firmly establishing chain network television. These network facilities will also be available for frequency modulation programs and facsimile.

"4. The big national advertisers would recognize that the existence of low-price television receivers would assure the rapid development of a vast home television audience. Future television advertisers will want to get in on the ground floor with television programs. The programs put on by these sponsors will be good programs—even though in the first two or three years the cost of television advertising per unit of circulation may be greater than advertising in already established advertising media. These marketing leaders know that television will be not only the greatest advertising force in the world—but the greatest sales force as well. For the first time, it will be possible for the manufacturer or distributor of merchandise actually to demonstrate his product or products in millions of homes simultaneously and at extremely low cost. That is more than effective advertising. That is effective selling.

"Is there any foundation for believing that this is the way that television is going to develop in the postwar period? I believe that there is.

"Recently, we made a survey in 11 cities of a cross-section of the public by age, income and sex. Among the questions we asked were:

"Would you or your family consider buying a radio and television receiver if the price were $400.00?
10.3% answered 'yes.'
"To those who said 'No,' we asked:
"Well, would you buy if the price were $300.00?"
"The cumulative percentage became 19.9%.
"To those who still said 'No,' we asked:
"Well, would you buy if the price were $250.00?"
"The cumulative percentage became 34.3%.
"To those who still said 'No,' we asked:
"Well, would you buy if the price were $200.00?"
"The cumulative percentage became 61.3%.

"From the foregoing, the conclusion seems inescapable that when, in the postwar period, the radio industry produces *a good television receiver in the $200-price range*, a very high percentage of the homes of the United States will be ready to buy television receivers as soon as service is available to them. Such a receiver, I believe, is possible —based on 1940 labor and material costs, and assuming no excise taxes. Of course, the postwar price would be increased by the factors of inflation and excise taxes.

"We have prepared some estimates of the probable postwar rate of market development for television once there has been a complete agreement on standards approved by FCC which would give the industry the 'green light' without any 'ifs.' It has been assumed for estimating purposes that there will be no charges in the standards or in the place which television occupies in the broadcasting spectrum, which might substantially delay the start of television or bring about more complicated engineering and manufacturing—thus making improbable, at least in the immediate postwar period, a $200.00 television receiver as previously described.

"I have followed with interest all of the statements by the Chairman of the Federal Communications Commission, James Lawrence Fly, on postwar television. I believe that I am correct in interpreting his thinking as being in favor of the rapid postwar development of television. Mr. Fly, who has given careful thought and study to television has been quoted in the public press as saying at the joint meeting of I.R.E. and R.M.A. in Rochester, New York, in the fall of 1942 as follows:

> 'We can confidently predict a great expansion of the television and frequency modulation broadcast and general communications services, and planning for their proper development is definitely in order.'

The report in RADIO AND TELEVISION WEEKLY, of October 6, 1943 on a talk given by Chairman Fly before the Advertising Club of Boston is as follows:

> Largely because of the development of television and frequency modulation, the radio industry 'will not be a postwar problem child that we shall have to worry over.' The industry will take up 'no small amount' of the unemployment slack after the war, he forecast.

"The estimated postwar television market projections that follow are based on television as we know it today and assuming that it can go forward without undue delay in the postwar period:

"Television broadcasting facilities exist in New York, Philadelphia, Albany-Schenectady, Chicago and Los Angeles. I believe that a television station in Cincinnati could begin broadcasting shortly after the war when the needed equipment to complete this station is made available.

"The foregoing cities, assuming no radical change in broadcasting standards or allocations, would logically be the first television market. This first television market has 25,907,600 people, 7,410,922 wired homes and 28.46% of the U. S. buying power. Television coverage of only 10% of these homes would in itself constitute a very important new advertising medium, particularly when one considers that the effectiveness of television advertising per unit of circulation will undoubtedly be many times greater than that of any other form of advertising. Ten per cent would represent 741,000 homes with television, or a probable postwar audience of over 7,000,000 people. In my opinion this could be attained approximately two to three years after the full commercialization of television. Three of these markets, New York, Philadelphia and Albany-Schenectady, have already broadcast television programs originating at a central source—that is, NBC, New York. Thus, the nucleus of television network operation has already begun.

"We can assume further that within three or four years after the commercial resumption of television, Washington, D. C.; Baltimore, Maryland; Hartford, Connecticut; Providence, Rhode Island, and Boston, Massachusetts, will have television transmitters. These cities, together with Philadelphia, New York, Schenectady and Albany, could be interconnected with a television network circuit about 600 miles long. This network circuit would make television broadcasting service available to 33,336,000 people, 9,379,039 wired homes, representing 36.62% of the total U. S. buying power.

"An additional 1,300 miles of network circuits could link the Middle West with the Atlantic Seaboard, bringing television service to Pittsburgh, Cleveland, Cincinnati, Detroit, Chicago, St. Louis and Milwaukee. This would make television broadcasting service available to an additional 10,725,400 people living in these key cities—bring the total market served by about 2,100 miles of network facilities to 44,061,500 people and 47% of the U. S. purchasing power.

"The trunk line television network just outlined, with the secondary networks that would be offshoots from it, would serve the 19 state-area bounded by Illinois and Wisconsin on the west and Virginia and Kentucky on the south. There are approximately 70,000,000 people in this area. It represents approximately 62% of the purchasing power of the country. All of this development can be expected to take place approximately five years after the full commercialization of television.

"In approximately five years after the commercial resumption of television, television transmitters located in 157 key cities of the United States should be making television program service available to a primary market consisting of 72,159,000 people, 17,252,000 wired homes, or 59.6% of the total and 61.5% of the United States purchasing power. An additional ten million people should have television available to them by secondary television network developments. When television service is available to this area, television receiver sales should be at the rate of approximately 2,500,000 units per year at an average retail price, *based on 1940 costs*, of about $200.00.

"It would also be reasonable to expect that by the end of the fifth year, after the full commercialization of television, the engineers of the industry should be able to develop a low cost automatic rebroadcasting television transmitter which could be located in the areas which are outside the broadcasting scope of the television transmitters located in the 157 key cities of the United States. This transmitter would be automatically turned on at the beginning of the network broadcasting day and automatically turned off when the program service for the day was completed. Once a month, or as often as required, a service engineer would visit such an automatic rebroadcasting transmitter to keep it in peak operating condition.

"Such a development will make it economically feasible to bring television service ultimately to practically every home in the United States. Assuming such a development takes place, and we have every reason to be confident that it will, then it would not be unreasonable to assume that within ten years after the full commercialization of television, television service would be available to 23,700,000 wired homes or 80% of the wired homes of the United States. This would represent a population of about 100,000,000 people and approximately 82% of the total U. S. buying power. Television industry sales at this point should be, approximately, 3,500,000 units per year for a total retail billing of between six hundred million and seven hundred million dollars ($600,000,000 and $700,000,000). This billing together with replacement tubes for existing receivers, service, transmitter sales, television advertising revenue, etc., will make television the billion dollar industry that many have prophesied it will be.

"There have been many predictions concerning all of the great new things which will be available to the American public when the war is over. Television will not spring forward as an industry the day the fighting ceases. It may be a year, or two or three years, after the war before television is ready to go forward on a commercial basis. That depends upon the character of the recommendations made by the Radio Technical Planning Board and the action taken by the Federal Communications Commission on the recommendations by that Board. Of this, though, we can be certain—that the generations that come after the war will take home television service just as much for granted as the present generation takes for granted the radio set which, at the push of a button, makes available the finest entertainment and educational programs of the United States and, instantaneously, brings us voices and music from across the seven seas. Today, we only hear those programs. Tomorrow, we will see them as well as hear them.

"That is the promise of television."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, November 29th. They are subject to change.

Monday, November 29

WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license, **920 kc.**, 1 KW night, 5 KW day, unlimited.

Wednesday, December 1

KDRO—Albert S. and Robert A. Drohlich, d/b as Drohlich Brothers (Assignor), Milton J. Hinlein (Assignee), Sedalia, Mo.—Voluntary assignment of license, **1490 kc.**, unlimited.

APPLICATIONS GRANTED

WKST—Joseph Thomas (Transferor), Wanda E. Townsend (Transferee), WKST, Inc. (Licensee), New Castle, Pa.—Granted consent to acquisition of control by Wanda E. Townsend and S. W. Townsend, of WKST, Inc., licensee of Station WKST, through the transfer of 80 shares (36%) of stock from Joseph Thomas to Wanda E. Townsend, for a total consideration of $8,300 (B2-TC-341).

KGNF—Great Plains Broadcasting Co. (A Corporation) (Assignor), Radio Station WOW, Inc. (Assignee), North Platte, Nebr.—Granted consent to voluntary assignment of license to Radio Station KGNF, from Great Plains Broadcasting Co. to Radio Station WOW, Inc., for a consideration of $40,000 (B4-AL-386).

KGNF—Radio Station WOW, Inc., North Platte, Nebr.—Granted construction permit to make changes in transmitting equipment, change frequency from **1460** to **1240 kc.**, change power from 1 KW daytime to 250 watts unlimited time (B4-P-3549).

WAGE—Sentinel Broadcasting Corp. (Assignor), WAGE, Inc. (Assignee), Syracuse, N. Y.—Granted consent to voluntary assignment of license of Station WAGE from Sentinel Broadcasting Corp. to WAGE, Inc., a newly formed corporation (B1-AL-389).

WINS—Hearst Radio, Inc., New York, N. Y.—Granted modification of construction permit (B1-P-3512, as modified) for change of frequency from **1000** to **1010 kc.**, make changes in directional antenna system, and extend commencement and completion dates; grant is conditional on the satisfactory adjustment of all legitimate blanketing and cross modulation complaints (B1-MP-1729).

KOIN—KOIN, Inc., Portland, Ore.—Granted special service authorization to operate transmitter of Station KALE as a special auxiliary transmitter during the period from 12 midnight to 6 a. m., PST, for the duration of the war or so long as KOIN is classified as a key station, but in no event beyond the period of license.

Charles P. Blackley, Staunton, Va.—Granted petition to reinstate application for new station to operate on **1240 kc.**, 250 watts, unlimited, and designated said application for joint hearing with applications of WCHV and WFVA listed above (Docket No. 6215).

DESIGNATED FOR HEARING

WCHV—Charles Barham, Jr. and Emmalou Barham, d/b as Barham & Barham, Charlottesville, Va.—Designated for hearing application for modification of license to change frequency from **1450** to **1240 kc.**, to be heard with applications of WFVA and Charles P. Blackley (see following two items) (B2-ML-1162).

WFVA—Fredericksburg Broadcasting Corp., Fredericksburg, Va.—Designated for hearing application for modification of license to change frequency from **1290** to **1240 kc.**, and change hours of operation from daytime to unlimited except on Sunday when WBBL, Richmond, Va., operates; to be heard with applications of WCHV (listed above) and Charles P. Blackley (listed below) (B2-ML-1169).

LICENSE RENEWALS

Granted following applications for renewal of relay broadcast station licenses for the period beginning December 1, 1943, and ending not later than December 1, 1945:

WEGA, WEGB, WEGC, Agricultural Broadcasting Co.; KEGA, Earle C. Anthony, Inc.; KEGE, A. H. Belo Corp.; KEGH, KEGI, Carter Publications, Inc.; WBIN, WEGT, Central New York Broadcasting Corp.; WEKT, City of St. Petersburg, Fla.; KEGJ, KEGK, KRCO, WALO, WALP, WEHG, WEHH, WEHI, WEHJ, WEHK, Columbia Broadcasting System, Inc.; WLWC, WLWD, WLWE, WLWF, WLWG, WLWH, WLWI, The Crosley Corp.; KEGR, Fisher's Blend Station, Inc.; WEHP, WEHQ, The Fort Industry Company; WEIA, WEIB, WEIC, WOEI, WOEJ, General Electric Company; WJRL, James Broadcasting Co., Inc.; KEIF, KEIG, KGKO Broadcasting Co.; WEIX, Memphis Publishing Co.; KEJD, KEJE, National Broadcasting Co., Inc.; KEIY, KEIZ, Oregonian Publishing Co.; KEGY, Southwestern Sales Corp.; WEDK, WEKV, WEKW, The Travelers Broadcasting Service Corp.; KEHP, Airfan Radio Corp., Ltd.; KAOU, Arizona Broadcasting Co., Inc.; WEPA, Edwin H. Armstrong; KEHA, The Associated Broadcasters, Inc.; WEGP, Berks Broadcasting Co.; KFBR, KFBT, Frontier Broadcasting Co.; WEID, Harrisburg Broadcasting Co.; WEIE, Havens & Martin, Inc.; KEHT, The KANS Broadcasting Co.; KEGD, KRIC, Inc.; KSEH, KSTP, Inc.; KEJJ, KEJQ, WEJF, WEJG, WEJP, WEJQ, WNEQ, National Broadcasting Co., Inc.; WEOF, WNRB, The National Life and Accident Insurance Co.; KEJM, Perkins Brothers Co.; KEJO, The Pulitzer Publishing Co.; WEHZ, WEKL, WEKM, Reading Broadcasting Co.; KEHF, Tri-State Broadcasting Co., Inc.; WELB, WELC, WAVE, Inc.; WELK, WCBS, Inc.; KEHI, WEOE, WDAY, Inc.; WELQ, WDZ Broadcasting Co.; WAHA, WEGR, WEMA, WEMB, WEMN, WEMO, WEMQ, WEMS, WEMT, WKWR, Westinghouse Radio Stations, Inc.; WELV, West Virginia Broadcasting Corp.; WELW, WELX, WFIL Broadcasting Co.; KEHL, WKY Radiophone Company.

KBKR, Baker, Ore.; KNEL, Brady, Tex.; KOVC, Valley City, N. D.; KRNR, Roseburg, Ore.; KSAM, near Huntsville, Tex.; KWEW, Hobbs, New Mexico; WDBC, Escanaba, Mich.; WIGM, near Medford, Wisc.; WKBZ, Muskegon, Mich.; WKRO, Cairo, Ill.; WMIS, Natchez, Miss.; WMRN, Marion, Ohio; WNLC, New London, Conn.; WOLF, Syracuse, N. Y.; WOPI, Bristol, Tenn.; WOSH, Oshkosh, Wisc.; WRGA, Rome, Ga.; WTMV, East St. Louis, Ill.; KTOH, Lihue, Hawaii; WBTA, Batavia, N. Y.; WKBV, Richmond, Ind.; WMOG, Brunswich, Ga.; KBIX, Muskogee, Okla.; KBST, Big Spring, Tex.; KPLT, Paris, Tex.; KPQ, Wenatchee, Wash.; KVWC, Vernon, Tex.; WKBB, Dubuque, Iowa; WTMC, Ocala, Fla.

Granted extension of following station licenses upon a temporary basis only, pending determination upon application for renewal of license, in no event later than February 1, 1944:

KBUR, Burlington, Iowa; KDB, Santa Barbara, Calif.; KDRO, Sedalia, Mo.; KEYS, Corpus Christi, Tex.; KFFA, Helena, Ark.; KGKB, Tyler, Tex.; KOTN, Pine Bluff, Ark.; KXO, Centro, Calif.; WBAB, Atlantic City, N. J.; WDAN, Danville, Ill.; WERC, Erie, Pa.; WGTC, Greenville, N. C.; WHBB, Selma, Ala.; WKNY, Kingston, N. Y.; WMJM, Cordele, Ga.; WSAP, Portsmouth, Va.

KBPS, Portland, Ore.; KSAN, San Francisco, Calif.; KWAL, Wallace, Idaho; WABI, Bangor, Maine; WAOV, Vincennes, Ind.; WATL, Atlanta, Ga.; WAZL, Hazleton, Pa.; WELL, Battle Creek, Mich.; WGPC, Albany, Ga.; WIBM, Jackson, Mich.; WILM, Wilmington, Dela.; WING, Dayton, Ohio; WKEU, Griffin, Ga.; WMAS, Springfield, Mass.; WPAD, Paducah, Ky.; WTEL, Philadelphia, Pa.; WWDC and synchronous amplifier, Washington, D. C.

W2XWE—WOKO, Inc., Albany, N. Y.—Granted further extension of license upon a temporary basis, pending determination upon application for renewal of license, in no event later than February 1, 1944 (B1-SFB-18).

MISCELLANEOUS

National Broadcasting Co., Inc., Hollywood, Calif.—Granted construction permit for new relay broadcast station (B5-PRY-293).

National Broadcasting Co., Inc., Portable mobile (area of Chicago, Ill.).—Granted construction permit for new relay broadcast station (B4-PRY-294).

W8XCT—The Crosley Corp., Cincinnati, Ohio.—Granted modification of construction permit, as modified, which authorized new experimental television station, for extension of completion date only from October 28, 1943, to April 28, 1944 (B2-MPVB-105).

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Adopted an order granting petition to dismiss without prejudice application for modification of license to move main studio from San Jose to San Francisco, Calif. (Docket No. 6552).

KVOE—The Voice of Orange Empire, Inc., Santa Ana, Calif.—Scheduled for oral argument on December 15, 1943, the matter in the proceeding in Docket No. 6421 for construction permit to change operating assignment (B-194).

KINY—Edwin A. Kraft, Juneau, Alaska.—Granted modification of construction permit which authorized increase in power, installation of new transmitter, and changes in equipment and antenna, for extension of completion date from November 11 to December 11, 1943 (B-MP-1730).

KLUF—The KLUF Broadcasting Co., Galveston, Texas.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-1564).

WAHJ—The Champaign News-Gazette, Inc., area of Champaign, Ill.—Canceled relay broadcast station license in accordance with written request of licensee (B4-PRY-98).

The Commission placed in pending file the following applications for construction permits for new commercial television broadcast stations, in accordance with Commission policy adopted February 23, 1943:

Don Lee Broadcasting System, San Francisco, Calif. (B5-PCT-22); National Broadcasting Co., Inc., Philadelphia, Pa. (B2-PCT-20).

The Commission placed in pending file the following applications for construction permits for new high frequency (FM) broadcast stations, in accordance with Commission policy adopted February 23, 1943:

North Jersey Broadcasting Co., Inc., Paterson, N. J. (B1-PH-145); Matheson Radio Co., Inc., Boston, Mass. (B1-PH-142); Ashbacker Radio Corp., Muskegon, Mich. (B2-PH-143); Durham Radio Corp., Durham, N. C. (B3-PH-144).

WJNO—WJNO, Inc., West Palm Beach, Fla.—Granted motion to dismiss without prejudice application for construction permit to operate on **1230 kc.**, 250 watts, for emergency purposes only. (Docket No. 6478)

KTHS—Radio Broadcasting, Inc., Hot Springs, Ark.—Granted motion to dismiss without prejudice application for construction permit to operate on **1090 kc.**, 50 KW, unlimited, directional antenna night. (Docket No. 6556)

WJRM—Allegheny Broadcasting Corp., Elkins, W. Va.—Granted motion for leave to withdraw modification of construction permit to operate on **1240 kc.**, 250 watts, unlimited. (Docket No. 6488)

KRBA—Ben T. Wilson, R. A. Corbett and Thomas W. Baker, Co-partners, d/b as Red Lands Broadcasting Assn., Lufkin, Tex.—Granted motion for extension of time to file proposed findings in Docket 6491; time extended to December 14, 1943.

KRBA—Ben T. Wilson, R. A. Corbett and Thomas W. Baker (assignor), Darrell E. Yates (assignee), Lufkin, Tex.—Granted motion for extension of time to file proposed findings in Docket 6492; time extended to December 14, 1943.

KOBH—Black Hills Broadcast Co. of Rapid City, S. Dak.—Referred to full Commission motion to reconsider and permit amendment of application for construction permit to operate on **610 kc.**, 5 KW, directional antenna night, unlimited. (Docket No. 6430)

WGST—Georgia School of Technology, Atlanta, Ga.—Adopted order denying petition requesting grant without hearing of application for renewal of license. (Chairman Fly and Commissioner Craven dissenting.) A hearing on this application is scheduled for November 29.

APPLICATIONS FILED AT FCC

790 Kilocycles

KVOS—KVOS, Inc., Bellingham, Wash.—License to cover construction permit (B5-P-3237 as modified), which authorized change in frequency from **1230 kc.** to **790 kc.**

KVOS—KVOS, Inc., Bellingham, Wash.—Authority to determine operating power by direct measurement of antenna power.

850 Kilocycles

WJW—WJW, Inc., Cleveland, Ohio.—License to cover construction permit (B2-P-3263 as modified), which authorized change in frequency, increase in power, move of station and installation of new transmitter and directional antenna.

WJW—WJW, Inc., Cleveland, Ohio.—Authority to determine operating power by direct measurement of antenna power.

1240 Kilocycles

KGY—KGY, Inc., Olympia, Wash.—License to cover construction permit (B5-P-3548) which authorized increase in power and changes in transmitting equipment.

KGY—KGY, Inc., Olympia, Wash.—Authority to determine operating power by direct measurement of antenna power.

1340 Kilocycles

WTAL—Capital City Broadcasting Corp., Tallahassee, Fla.—Modification of license to increase power from 100 watts night, 250 watts daytime to 250 watts day and night.

KGEZ—Donald C. Treloar, Kalispell, Mont.—Voluntary assignment of license from Donald C. Treloar to A. W. Talbot.

1450 Kilocycles

NEW—Robin Weaver, Sr., Clarksdale, Miss.—Construction permit for a new standard broadcast station to be operated on **1450 kc.**, 250 watts and unlimited time.

1460 Kilocycles

KEVE—Cascade Broadcasting Co., Inc., Everett, Wash.—Voluntary transfer of control of licensee corporation from Dr. J. R. Binyon and L. E. Wallgren to A. W. Talbot (125 shares common stock).

KEVE—Cascade Broadcasting Co., Inc., Everett, Wash.—Construction permit to move transmitter and studio from Everett, Wash., to Yakima, Wash.

TELEVISION APPLICATION

NEW—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Construction permit for a new experimental television broadcast station to be operated on **50000-56000 kc.** with power of 100 watts for visual and 200 watts for aural. A5 and special emission.

FEDERAL TRADE COMMISSION DOCKET

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Americana Corp., et al.—A complaint has been issued charging the publishers of Encyclopedia Americana with misrepresentation of their publication and with unfair disparagement of competing encyclopedias, particularly the Britannica.

Respondents named in the complaint are Americana Corporation, 2 West 45th St., New York, and its officers, Fred P. Murphy, president; Joseph C. Graham, Jr., vice president and treasurer, and Thomas J. Kirk, secretary.

Typical of the false representations allegedly made to prospective purchasers by the respondents in advertisements, circulars and sales manuals, or by means of sales talks by their salesmen, are the following:

That the Americana is the only American encyclopedia and that other encyclopedias, including the Britannica, have a foreign origin, background and viewpoint; that Americana has been published continuously for more than 100 years and contains more articles and more information than any other encyclopedia; that it is preferred by all the leading educational and governmental institutions in the United States and is the best known and most authoritative encyclopedia published; and that the Britannica is not up to date and not revised by means of annual supplements as is the Americana. (5085)

Cookware Associates, Bucyrus, Ohio, are charged in a complaint with the use of misleading and deceptive practices in connection with the sale of cooking utensils. The complaint alleges that the respondents have attempted to compel purchasers to accept inferior glass or ceramic utensils in lieu of aluminum or aluminum alloy cookware ordered by them, under penalty of forfeiting deposits paid or of awaiting the termination of wartime restrictions on the sale of aluminum and aluminum alloy products. (5084)

Davenport Candycrafts, 168 South Division Street, Spokane, Wash., are charged in a complaint with the use of lottery methods in the sale and distribution of their products. The complaint charges that the respondents who are engaged in the sale and distribution of candy for dealers have sold certain assortments so packed and assembled as to involve the use of games of chance, gift enterprises or lottery schemes when sold and distributed to the consuming public. (5083)

Rodin Novelty Co., 814 Pierce Street, Sioux City, Iowa, selling and distributing cigarette lighters, clocks, leather goods, and other merchandise to retail dealers, clubs and other organizations, is charged in a complaint with the use of lottery methods in the sale and distribution of its products. (5082)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Bouquet Formals, Inc., et al.—Thirteen manufacturers of formal evening dresses, all located in New York City, have been ordered to cease and desist from entering into or continuing any combination or conspiracy to fix prices for their merchandise. The respondents named in the order are:

Bouquet Formals, Inc., 1359 Broadway; Clover Dance Frocks, Inc., 1359 Broadway, and its representative, Meyer Schatzberg; Debonair Dance Frocks, Inc., 1359 Broadway; Gaytime Frocks, Inc., and its representative, Jack Levy, 1359 Broadway; Hollywood Formals, Inc., 1359 Broadway; Patio Dress Co., Inc., 218 West 37th St.; Penelope Frocks, Inc., 491 Seventh Ave.; Seville Dress Manufacturing Co., Inc., 134 West 37th St., and its representative, Mike Reiter; Studio Dance Frocks, Inc., 1359 Broadway, and its representative, Murray E. Gottesman; Tango Formals, Inc., 134 West 37th St.; S. Wicha, Inc., 491 Seventh Ave.; Joseph Scafuri, trading as Adorable Dance Frocks, 1357 Broadway; and Harry Goodman and Herman Goodman, a copartnership, 134 West 37th St. (4751)

Stanley J. Remus & Company, et al.—An order to cease and desist from violation of the brokerage section of the Robinson-Patman Act in connection with sales and purchases of canned fish has been issued against Stanley J. Remus, trading as Stanley J. Remus & Co., 437 West Ontario St., Chicago, and P. E. Harris & Co., and Oceanic Sales Co., both of Seattle. (4833)

Winterine Manufacturing Co., 105 Wazee Market, Denver, Colo., has been ordered to cease and desist from misrepresentation in connection with the sale of "Antarctic," a so-called antifreeze solution advertised for use in the cooling systems of automobiles and other combustion type engines. (4945)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Bannock Food Company, Inc., West Chester, Pa., selling dog foods designated "Bannock Dog Biscuits" and "Bannock Body Builder," has stipulated to cease and desist from representing that its dog food products contain meat or beef, or that Bannock Dog Foods are the only dog foods containing a vitamin concentrate. (03169)

Bill Baker's Products, Ojai, Calif., selling a food designated "Bill Baker's Original Soya Bean Brand Bread," has stipulated to cease representing that the product will be of any therapeutic benefit in the treatment of acidosis or stomach acidity. (03167)

Cluett, Peabody & Co., Inc., 40 Worth St., New York, manufacturing and distributing shirts, collars, ties, underwear and handkerchiefs, has stipulated to cease and desist from branding, labeling or advertising Sanforset treated rayon garments or fabrics as "Sanforized-Shrunk," "Sanforized-Shrunk Sanforset," or in any other way indicating or implying that such goods have been treated by the Sanforized shrinkage process, and from any presentation conveying the impression or belief that the residual shrinkage remaining therein is no more than the public has been educated to understand by the legend or expression "Sanforized-Shrunk." (3756)

Columbia River Woolen Mills, Portland, Oreg., engaged as jobbers in the sale and distribution of wearing appparel, bedding, piece goods and similar merchandise, has stipulated to cease and desist from use of the word "Mills" as part of their firm or trade name, and from use of other words or terms of similar implication that may convey the belief or impression that they make or manufacture the merchandise sold by them or that they actually own and operate or absolutely control a plant or factory wherein is made the merchandise sold or offered by them under such representations. (3757)

Conway Studios, Inc., and William E. Singer, Ben Sirlin and Paul Adelman, its officers, also trading as Affiliated Photo News Service, 558 Madison Ave., New York, making and distributing photographic prints, have stipulated to cease using the words "Affiliated Photo News Service" to describe or designate their business; using the terms "News Service" or the word "News" or any other words of similar import to describe a business which is principally that of selling photographic prints to persons photographed; representing in any manner to prospective customers that the respondents or any of their sales representatives are news or press photographers, or that any photograph solicited by them is for press or publicity purposes, unless such photograph is for immediate news or press use; describing or referring to Conway Studios, Inc., as the portrait division of Affiliated Photo News Service, or representing that miniatures or photographs offered for sale are made from negatives found by their artist to be so attractive and unusual that he selected them for exhibition purposes. (3758)

Feshbach & Ackerman Fur Corp., 333 Seventh Ave., New York, manufacturing and selling ladies' fur garments, has entered into a stipulation in which it agrees to cease and desist from use of the word "mink" or any word of like meaning to designate or describe furs or fur garments made from muskrat peltries or peltries other than those of mink unless such word or term is compounded with the word "dyed" immediately followed in equally conspicuous type by the true name of the fur; from the use of the words "Persian Lamb," "Persian Paw," or "Persian" as descriptive of coats or garments made of peltries other than those of true or pure breed Persian lambs; from use of the word "Polar" or other terms connoting origin characteristic of a particular geographic region as descriptive of a fur or garment material which has not come from the locality indicated; or from designating or describing furs or fur garments in any manner other than by the use of the true name of the fur as the last word of the designation or description thereof; and when any dye or process is used in simulating any other fur, the true name of the fur appearing as the last word of the description shall be immediately preceded in equally conspicuous type by the word "dyed" or the word "processed" compounded with the name of the simulated fur as, for example, "Mink-dyed Muskrat." (3753)

Merrell's, Inc., Clarksburg, W. Va., selling and distributing stationery, has stipulated to cease and desist from representing, directly or inferentially, that it is the only manufacturing engraver in West Virginia. (3749)

Harry Myers & Co., Inc., trading also as Styleplus Factory Salesroom, 110 South Paca St., Baltimore, selling and distributing men's clothing, has stipulated, whether trading under such names or under any other trade name or style, to cease and desist from representing by pictorial delineation or otherwise that its factory or sales or showrooms occupy an entire building or buildings in excess of that which it actually occupies. (3754)

Olan Mills Portrait Studios, 112-116 East Columbia St., Springfield, Ohio, making and distributing photographic portraits, has stipulated that in connection with the sale and distribution of their products they will cease and desist from use of the terms "photo etching," "photo (etching) portrait," or the word "etching," or words of like import as descriptive of portraits or other pictures where an etching process is limited to the background and not used on the portrait or other subject matter of such photograph. (3750)

Orjene Company, 100 Fifth Ave., New York, selling and distributing cosmetic preparations designated "Orjene Pure Shampoo," and "Vi-Vu Scalp Treatment," "V-Kol" and "Couleur de Ton," has stipulated to cease representing that Orjene Pure Shampoo is a cure or remedy for dandruff or has any therapeutic value in the treatment of dandruff in excess of the removal of dandruff scales, or that it will provide a strong, healthy growth of hair or that it is new and different; that Vi-Vu will promote or restore a healthy growth of hair, will remove local scalp irritations, or renew life-giving nutriment or that it will improve the metabolism of the scalp or grow hair whenever the follicles are alive; or that V-Kol is a cure for itching scalp or skin or eczema, or is a cure for dandruff or that it will aid nature in growing healthy hair. (03165)

Perel & Lowenstein, with places of business at 144 South Main St., Memphis, and Jackson, Tenn., selling and distributing jewelry and associated commodities, have stipulated to cease and desist from use of the words "natural yellow gold," "yellow or rose gold" or similar terms as a description or designation for watch cases not made wholly of gold or which are gold-filled, gold-plated or have backings of metals not gold; from designating, or referring to, rings or other merchandise of less than 24-karat quality as "solid gold," "solid natural gold" or "solid yellow or white gold"; from describing or referring to premium dolls as a "$7.50 doll" or by other words or terms representing that such dolls are equal in value or quality to those ordinarily sold in the retail trade for $7.50, or that they have any worth in excess of their real market value; from using the words "free," "gift" or terms of like import to describe merchandise that is not given free or as a gratuity when the recipient of such merchandise is required, as a consideration, either to pay in whole or in part the price thereof, to purchase some other article or to render some service in order to obtain it. (3755)

Science Laboratories, Inc., and Sperti Electric Co., Inc., 4242 East 4th St., Cincinnati, engaged in the manufacture of electric lamps, including ultraviolet ray lamps, have stipulated that in connection with the sale and distribution of their models IC-77 and HI-41 lamps, or lamps of substantially similar construction, they will cease and desist from representing that conditions of the modern age are such that we are deprived of most of the benefits of sunlight, or by inference that it is essential for health to obtain such radiation by artificial means; that the low death rate in summer as compared with the high death rate in winter is an index to the deficiency of ultraviolet light in wintertime; that the lamps offered for sale without adequate filter equipment produce ultraviolet rays or that such radiation is comparable to sunshine. (3752)

C. F. Simonin's Sons, Inc., Tioga and Belgrade Sts., Philadelphia, selling and distributing edible or cooking oils, including a preparation designated "Olio Simonini" or "Simonini Oil," has stipulated that it will cease and desist from representing that 20 percent of the content of its product consists of virgin olive oil unless and until 20 percent thereof does consist of virgin oil; and from any representation which may convey the belief or impression that the olive oil content of its edible or cooking oils is greater than, in excess of, or other than the actual olive oil content thereof. (3751)

Spors Co., Le Center, Minn., selling a medicinal preparation designated "Lax-Aid," has stipulated to cease disseminating any advertisement which fails to reveal that the product should not be used when abdominal pain, nausea or other symptoms of appendicitis are present; provided, however, that such advertisements need only contain the statement, "CAUTION: Use Only As Directed," if and when the directions for use, whether appearing on the label or in the labeling, contain a caution or warning to the same effect. (03168)

Stomar Products Co., 715 Linwood Blvd., Kansas City, Mo., selling a medicinal preparation designated "Foster's Wonder 30 Minute Corn and Callous Remover," and I. B. Wasson, trading as I. B. Wasson Advertising Co., Manufacturers Exchange Bldg., Kansas City, Mo., an advertising agency disseminating advertisements for the product, have stipulated to cease and desist from representing that the preparation promotes healing, and from disseminating any advertisement which fails to reveal that care should be taken not to allow the preparation, full strength, to remain in contact too long, as otherwise its corrosive action may extend beyond the callous or corn and corrode the underlying tissue; provided, however, that such advertisement need only contain the statement, "CAUTION: Use Only As Directed," if and when the directions wherever they appear in the label or labeling contain a caution or warning to the same effect. (03166)

FTC CASE CLOSED

The Federal Trade Commission has closed the case growing out of its complaint against Monte Carlo Hats, Inc., 39 West 37th St., New York. The complaint charged the respondent with failing to properly label old, previously used women's hats, which it sold to retail dealers, as not being new or unused.

The Commission finds that the respondent has gone out of business, with no indication that it will be resumed. The case was ordered closed without prejudice to the right of the Commission to reopen it and resume trial should future facts so warrant.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 49, December 3, 1943

FCC PAYROLL AND EMPLOYMENT DATA

The FCC reports that more than 100 stations have failed so far to return their payroll and employment data requested two months ago. This data, when compiled, can be of invaluable help to all stations in labor negotiations, War Labor Board proceedings, and in other ways. For their own benefit, all stations should act promptly on the Commission's request.

PEABODY AWARDS

Some five thousand listening-post committee members, from coast to coast, will on December 10 report their selections in the George Foster Peabody Awards of 1943 to Dean John E. Drewry of the Henry W. Grady School of Journalism, University of Georgia, through whose office the awards are made.

The reports of these listening-post committee members will be consolidated and passed along to the Peabody Advisory Board, headed by Edward Weeks, editor, *Atlantic Monthly*, which will make the final selections of the winners. This group will meet in New York in January for a preliminary canvass of the 1943 entries.

Bing Crosby's name appeared along with others of the Los Angeles area in a list provided by Mrs. Dorothy Lewis, New York, who as Coordinator of Listener Activity of the National Association of Broadcasters has quietly but effectively gone about the creation of these listening-post committees in some two hundred principal cities in most of the forty-eight states. Similar committees have been established through Dean Drewry's office in most of the state universities having accredited schools or departments of journalism.

"I am quite thrilled to know that some five thousand people will have worked on this listener evaluation project for the Peabody Awards this year, among them outstanding people in many areas," Mrs. Lewis recently wrote Dean Drewry. "Letters keep coming in telling me of the great interest of the community and of local stations in this whole project as it has been set up with the listening groups."

Although December 10 is the closing date for 1943, entries have been arriving in Athens for some weeks, Dean Drewry reports.

EDUCATION BY RADIO INSTITUTE SET

I. Keith Tyler, Director of the Institute for Education by Radio, Ohio State University, announces the Fifteenth Institute for Education by Radio to be held at the Deshler-Wallick Hotel in Columbus, May 5-8, 1944. As in past years, the annual exhibition and citations of educational radio programs will be made in connection with the Institute. The closing date for entries in this exhibition has been set as March 15, 1944. Specifications and entry blanks may be obtained by stations, educational organizations and regional networks on request to Dr. Tyler at the Ohio State University, Columbus 10, Ohio.

EDUCATIONAL RADIO LISTING SERVICE

The Federal Radio Education Committee and the United States Office of Education have inaugurated a monthly Educational Radio Program Listing Service as an aid to teachers throughout the nation. On the first list, which has already been forwarded to all State Superintendents of Schools for distribution to local schools, 27 network programs are listed.

FREC, which is composed of 14 representatives of the radio industry and education, is convinced that many educationally valuable programs are not being fully utilized. An advisory committee of 4 educators has been set up to make the selections which will go onto the lists and the basic standards have been agreed upon by FREC. Each network recommends educational programs for selection. Following selection, the list is mimeographed and sent to State Departments of Education with the caution that it should be carefully revised to fit local needs and should be supplemented by local and regional educational programs. Many radio stations will be interested in cooperating with educators in their community in making this program effective.

A. E. R. REGIONAL CONFERENCE

The regional conference of the Association for Education by Radio was held at Stephens College, Columbia, Missouri, November 19, 20 and 21. The central theme was "The Responsibility of Radio in the New World." At the close of the sessions B. Lamar Johnson, Stephens College Dean of Instruction, presented the following summary:

"As I open my remarks I wish to express on behalf of Stephens College our pleasure in having had you guests on our campus during the past three days. You have brought much to us in both inspiration and information.

"Just this afternoon, in conversation with Major Kent, he remarked that this conference is the outstanding regional conference in the country and that it has more than justified its sponsorship by the Association for Education by Radio. I mention this because you have made this conference the success it has been.

"At the close of one of yesterday's panels the chairman stated, 'I have been asked to summarize this panel, but we have had so many ideas presented, so many suggestions

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NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Robert T. Bartley, *Director of War Activities;* Lewis H. Avery, *Director of Broadcast Advertising;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Arthur C. Stringer, *Director of Promotion.*

A. E. R. REGIONAL CONFERENCE

(Continued from page 485)

made, that I hesitate to attempt a summary. The meeting is adjourned.'

"After having attended meetings for three days I must say that I share the feeling of yesterday's panel chairman as I consider attempting a summary of the conference. I am almost tempted to announce now as we did yesterday, 'Meeting adjourned!'

"During this conference I observed one technique that I thought was notable—the use of a tea room as a part of seating space for the audience. I have attended the Boston 'pops' and listened to symphonic music as I enjoyed refreshments; I have seen the floor show at a night club as I ate a so-called supper; but never before have I attended a conference where a major part of the audience ate a late breakfast while listening attentively to a panel discussion—and where conferees sipped afternoon tea while listening to a speech. This technique might well be considered by other conference planners.

"In summarizing the conference I shall make no attempt to summarize each meeting separately. That will be done in the proceedings. Rather I shall mention five areas of discussion which have been of common concern and interest during the conference:

"First, *Should radio give the public what it likes or should radio give the public what it ought to have?*

"Throughout the conference this issue has been discussed—in relation to children's programs and daytime serials, in relation to international relations and planning for the postwar world here at home. There seems to have been general agreement on this: 'Give the people the facts; the people can be trusted with the truth.' *But* repeatedly the point has been made different people interpret facts differently.

"As I leave this conference I am conscious of no clear-cut agreement on answering this question. The suggestion has been made that we should do both—give the public what it likes and what it should have. Time after time the point has been made that if we wish to present educational programs on postwar issues, for example, we must use the best showmanship possible, otherwise we shall have no listeners.

"Second, *Should training for careers in radio stress general education or specific training in radio techniques?*

"Employers in radio want everything. They demand a sound general education including citizenship understanding, health, ability to communicate effectively, ability to get along with people; they want some technical training in the field of radio; they recommend the ability to type and take dictation; and some suggest the value and need for home economics training. The student who seeks a career in radio may be perplexed by the multiplicity of demands placed on her. Essentially, however, this conference has said to the student, 'If you are interested in radio get a good general education, work hard. You will need to work hard when you begin your career. You must work hard now to get a sound general education, some technical training and, if possible, stenographic training.'

"Third. *Is there opportunity for employment in radio?*

"On the one hand we have had reports of the immediate need for workers in radio. On the other hand, we have learned that in normal peacetime there are throughout the nation only 500 openings a year in radio—and not all of these offer opportunities for new workers in radio, for some of these openings simply represent personnel changes within the industry. Against this background of possible positions in radio we must consider the future possibilities of FM and of television. Expansion in these fields may well offer significant employment opportunities in the New World.

"In speaking of education for radio we need to recognize that education for a career in radio is only an aspect—and that a small aspect—of radio education. We need to teach boys and girls to understand the place of radio in America and world life. We need to educate our boys and girls in radio listening, just as we aim to teach them reading habits in our Literature courses. I have a feeling that this point on the importance of radio in general education may have been underestimated in the sessions of this conference.

"Fourth, *The local radio station is the basic unit of radio. Community cooperation is necessary if radio is to make its maximum contribution.*

"Among the agencies which can best cooperate with radio, and with which radio can best cooperate, is the newspaper. The press can do much in the education of listeners. In a panel discussion yesterday I feared a conflict between a representative of journalism and a member of the clergy. An agreement was, however, reached that both radio and the newspapers have important functions to serve and that cooperation between them is essential. During the conference regret has been expressed over the fact that in some sections of the country newspapers fail to list radio programs. On the other hand, and more frequently, examples of splendid radio-newspaper cooperation have been cited, as in Omaha, for example.

"Listening groups in cooperation with the local station can actually produce programs which fill a local need. This morning, for example, we heard of a junior league group in Oklahoma which is producing some outstanding children's programs.

"Throughout the conference I have been impressed by the growing importance of radio councils as a means of providing community cooperation. The suggestion has been made that the radio council can educate listeners, can advise the station management regarding the improvement of the programs, and can publicize selected programs.

"Fifth, *Is television just around the corner?*

"The presentations of Commander Eddy and of Mr. Shayon both point forward to a not distant day when television will be a reality. Mr. Shayon predicts that: 'Ten years from today large scale commercial color-vision television will be as normal a part of our lives as are films or sound broadcast now.'

"Commander Eddy emphasized the value of television to education and suggested the possibility of centralized education from central stations. Though there was at the conference some disagreement on the future of television, I should say that there was general optimism regarding the development and the importance of television.

"If I were to select two quotations which best give contrasting spirits of this conference I should first quote Mrs. Miller who in a panel yesterday stated: 'It is later than we think.' In that sentence Mrs. Miller summarized the concern which has motivated our consideration of postwar issues; the need for building a lasting peace; our recognition that we live in a world united by radio, by aviation and by the aspirations of mankind; our concern about breakdowns on our home front; juvenile delinquency; our wonderings about radio's role of leadership in the new world; our controversies regarding the interpretation of facts; our fears that we may win the war on world battlefronts and lose the peace. Yes, it seems to me that Mrs. Miller has uttered a warning we need to heed—as educators, as broadcasters: 'It may well be later than we think.'

"On the other hand there has been in our conference a spirit of optimism. Our conference has promised us new and improved tools with which to fashion the New World. Perhaps this hope was best represented by Mr. Shayon's address of last evening: 'In the new world radio will be a superior instrument. A servant of man—freed from physical limitations—endowed with sight as well as sound, serving still the spirit of enterprise but serving still more the public welfare—making all men neighbors—and enriching their days and nights with entertainment, information, and enlightenment—this is the vision in the New World to which radio looks ahead.'

"These sentences and the entire conference fill us with both a feeling of hope and of responsibility. Before we have quite learned to utilize to its utmost the tool of radio, civilization is having placed in its hands a new tool—a new art—television.

"As I leave this conference I feel that those of us in education, those of us in radio, and those of us in the united field of radio education face new opportunities which we dare not fail to recognize. Radio needs education; education needs radio. America and the world need radio and education."

HOUSE SELECT COMMITTEE APPROPRIATION

Acting upon the request of the House Select Committee to investigate the Federal Communications Commission, the House last week passed an additional appropriation of $50,000 with which to carry on investigating activities. The bill was passed without debate.

MAKE SURE OF WAR DEPT. OK

When approached by an outside party on a deal to broadcast a military program from a distant point, with costs including line charges to be paid by donations from local merchants, stations should make sure that the Radio Branch, Bureau of Public Relations, War Department, Washington, D. C., has given approval in writing.

In such cases—pickup from a distant point, costs to be defrayed by donations and involving a third party—there is more than a possibility of embarrassment to the broadcast station.

If in doubt about any such deals communicate directly with the Radio Branch, War Dept., Washington, or with NAB.

The suggestions above do not apply when the station itself develops such a program.

KLAUBER TO OWI

Edward Klauber, for thirteen years a prominent figure in the broadcasting industry when he served as Executive Vice President of CBS, has been appointed Associate Director of the Office of War Information. This post has been vacant since the resignation of Milton S. Eisenhower who assumed the presidency of Kansas State College.

Mr. Klauber, a veteran newspaper and radio man, began his career on the New York *World* in 1912. In 1916 he joined the staff of the New York *Times* where he remained for nearly thirteen years as reporter, re-write man and news executive. He resigned as night editor of the *Times* in 1928 and then went into the advertising and public relations field before joining CBS in 1930.

Mr. Klauber is a native of Louisville, Kentucky. He assumed his new post December 1.

MINNESOTA BROADCASTERS MEET

Representatives of Minnesota radio stations and some from surrounding states are meeting in Minneapolis today (3). While the meeting will be general in character, its prime purpose is a means whereby closer contact between the Northwest Radio Council and the radio stations of that area may be established.

Mrs. George B. Palmer, Chairman of the Radio Committee of the Minnesota Federated Women's Clubs and prominent in the General Federation of Women's Clubs radio affairs, will outline the aims and objectives of the Radio Council.

Dorothy Lewis, NAB Coordinator of Listener Activities, will also speak upon the functions of radio councils and a number of women program directors will be on hand. An interesting meeting is expected. A full outline will be given in next week's NAB REPORTS.

DISTRIBUTE INCOME TAX FORM W-2

The Bureau of Internal Revenue has asked NAB to remind stations of the importance of early distribution of Form W-2 to employees. This form is a statement showing total wages paid during the calendar year 1943 and the amount of income and victory tax withheld from such wages under the provisions of the new "pay-as-you-go" income tax plan.

January 31 is the deadline for distribution of the forms to employees and for the filing by the employer of duplicates, together with the employer's quarterly report of taxes withheld (W-1), with the Collector of Internal Revenue in the employer's district.

Early distribution helps employees determine their personal income taxes.

1944 ELECTRONIC NEEDS CONSIDERED

Reports on electronics equipment since January 1 and the program to meet increased requirements for 1944 were discussed at a recent meeting of the Radio and Radar Industry Advisory Committee with WPB representatives. Progress of scheduling operations on vacuum tubes, test equipment and electrical indicating instruments were outlined by representatives of the WPB Radio and Radar Division. Ray C. Ellis, Division Director, was government presiding officer.

BOOK ON RADIO REPAIRS ISSUED

"Radio Listeners Guide, an Aid to Better Reception," is the title of a 62 page booklet written by Fred D. Rowe. Mr. Rowe has been associated with the Pacific Radio Institute in the San Francisco Bay area for the past 14 years locating various types of interference on receiving sets.

Mr. Rowe has covered such subjects as how broadcasting is done, installation notes, tuning of radio, determining causes of radio set noises, how to locate interference sources, simple service problems and questions and answers. Under present conditions when many listeners find it difficult to obtain the services of a competent radio repairman, it is believed this publication may be particularly helpful to radio listeners.

A. E. Rowe and Company, Inc., 660 Mission Street, San Francisco 5, California, is the publisher. Broadcasters may purchase individual copies at $1.00 each. Quantity discounts to broadcasters are as follows: two to ten copies—70 cents each, eleven to one hundred copies—60 cents each, over one hundred copies—50 cents each. The retail price is $1.00.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, December 6th. They are subject to change.

Monday, December 6

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Modification of license; **1480 kc.**, 5 KW, unlimited, DA-night.

Wednesday, December 8

Further Hearing

To Be Heard in the Offices of the Commission, Washington, D. C.

WFTL—Ralph A. Horton (Assignor), The Fort Industry Co. (Assignee), Fort Lauderdale, Fla.—Voluntary assignment of C. P., and license of WFTL; and licenses of relay stations WAAD and WRET. **1460 kc.**, 250 watts, unlimited. Under C. P., **710 kc.**, 10 KW, unlimited, DA-night.

WFTL—Ralph A. Horton, Fort Lauderdale, Fla.—License to cover C. P., and authority to determine operating power by direct measurement. **1400 kc.**, 250 watts, unlimited. Under C. P., **710 kc.**, 10 KW, unlimited, DA-night.

WFTL—The Fort Industry Company, Fort Lauderdale, Fla.—Modification of license to move main studio from Fort Lauderdale, Florida (contingent upon granting of B3-APL-15). **1400 kc.**, 250 watts, unlimited. Under C. P., **710 kc.**, 10 KW, unlimited, DA-night.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KFAR—The Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Granted special service authorization to operate station on **660 kc.** with 10 KW power, unlimited time, for the period ending no later than June 1, 1944, on condition that if objectionable interference is caused to the FCC monitoring station, the CAA radio system, Alaska Communications System, Army, Navy, Coast Guard, or other communications systems, and is not promptly eliminated, KFAR will return to its present assignment of **610 kc.**, with 5 KW power.

WWDC—Capital Broadcasting Co., Washington, D. C.—Granted extension of authority for waiver of Sections 2.53 and 13.61 of the Commission's Rules so as to permit operation of the synchronous amplifier by remote control from the main transmitter location, for the period December 1, 1943, to February 1, 1944, upon the same terms and conditions as the existing authorization for such operation.

WFNC—W. C. Ewing and T. K. Weyher, d/b as Cumberland Broadcasting Co. (Assignor), Cape Fear Broadcasting Co. (Assignee), Fayetteville, N. C.—Granted consent to voluntary assignment of license from W. C. Ewing and T. K. Weyher, d/b as Cumberland Broadcasting Co., licensee of station WFNC, to Cape Fear Broadcasting Company (B3-AL-380).

WSNY—Western Gateway Broadcasting Corp., Schenectady, N. Y.—Granted authority to make changes in automatic frequency control equipment (B1-F-254).

WRUF—University of Florida, Gainesville, Fla.—Granted special service authorization to operate unlimited time with power of 100 watts after sunset at Denver, and 5 KW until sunset at Denver, for the period ending February 1, 1944 (B3-SSA-87).

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Granted extension of special service authorization to operate on **560 kc.**, 500 watts night, 1 KW LS, unlimited time, for the period ending February 1, 1943 (B5-SSA-86).

LICENSES GRANTED

Granted renewal of following relay broadcast station licenses for the period beginning December 1, 1943, and ending in no event later than December 1, 1945:

WODJ, Adirondack Broadcasting Co., Inc.; WEGD, WEGE, American Broadcasting Corp. of Ky.; WEOB, Ashland Broadcasting Co.; WEGG, The Atlantic Journal Co.; WBAR, WBAS, WEGM, WEGN, Bamberger Broadcasting Service, Inc.; WALM, WALN, WAUJ, WHAE, Courier-Journal and Louisville Times Co.; WAUY, WEQG, Evansville on the Air, Inc.; WEHN, Evening News Assn.; WHHC, Hampden-Hampshire Corp.; WEIF, Hildreth and Rogers Co.; WEIN, WEIO, WEIP, The Journal Co. (The Milwaukee Journal); KEJS, KGKO Broadcasting Co.; KEIH, KEII, KLZ Broadcasting Co.; KEIM, KTAR Broadcasting Co.; WALB, Larus and Brother Co., Inc.; KAOY, KEGL, KEGN, KEGO, KEGQ, Don Lee Broadcasting System; WEIT, WEIU, Loyola University; WEIY, Miami Broadcasting Co.; WEIZ, Miami Valley Broadcasting Corp.; KAOH, KEIS, KEIT, Midland Broadcasting Co.; WENU, WENV, Monumental Radio Co.; KEIW, KEIX, Eugene P. O'Fallon, Inc.; WIPP, Pennsylvania Broadcasting Co.; WEKI, WPEO, Peoria Broadcasting Co.; WERB, Pinellas Broadcasting Co.; KRQC, Queen City Broadcasting Co., Inc.; WEHT, WELT, Racine Broadcasting Corp.; KEGU, Radio Service Corp. of Utah; KEGV, Radio Station KFH Co.; WENP, WENQ, WENS, Radio Station WSOC, Inc.; WEKN, Rockford Broadcasters, Inc.; KEGX, Salt River Valley Broadcasting Co.; WEKO, WEKP, Scranton Broadcasters, Inc.; WEKQ, Allen T. Simmons; WEKR, South Bend Tribune; WEOC, South Carolina Broadcasting Co., Inc.; WJSN, The Sun Publishing Co., Inc.; KEGT, Tarrant Broadcasting Co.; KEHB, KEHD, Topeka Broadcasting Assn., Inc.; WEHU, WEHX, WJSM, WRPM, United Broadcasting Co.; WAUW, WLAC Broadcasting Service; WRBC, WELE, WBNS, Inc.; WELN, WDRC, Inc.; WEIJ, WEIK, WFBM, Inc.; WELY, WGAL, Inc.; WEMU, WEMW, The WGAR Broadcasting Co.; WAIF, WAIG, WELZ, WQHF, WGN, Inc.; WHPB, WHPR, WHP, Inc.; WENF, WENG, WJRB, WJR, The Goodwill Station; WENN, WENO, WPTF Radio Co.; WEOD, The Yankee Network, Inc.; WCZR, Zenith Radio Corp.; WAUH, Atlantic Coast Broadcasting Co.; WEGS, Donald A. Burton; WEGV, The Champaign News-Gazette, Inc.; WEGW, WEGX, Charleston Broadcasting Co.; KEHO, Intermountain Broadcasting Corp.; KDAS, KARM, The George Harm Station; WEOH, Richmond Radio Corp.; KEHS, WDAY, Inc.

Granted extension of following relay broadcast licenses upon a temporary basis only, pending determination upon applications for renewal of licenses, in no event later than February 1, 1944:

WRET, Ralph A. Horton; KEIQ, KEIR, Ben S. McGlashan; WEKF, Paducah Broadcasting Co., Inc.; WBLQ, Piedmont Publishing Co.; KIDN, Redwood Broadcasting Co., Inc.; WENL, Surety Life Insurance Co.; KEGZ, Symons Broadcasting Co.; KEHR, Donald C. Treloar; WBCZ, WHEB, Inc.; WMWA, WOKO, Inc.

WAEA—Joda Patterson, Ramon G. Patterson and Louise Patterson Pursley, d/b as WAPO Broadcasting Service, area of Chattanooga, Tenn.—Granted renewal of license for the period ending not later than October 1, 1944 (B3-PRY-132).

MISCELLANEOUS

A. H. Belo Corp., Dallas, Texas.—Granted construction permit for new relay broadcast station (B3-PRE-438).

Great Trails Broadcasting Corp., area of Dayton, Ohio.—Granted license for new relay broadcast station (B2-LRY-291).

KNBC—National Broadcasting Co., Inc. (area of San Francisco, Calif.).—Granted construction permit to install new transmitter and to reduce power of relay station from 100 to 75 watts (B5-PRY-290).

KEJK—National Broadcasting Co., Inc. (area of San Francisco, Calif.).—Granted construction permit to install new transmitter (B5-PRE-434).

Voice of Longview (Portable-Mobile), (area of Longview, Tex.).—Granted construction permit for new relay broadcast station (B3-PRY-292).

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Granted modification of construction permit as modified, which authorized change of frequency, increase in power, installation of new transmitter and directional antenna for night use, for extension of completion date from December 1, 1943, to February 1, 1944 (B5-MP-1727).

WEKX-WEKZ—The Yankee Network, Inc., area of Boston, Mass.—Granted renewal of relay broadcast station license for period December 1, 1943, to not later than December 1, 1945; to operate with WNAC, Boston, Mass., instead of WNAC and WAAB, Boston, Mass. (B1-RRE-91), (B1-RRE-245).

WEKY—The Yankee Network, Inc. (area of Mt. Washington, N. H.).—Granted renewal of license for relay broadcast station WEKY for the period December 1, 1943, to not later than December 1, 1945; to be designated as a special relay broadcast station to be operated with high frequency broadcast station WMTW, Mt. Washington, N. H., instead of relay broadcast station to be operated with WNAC and WAAB, Boston, Mass. (B1-RRE-244).

The Commission placed in pending file the applications of Standard Broadcasting Co., Los Angeles, Calif., for construction permit for new FM station (B5-PH-146) and Allen B. DuMont Labs., Inc., to change from experimental to commercial operation its television station W2XWV (B1-PCT-21).

WEMZ—WHEC, Inc., area of Rochester, N. Y.—Cancelled license for relay broadcast station license in accordance with written request (B1-RRE-257).

KOBH—Black Hills Broadcast Co., Rapid City, So. Dak.—Denied petition requesting leave to amend its application for construction permit (B-192, Docket 6430) so as to substitute the frequency **1380** for **610 kc.**

KEEW—Eagle Broadcasting Co., Brownsville, Texas.—Granted renewal of license for the period December 1, 1943, to December 1, 1945.

KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Granted renewal of license for the period December 1, 1943, to December 1, 1945.

KBON—Inland Broadcasting Co., Omaha, Neb.—Present license extended upon a temporary basis only, pending determination upon application for renewal, for the period ending February 1, 1944.

KPAB—Laredo Broadcasting Co., Laredo, Texas.—Present license extended upon a temporary basis only, pending determination upon application for renewal, for the period ending February 1, 1944.

WDAE—Tampa Times Company, Tampa, Fla.—Denied special service authorization to operate on **770 kc.** with 5 KW power, unlimited time, employing DA-night, for the period ending August 1, 1944 (B3-SSA-84).

WOOD—King-Trendle Broadcasting Corp., Grand Rapids, Mich. —Dismissed application (B2-P-3531) for construction permit to move formerly licensed 500 watt transmitter to site of new main transmitter to be used as an auxiliary transmitter, with power of 500 watts, employing DA-night.

WOCB—Harriet M. Alleman and Helen W. MacLellan, d/b as The Cape Cod Broadcasting Co., West Yarmouth, Mass.—Adopted order denying as in default the application for renewal of license of station WOCB. Applicants failed to appear at hearing designated on October 26.

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Granted petition for postponement of hearing, now scheduled for December 6, 1943, to January 7, 1944, in re application for modification of license to operate on **1480 kc.,** directional antenna night, 5 KW, unlimited. (Docket No. 6522)

Charles Swaringen, et al., d/b as Buckeye Broadcasting Co., Akron, Ohio.—Denied petition for leave to amend application for construction permit for new station, to request frequency **1260 kc.** (instead of **1240 kc.**) and daytime hours (instead of unlimited). Exception noted by counsel. (Docket No. 6559)

APPLICATIONS FILED AT FCC

580 Kilocycles

WIAC—Enrique Abarca Sanfeliz, Hato Rey, Puerto Rico.—Voluntary assignment of license to radio station WIAC, Inc.

1280 Kilocycles

WDSU—WDSU, Inc., New Orleans, La.—Voluntary assignment of license and construction permit to E. A. Stephens, Fred Weber and H. G. Wall, d/b as Stephens Broadcasting Company.

1310 Kilocycles

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—License to cover construction permit (B1-P-3538) which authorized installation of a new transmitter.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Authority to determine operating power by direct measurement of antenna power.

1340 Kilocycles

KAND—Navarro Broadcasting Association, J. C. West, President, Fort Worth, Texas.—Construction permit to move transmitter and studio from Corsicana, Texas, to Fort Worth, Texas.

1430 Kilocycles

KWKW—Southern California Broadcasting Co., Pasadena, Calif.—Voluntary assignment of license to Marshall S. Neal, Paul Buhlig, E. T. Foley and Edwin Earl, d/b as Southern California Broadcasting Co.

1450 Kilocycles

KLBM—Ben E. Stone, La Grange, Oregon.—Modification of license to change the location of the main studio to transmitter site (U. S. Highway #30, 1.3 miles from La Grande, Oregon).

1470 Kilocycles

WCBA—WSAN Lehigh Valley Broadcasting Co., Allentown, Pa.—Relinquishment of control of licensee corporation by Allentown Call Publishing Company through sale of 495 shares of stock to Royal W. Weiler, J. Calvin Shumberger, Sr., David A. Miller, Fred W. Weiler, Samuel W. Miller, Donald P. Miller and Miller Associates.

MISCELLANEOUS

KPAK—Wichita Broadcasting Co., area of Wichita Falls, Tex.—Voluntary assignment of license to Wichita Broadcasters, a partnership, Joe B. Carrigan, Mrs. Joe B. Carrigan, P. K. Smith, Trustee, P. K. Smith, Mrs. Claude M. Simpson, Jr.

KWFR—Wichita Broadcasting Co., area of Wichita Falls, Tex.—Voluntary assignment of license to Wichita Broadcasters, a partnership, Joe B. Carrigan, Mrs. Joe B. Carrigan, P. K. Smith, Trustee, P. K. Smith, Mrs. Claude M. Simpson, Jr.

KTRG—KTRH Broadcasting Co., area of Houston, Texas.—License to cover construction permit (B3-PRY-291) which authorized construction of a new relay broadcast station.

W2XCB—Columbia Broadcasting System, Inc., area of New York, N. Y.—Modification of construction permit (B1-PVB-46 as modified), which authorized construction of new television relay station for extension of completion date from 1-7-44 to 7-7-44.

NEW—Spartanburg Advertising Co., Spartanburg, S. Car.—Construction permit for a new high frequency (FM) broadcast station to be operated on **43500 kc.,** with coverage of 26,600 square miles.

FEDERAL TRADE COMMISSION DOCKET

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Master Engravers Guild, et al.—A complaint has been issued alleging that Master Engravers Guild and Master Engravers Service Corporation, both of Paterson, N. J., and their 20 member engraving companies, have entered into an agreement and combination to suppress and eliminate competition in prices and otherwise among and between themselves, and to monopolize for themselves the production, sale and distribution of etchings and engravings to be used for stamping and printing cloth, oilcloth and other like materials. Two individual respondents, Duncan C. McAllister, secretary of the two organizations of engravers, and George Stone, president of the respondent Guild, are named in the complaint. (5088)

Washington Civilian Institute, 129 W. Saratoga St., Baltimore, selling courses of study and instruction for preparing students for examinations for Civil Service positions, is charged in a complaint with misrepresentation. (5086)

Stacy Williams Company, Inc.; Claude Bennett, individually and as an official of Bennett Brokerage Company, Inc.; Bennett Brokerage Company, Inc., and Stacy Williams Company, Inc., all of Birmingham, Ala., are charged in a complaint with violation of the brokerage section of the Robinson-Patman Act. (5087)

STIPULATION

During the past week the Commission has announced the following stipulation:

DeLong Hook & Eye Co., Inc., Clearfield and 21st St., Philadelphia, manufacturing and distributing metal fasteners, has stipulated to cease and desist from representing that its hooks and eyes, or its other products made of steel, are composed of brass or that they will not rust. (3759)

CEASE AND DESIST ORDER

The Commission issued the following cease and desist order last week:

S. Buchsbaum & Co., 243 East Huron St., Chicago, manufacturing and selling men's accessories under the trade name "Elasti-Glass," has been ordered to cease and desist from misrepresentation of the products. The Commission finds that the respondent, whose products include belts, garters and wrist watch bands made from a resinous material, a derivative of vinyl which is sold under the trade name "Vinylite," to which a plasticizer has been added, has represented that the products are made of glass, through the use of the trade name "Elasti-Glass." Use by the respondent of the term "Elasti-Glass," the Commission finds, conveys to members of the purchasing public the impression that such articles consist of common glass processed in such a manner as to give it elastic properties. (4450)

FTC CASE CLOSED

The Federal Trade Commission has closed without prejudice the case growing out of the complaint against Retonga Medicine Co., Atlanta, Ga., which had been charged with misrepresenting the therapeutic properties of a medicinal preparation designated Retonga.

The Commission also vacated and set aside the findings of fact and order to cease and desist which it had issued in the proceeding.

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NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 50, December 10, 1943

NEW CENSORSHIP CODE

Byron Price, Director of Censorship, issued today (Friday) the third revision of the Code of Wartime Practices for American Broadcasters. This new edition replaces the one of February 1, 1943. Copies of the Code will be sent to all broadcasting stations by the Office of Censorship.

Several important changes have been made in Section I relating to News Broadcasts and Commentaries. The following paragraph is significant:

"Caution is advised against reporting, under the guise of opinion, speculation, or prediction, any fact which has not been released by appropriate authority."

The provision with respect to weather has been materially changed and some minor changes have been made with respect to news concerning the armed forces in the United States and outside the United States. The weather request now provides that unless made available for broadcast or specifically cleared by the Office of Censorship, weather forecasts other than those officially released by the Weather Bureau should not be mentioned. Mention of wind direction or barometric pressure in current or past weather should not be made except when contained in emergency warnings released specifically for broadcast by the Weather Bureau authorities. A note of caution is also sounded to special events reporters covering sports or outdoor assignments such as fires, floods, storms, etc., against mentioning wind directions.

Section (b)(1), which is the exception to the Armed Forces provision has been changed. This exception now reads:

"(1) Armed forces in the United States.—Those in training camps and units assigned to domestic police duty, as regards names, addresses, location and general character."

The language which prohibits the mention of an air raid in the United States during its course "by stations OUTSIDE the zone of action unless especially authorized by the War Department" has been eliminated and the new Code provides that mention of such raids can be made only on "appropriate authority of the designated representatives of the Defense Commander in whose area the raid occurs or the War Department."

Several important changes have been made in respect to broadcasts on production. A new provision with respect to war news reads as follows: "Any recordings or information for broadcast gathered in any form that is sent across the United States-Canadian border should contain nothing that will conflict with the censorship of the country in which the information originates." This provision will necessitate broadcasters acquiring a copy of the Canadian code in order that they may conform.

No significant changes are made in Section II of the Code with respect to Programs, but the foreign language section contains a new provision, reading as follows:

"(c) Censors and monitors.—In order that these functions can be performed in a manner consistent with the demands of security, station managers are reminded that their staffs should include capable linguists as censors and monitors whose duty it will be to review all scripts in advance of broadcast and check them during broadcast against deviation."

The former provision that requests from the Office of Censorship to submit specified scripts in the original language, as well as English translations thereof, has been deleted.

It is felt that the new Code will relieve broadcasters of some of the restrictions heretofore applicable.

MUSIC COMMITTEE MEETING

A special Music Bulletin will be issued shortly giving results of conferences with ASCAP regarding audits and other information in connection with various phases of the music field.

The NAB Music Committee met Wednesday and Thursday, December 1-2, at the Roosevelt Hotel in New York City. The following members were present: Campbell Arnoux, WTAR, Norfolk, Virginia; James P. Begley, KYW, Philadelphia, Pennsylvania; Thomas Belviso, NBC, New York City; Arthur Church, KMBC, Kansas City, Missouri; Robert Enoch, KTOK, Oklahoma City, Oklahoma; C. W. Myers, KALE, Portland, Oregon; Elliott Sanger, WQXR, New York City; Frank R. Smith, Jr., WWSW, Pittsburgh, Pennsylvania; John Wahlstedt, WHB, Kansas City, Missouri; Frank White, CBS, New York; and Neville Miller, NAB, Washington, D. C. Warren Williamson, WKBN, Youngstown, Ohio, was unable to attend.

Neville Miller, in outlining the purpose of the meeting, stated that music in its many aspects played a most important part in broadcasting and the committee had been appointed to study the whole field of music as it related to broadcasting, to anticipate the problems which the industry would face in the future and to outline constructive approaches to the various problems and carry on educational work within the industry in connection with the use of music by broadcasters.

Various phases of the legal side of the copyright problem were discussed by Robert J. Burton, of BMI, who emphasized the importance of maintaining BMI as an aggressive and active competitor rather than merely as an organization devoted to the maintenance of supplementary or alternative supply of music.

General discussion of the various problems brought out the fact that ASCAP at present was attempting to frus-

(Continued on page 492)

NAB Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Robert T. Bartley, *Director of War Activities;* Lewis H. Avery, *Director of Broadcast Advertising;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Arthur C. Stringer, *Director of Promotion.*

MUSIC COMMITTEE MEETING

(Continued from page 491)

trate true competition in the field of music licensing in violation of the terms of the consent decree. It had succeeded in obscuring the legal status of the various rights of its authors, composers and publisher members; it was consistently attempting to prevent composer members of ASCAP from exercising their rights under the ASCAP consent decree to grant performing rights licenses direct to broadcasters and appeared to have adopted a policy in connection with the auditing of stations designed to drive stations from per program licenses to blanket licenses.

It was pointed out that the cost for music licenses paid to all the licensing organizations was today less than that formerly paid to ASCAP alone, and that the industry, due to its determined stand in the ASCAP controversy, would save approximately $50,000,000 over the period of the present ASCAP contracts.

It was the opinion of the Committee that BMI was rendering the industry excellent service. It was pointed out that tunes licensed by BMI consisted of more than 25 per cent of the tunes listed on the various lists of most popular tunes and for four consecutive weeks had had the top tune on the Hit Parade. The industry was urged to support the management of BMI in the constructive work which it was doing.

Late Wednesday afternoon the committee witnessed a demonstration of logging of station performances at BMI and later met informally with representatives of the licensing organizations and the trade press.

Thursday morning was devoted to the consideration of the musical needs of stations and formulation of suggestions to licensing agencies.

Roy Harlow and Ralph Wentworth of BMI reported to the Committee their views formed as the result of recent trips to stations. Clint Finney, William Reddick and Ben Selvin of AMP outlined plans of that organization; Leonard Callahan and Gus Hagenah gave a detailed account of SESAC's operations; John Paine and Herman Greenberg discussed ASCAP's plans, policies and audits; Sydney Kaye, Merritt Tompkins and Carl Haverlin outlined BMI's activities, and Claude Mills spoke on the work of SPA.

The Committee pointed out to the ASCAP representatives that several years ago at the time the new contracts were signed, ASCAP had advertised the fact that for the future it would adopt a policy of cooperation with the industry which announcement had met with much approval by broadcasters. However, it was the opinion of the Committee that ASCAP was not following that policy and that it hoped ASCAP would give serious consideration to the suggestions which the Committee had to offer to the end that greater cooperation would be forthcoming in the future.

In connection with the ASCAP audits, it was pointed out that in spite of the consent decree which provided that ASCAP should not require a license fee in respect of commercial programs upon which no ASCAP music was performed, and in spite of explanations given by ASCAP representatives at district meetings and at numerous other times and places at the time ASCAP was urging stations to sign the present contracts, ASCAP now had adopted interpretations under which it claimed fees on spot announcements and completed quarter hour programs containing no ASCAP music but adjacent to programs which contain such music, government programs which had been granted clearances, and inter-company business all of which clearly were not subject to fee under the per program type of contract.

It was also pointed out that ASCAP evidently had adopted a policy of making no written reply to NAB's request for rulings on such matters and that it was absolutely necessary for good relations between the industry and ASCAP that such a policy be abandoned and that these matters be discussed and ironed out at an early date. It was stated that NAB did not propose to attempt in any way to assist chiseling on the ASCAP contract, but it did propose to oppose ASCAP's present policy for harassing the stations holding per program contracts.

The NAB plans to present to ASCAP a memorandum outlining the various problems which have arisen in the hope and expectation that ASCAP will discuss and arrive at a mutual understanding concerning the interpretation of the ASCAP contract in the light of the consent decree. This memorandum will be presented to ASCAP in the immediate future and the industry will be advised of developments.

Plans for development of educational material for use by music directors were discussed. A special music bulletin will be issued shortly giving detailed information concerning the various items considered by the Committee.

The Committee enjoyed two very interesting talks at the luncheons from well known authorities in the radio music field. Paul Whiteman of the Music Department of the

ATT: STATION MANAGER

Re: "There IS an Indispensable Man!"

A folder with the above title was sent to all station managers requesting their signatures on the return blank.

Station managers were requested to assume the responsibility of directing public relations activities or designate someone with similar authority, particularly any full time Public Relations Directors.

Response has been very satisfactory, but there are still some stations unheard from.

If you have not sent in the return blank, please do so.

Edgar Bill, Chairman of the NAB Public Relations Committee, says: "It will be necessary for District Public Relations Chairmen to contact personally all station managers who have not replied. We should like to minimize this job in the interest of the greater work ahead."

Please Send NAB the Return Blank

Blue Network, the luncheon speaker on Wednesday, spoke on the need for music written especially for radio. Dr. Ernest LaPrade, of the Music Department of NBC, the luncheon speaker on Thursday, spoke on symphonic music.

The Committee will give further consideration to the various subjects discussed and keep the industry advised of developments.

LEADING BROADCASTERS PARTICIPATE IN SCHOOL BROADCAST CONFERENCE, CHICAGO

A panel of "Quiz Kid" broadcasters, attired in caps and gowns, featured the Sunday night session of the School Broadcast Conference, November 28, 29, 30, in Chicago. Miller McClintock, MBS; Mark L. Haas, WJR; James W. Sterton, Blue Network; John J. Gillin, Jr., WOW; William Quarton, WMT, and Mike Hannah, WHCU were "quizzed" by two of the genuine Quiz Kids on American radio.

Willard D. Egolf, Assistant to the President, and Dorothy Lewis, Coordinator of Listener Activity, represented NAB at the Conference and supervised the NAB both which provided information on the membership of the Association and pamphlets of educational and general interest.

Following is a story of the Chicago meeting as released by the SBC News Bureau.

The Seventh Annual meeting of the School Broadcast Conference opened Sunday evening, November 28th in Chicago with a joint NAB-SBC special session considering the subject of "The Listener's Stake in Radio." The session was chairmaned by Mrs. Dorothy Lewis, Listener Coordinator for NAB and the feature of the program was a panel of station managers as Quiz Kids, with two Quiz Kids asking questions concerned with American Radio. Commissioner James L. Fly spoke from Washington on the regular Sunday evening Quiz Kid show, saying, "Even more important, the Quiz Kids prove that the entertainment and educational functions of radio are not opposed to one another."

In his talk of welcome to the conference Mayor Edward J. Kelly of Chicago stated that "radio is a tool of science that, of necessity must be made an adjunct of education if you, as educators are to train our children properly to face the responsibilities which they must assume as adults in a troubled world." Dr. William H. Johnson, Superintendent of Chicago Public Schools, stated, "In American radio the modern classroom teacher has at hand an educational device for the furtherance of democracy which is more powerful than any yet given him," and continued by saying, "Broadcasters and teachers in the schools of America have assumed their responsibilities. Out of such meetings as this will grow a stronger understanding between classroom and studio, teacher and broadcaster, to the end that radio will play the part in modern education that the leaders in both fields see for it."

Keynotes of Monday's session were an address by Colonel Edward M. Kirby, chief of the Radio Branch, Bureau of Public Relations, U. S. Army and the awarding of the annual scroll of merit to Major Harold W. Kent, Director of the Radio Council of the Chicago Public Schools, on military leave of absence. Colonel Kirby said in part that, "The mission of army radio is to convey the military facts of the war to the American people." In praising the effectiveness of radio in the war effort, Colonel Kirby said, "The Army has sought the cooperation of American Radio both at home and abroad, and it has never failed to receive it. For this, the salute of the Army."

Miller McClintock, president of MBS, in a panel devoted to the educational aspects of radio said, "American radio, after only twenty years of growth, is the most potent educational influence for the masses of our people which has ever been developed." The educator and radio executive are both coming to understand the problems of the other, and both have agreed that, "Together the schoolmen and the broadcasters of the nation can build educational influences assuring a perpetuation of individual freedom of thought and a guarantee of democratic processes for the future of our country."

General sessions of the conference were attended by teachers, school administrators, and radio executives who saw demonstrations of the classroom use of radio. Special workshops were held in Radio Script and Production for Schools; University Broadcasting; Radio and the Vocational School, and Training the Radio Worker.

Radio Station KOA, Denver, Colorado College, and the Rocky Mountain Radio Council were cited by the SBC in the annual station-promotion of a public service program for "Let's Make Music." A number of teachers were cited for their classroom use of radio. Series cited included programs from the School of the Air of the Americas; the Canadian Broadcasting Corporation; stations KEX, KOIN, WJR, WJJD, and WIND.

George Jennings, Acting Director of the Radio Council-WBEZ for the Chicago Public Schools, and Director of the School Broadcast Conference announced that the eighth annual meeting will be held in Chicago during the month of November, 1944.

SEABEE COMMANDER AIRS RECOGNITION OF WRVA

For many weeks WRVA broadcast a studio show for Camp Peary, Naval Construction Training Center, sixty miles from Richmond, because the camp had no building suitable. At the station's suggestion, however, a building was located, equipment purchased and installed under the guidance and supervision of the station's remote staff.

On the first broadcast from the Camp, November 20, Commander H. F. Ransford, Civil Engineers Corps, United States Navy, made the following remarks:

"We are grateful to the members of the staff of Station WRVA for their valuable and generous help. A great deal of hard work went into the arrangements for the installation of these facilities which will bring about radio broadcasting direct from Camp Peary. Those who contributed their time and their efforts did so with a will and a determination to make broadcasting from this point a successful reality. Now the men in camp can witness and enjoy seeing as well as hearing them. From camp will come our weekly "Builders for Victory" series which brings you behind-the-scenes stories of the Seabees in action with music by the Seabee Orchestra and chorus. Here you will meet the members of the United States Naval Construction Battalions, as their voices come to you over the air waves. It will be the Seabees' own program.

"Music and entertainment of the clean type is most beneficial to the well being of the men. And I take this opportunity to commend those entertainers and famous personalities who have appeared at this camp and have given so freely of their time and talents. Their numbers are legion . . . to mention one would be to neglect the others, but the people of the stage, the screen and the radio have made contributions to the morale of the men in service that will have one of the brightest chapters in the history of this war. Yes, thanks to Broadway, Hollywood and the other theatrical centers of America. To all you splendid American men and women we can only say we're grateful, but the fruits of your work can be found in the smile on the face of the fighter overseas who is going into battle, his morale at its highest through your fine efforts.

"As Commanding Officer of the thousands of Seabees in training here, I dedicate these new radio facilities to the continuance of radio programs which will help the men in their time of relaxation from the arduous tasks of training. I also dedicate these facilities to the fond recollections of the many thousands of Seabees now in action overseas who have trained here. To all responsible for the opening of radio facilities at this point, I greet you with the traditional Navy commendation . . . 'Well Done' . . . 'Carry On.'"

(NAB welcomes promotion stories of this type for use in the REPORTS.)

LOCAL RADIO NEWS NEGLECTED SAYS PRINTERS' INK ARTICLE

A Manhattan murder, grabbing New Yorkers' news interest away from important war-front developments, is used as an illustration by Charles P. Fitzpatrick, of Philadelphia, in November 26 *Printers' Ink*, to prove that local news deserves more attention from radio stations. His story is backed up by a spot survey made among several hundred adults selected as average newspaper readers and radio listeners, which disclosed that they gave the Manhattan murder a huge chunk of their reading time.

"That's the way it always has been and always will be," says Fitzpatrick. "Men and women who sincerely and honestly regret the passing of fighting men in far-away, unfamiliar places will give such news but a fraction of the time they eagerly devote to accounts of the wedding of the girl next door, the fire around the corner, the robbery in a prominent local store."

Listeners cannot remember details of world-wide news, the article states, whereas they can name names, quote figures and specify locations with surprising accuracy when the story is local.

A swing to local news after the war is over will pay dividends to stations, Fitzpatrick claims. Local news departments must be properly staffed, however, unless there is a newspaper connection which can be utilized.

(*NAB comment. Local news, news staffs and news handling were set down as one of the primary activities of the NAB Radio News Committee, which held its first meeting in September. The Committee, now also studying the inauguration of radio news curricula in universities, plans to meet again early in 1944, under the chairmanship of Karl Koerper, KMBC.*)

WJR, WGAR STAFF TEAMS VISIT OTHER STATIONS

"Believing that an exchange of ideas within the radio industry is not only worthwhile but essential to the development of the industry," writes Mark L. Haas, Educational Director of WJR, "stations WJR and WGAR are sending teams of their respective staffs to study the operation of stations throughout the middle west and east."

"The WJR and WGAR representatives will carry the story of the operation of their respective stations to those stations visited and in return hope to obtain ideas that can be applied to WJR or WGAR."

"The study will include the entire scope of station activity, with emphasis on programming, promotion, selling functions, inter-department routine and post-war planning. The teams will be on the lookout for ideas of all kinds, ideas on how radio is being used in the war effort, on what is being done to promote listening, selling practices, etc."

An elaborate questionnaire is used as a guide for the teams and these will be studied by department heads and program personnel of WJR and WGAR when the tours are completed.

(*NAB welcomes information of this type for inclusion in the* REPORTS.)

LISTENER WANTS NAME OF TOWN FIRST IN NEWS

James Campiglia, Jr., of Ventura, California, says that it will make for better news listening if the name of his town precedes the name of a person who is listed, for example, among the casualties of a wreck or other accident.

Here is a portion of his letter to NAB: "The name of the killed or injured party is given out—the listener listens half-heartedly—then follows the name of the person's city or state and the listener hears his home mentioned—immediately he is all ears—but alas too late because the person's name has already been mentioned and he missed it. This is very disconcerting."

To use the writer's own name to complete the example, the listener would hear: "From Ventura, California, James Campiglia, Jr."

"This makes the listener more attentive if even for a few seconds," Campiglia states. This is what you are striving for, is it not?"

The letter has been turned over to the NAB Radio News Committee.

RADIO EDUCATION IN IOWA

On December 1st, Governor Bourke B. Hickenlooper of Iowa, in cooperation with the Des Moines Radio Council, called a conference of significance to radio education. Meeting in the Senate Committee Room at the State House, outstanding educators representing the Board of Education, the Department of Public Instruction, Iowa University, Iowa State College, Drake University, State Teachers Association, Iowa Parent-Teachers Congress, and leading Iowa broadcasters explored the subject exhaustively. Plans were perfected for a four-point campaign, as follows:

1) A survey of all urban and rural schools in Iowa will be conducted as to the radio and sound equipment of classrooms, utilization of radio, teacher interest, libraries of recordings, etc.

2) Lists of recommended national programs provided by the Office of Education, recently compiled by leading radio educators, together with lists of local programs heard in the state, will be distributed to teachers.

3) Next summer attempts will be made to augment the courses in local universities and colleges to train teachers in the utilization of radio in the classroom.

4) Effort will be made to develop more radio workshops in local colleges and high schools.

Iowa has taken leadership in this field through two outstanding radio stations operated by Iowa University and Iowa State College. Both their radio students and their programming are nationally accepted.

The Des Moines Radio Council, numbering some 70,000 persons, is composed of leaders in all fields of civic, club and educational life. Radio Education is one phase of their activities.

Those broadcasters present at the conference included:

Craig Lawrence—KSO-KRNT, Des Moines
Ralph Evans—Woody Woods, WHO, Des Moines
Buryl Lottridge—WOC, Davenport
Merritt Milligan—KGLO, Mason City
Deane Long—KXEL, Waterloo
Sumner Quarton—WMT, Cedar Rapids
Carl Menzer—WSUI, Iowa City
W. I. Griffiths—WOI, Ames
Earl J. Glade—KSL, Salt Lake City
Dorothy Lewis—NAB, New York

Mr. Craig Lawrence moved that a report of the recommendations be adopted and presented to the Governor, the Right Honorable Bourke B. Hickenlooper.

The following persons will serve on the Committee on Radio Education for the State of Iowa:

Mrs. Cyrus B. Hillis, Director, Des Moines Radio Council, 1625 Sixth Avenue, Des Moines 14, Iowa—Chairman.

Mrs. F. R. Kenison, President, Iowa Congress of Parents and Teachers, Madrid, Iowa.

Dr. Bruce E. Mahan, Director, Extension Division, University of Iowa—member of Federal Radio Education Committee, University of Iowa—Iowa City, Iowa.

Mr. Ralph Evans, Director, Public Relations, Central Broadcasting Co., 1002 Brady Street, Davenport, Iowa.

Mr. Craig Lawrence, Vice-President, Iowa Broadcasting Company—General Manager, KSO-KRNT—Register & Tribune Building, Des Moines, Iowa.

Mr. Edwin G. Barrett, Director Department of Radio, Drake University, 25th and University, Des Moines, Iowa.

Miss Agnes Samuelson, Executive Secretary, Iowa State Teachers Assn., 415 Shops Building, Des Moines, Iowa.

Mrs. R. K. Stoddard, Regional Director, Listener Activities, National Association of Broadcasters, 2212 Country Club Parkway, Cedar Rapids, Iowa.

Mr. W. I. Griffith, Director, WOI—President, Iowa Council for Better Education—Iowa State College, Ames, Iowa.

Mr. William Quarton, Chairman Code Committee, National Association of Broadcasters—Radio Station WMT, Cedar Rapids, Iowa.

Mr. Thomas M. Clark, Secretary, Iowa Assn. of School Boards, Elkhart, Iowa.

Mr. Roger Fleming, Secretary, Iowa Council for Better Education—Iowa Farm Bureau Federation, 1005 Valley Bank Building, Des Moines, Iowa.

Mrs. I. H. Hart, member National Committee A.A.U.W.

Mr. William S. Rupe, member Iowa Board of Education—Publisher Ames Tribune, Ames, Iowa.

Mr. Forrest B. Spaulding, Librarian, Des Moines Public Library, 1st and Locust, Des Moines, Iowa.

Mr. Frank Frost, President, Trades and Labor Assembly, 2nd and Locust, Des Moines, Iowa.

Jessie Parker, State Superintendent, Public Instruction; Mrs. Raymond Sayre, Chairman, Women's Committee, Iowa Farm Bureau, Ackworth; Lee H. Campbell, President, Iowa State Teachers Association; Spencer B. C. Berg, Superintendent Schools, Newton; Grenn Pringre, Principal, Junior High, Muscatine; Hazel V. Thomas, Superintendent Schools, Gerrogordo County, Mason City; H. C. Englebrecht, Superintendent Schools, Nevada; B. R. Miller, Principal, Junior High, Marshalltown; Myron S. Olson, Principal, Junior High, Fort Dodge; Wallace Wood, Principal, Grant Elementary School, Oskaloosa.

PEABODY AWARDS

On Tuesday, December 7th, the New York sub-committee for the George Foster Peabody Radio Awards met at the Women's City Club. Mrs. Harold V. Milligan, President of the National Council of Women, is chairman and her distinguished committee of leading New Yorkers include:

Dr. Harry D. Gideonse, President, Brooklyn College
Dr. Paul Dawson Eddy, President, Adelphia College
Dr. Ralph Sochman, Christ Church, New York
Mrs. Sidney Borg, New York
Mrs. Henriette Harrison, Radio Director, YMCA, New York
Mr. Edwin Hughes, pianist, New York
Mrs. Joseph E. Goodbar, New York City Federation of Women's Clubs
Mr. George Hecht, Parents' Magazine
Miss Dorothy Gordan, National OCD, New York

WOMEN DIRECTORS MEET

Dorothy Lewis, Coordinator of Listener Activity of the National Association of Broadcasters, spent December 10th in Philadelphia, where she met with the Philadelphia Regional Group of the Association of Women Directors—of which Ruth Chilton, WCAU, is National President. Mrs. Lewis made a report on her recent tour. During the day she met with station executives and Radio Council officials.

RTPB TO STUDY FACSIMILE

Panel 7 on Facsimile of the Radio Technical Planning Board is now in process of organization. John V. L. Hogan, Chairman of the NAB Executive Engineering Committee and a nationally known consulting radio engineer, is Chairman of the Panel. Mr. Hogan has conducted facsimile research work for many years and his contributions to this art are important.

Mr. Hogan asks that broadcast engineers having experience or an interest in facsimile communicate with him for the purpose of securing membership on this panel. Those who are unable to take an active part in the work may keep abreast of the panel's activities by becoming observers.

Further information can be obtained directly from John V. L. Hogan, President of WQXR, 730 Fifth Avenue, New York.

IRE WINTER TECHNICAL MEETING

On Friday and Saturday, January 28 and 29, 1944, the Institute of Radio Engineers will hold its winter technical meeting at the Hotel Commodore, New York City. This meeting will be of great interest to all engineers working with electronics and radio.

Many highlights have been planned for the two days of the session covering a large sphere of activities. Under the chairmanship of Dr. L. P. Wheeler, retiring president of the IRE, a general conference will be held on the morning of January 28, at which technical papers will be presented and open discussions held. Dr. W. R. G. Baker, head of the Radio Technical Planning Board, will address a meeting at which Howard S. Frazier, Chairman, Panel 4, Standard Broadcasting, and several other chairmen of the panels will discuss problems and technical activities upon which the panels will be engaged.

E. K. Jett, Chief Engineer of the Federal Communications Commission, will head a discussion by engineers of the FCC covering police, aviation, and maritime service; international point to point problems and allocation problems; and matters of general interest to the Commission as of the time of the convention. Other interesting sessions will be held during the two days of the convention.

A President's luncheon will be given, as well as a banquet at which the presentation of Institute awards will be made and the inauguration of Prof. H. M. Turner of Yale University, President-Elect of the IRE for 1944, will take place.

The American Institute of Electrical Engineers are holding their technical meeting beginning in the early part of the same week. They are reserving their communications papers for presentation on Thursday afternoon, January 27. In this way the participants of the IRE convention may have the opportunity to hear them. On Thursday evening, Major General Colton will speak on "Enemy Communication Equipment" at a joint AIEE-IRE session. Exhibits of the equipment will be shown. Both of these meetings will be held at the Engineering Societies Building, 29 West 39th Street, New York City.

EARPHONES WANTED

The Atlantic County Chapter (New Jersey) of the American Red Cross is now engaged in a project to furnish radio service to the England General Hospital. This is the hospital located in Atlantic City to which many of the overseas wounded are being sent.

NAB is informed that the central radio unit has already been installed, but additional earphones are needed to provide service at the bed of each veteran. Broadcasters who have surplus earphones available are urged to forward them promptly to Monroe L. Mendelsohn, Business Manager, Station WBAB, Atlantic City, New Jersey.

PLAY SAFE

One of our highly reputable member stations advises that a party conducting a rodeo is securing radio time in a manner not consistent with good business practice. Any station approached by a person wanting spot announcements in connection with a rodeo is asked to consult NAB for further information.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARING

The following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, December 13th. It is subject to change.

Wednesday, December 15

Oral Argument Before the Commission

Report No. B-194:

The Voice of The Orange Empire, Inc., Ltd., Santa Ana, Calif.—C. P., **1480 kc.,** 1 KW, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted construction permit for new FM station; frequency **46100 kc.;** service area: 4,465 square miles. This action is taken without prejudice to determination of the issues in the hearing on Commission Order No. 79, and is subject to the application of any rules and regulations that may be adopted by the Commission as a result of such hearing; also subject to the condition that compliance with the rules, regulations and standards of the Commission be required when necessary materials become available. (B1-PH-29).

KVAK—S. H. Patterson, Atchison, Kans.—Granted construction permit to increase power from 100 to 250 watts, and make changes in transmitting equipment (B3-P-3550).

DESIGNATED FOR HEARING

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Designated for hearing application for construction permit to change frequency from **910** to **930 kc.,** and authorize nighttime operation with power of 250 watts, day power of 500 watts, unlimited time (B5-P-3552).

WSPR—WSPR, Inc., Springfield, Mass.—Designated for hearing application for construction permit to increase power from 500 watts to 1 KW, employing directional antenna day and night and make changes in transmitting equipment (B1-P-3554).

WTMA—Atlantic Coast Broadcasting Co., Charleston, S. C.—Designated for hearing application to move formerly licensed RCA 250-D transmitter to the site of main transmitter to be used as an auxiliary transmitter with power of 250 watts, employing a non-directional antenna both day and night (B3-P-3513).

LICENSE RENEWALS

KXO—Valradio, Inc., El Centro, Calif.—Granted renewal of license for the period ending December 1, 1945.

WERC—Presque Isle Broadcasting Co., Erie, Pa.—Granted renewal of license for the period ending December 1, 1945.

KSAN—Golden Gate Broadcasting Corp., San Francisco, Calif.—Granted renewal of license for the period ending October 1, 1945.

WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Granted renewal of license for the period ending October 1, 1945.

WMAS—WMAS, Inc., Springfield, Mass.—Granted renewal of license for the period ending October 1, 1945.

The Commission granted request of attorney for licensee of station KGNF, North Platte, Nebraska, authorizing change in call letters from KGNF to KODY.

MISCELLANEOUS

WHAM—Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.—Granted modification of license to change corporate name of licensee to Stromberg-Carlson Company (B1-ML-1160).

WTAL—Capital City Broadcasting Corp., Tallahassee, Fla.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-1563).

KTBC—State Capital Broadcasting Assn., Inc., Austin, Tex.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-1549).

WJEN-WJEP-WHFM—Stromberg-Carlson Telephone Mfg. Co., area of Rochester, N. Y.—Granted modification of license to change corporate name to Stromberg-Carlson Co. (B1-MLRY-47), (B1-MLRY-48), (B1-MLH-3).

KOH—The Bee, Inc., Reno, Nevada.—Granted modification of license to change corporate name to McClatchy Broadcasting Co. of Nevada (B5-ML-1175).

WDSM—WDSM, Inc., Superior, Wis.—Granted license to cover construction permit which authorized change in power and changes in transmitting equipment (B4-L-1782).

WRRB—WHEC, Inc., area of Rochester, N. Y.—Granted license to cover construction permit for new relay broadcast station (B1-LRE-427).

Placed in pending files the following applications: Green Bay Newspaper Co., Green Bay, Wis. (B4-PH-147); W59 NY, Interstate Broadcasting Co., Inc., New York, N. Y. (B1-MPH-111); KRIC, Inc., Beaumont, Tex. (B3-PH-148); WTZR, Zenith Radio Corp., Chicago, Ill. (B4-MPCT-19).

KGBK—Helen Townsley, area of Great Bend, Kans.—Granted further extension of relay station license upon a temporary basis only, pending determination upon application for renewal of license, in no event later than February 1, 1944 (B4-SRY-240).

Granted extension of following relay broadcast station licenses upon a temporary basis only, pending determination upon applications for renewal of licenses, in no event later than February 1, 1944:

WJOT, The Birmingham News Co.; WEIH, WEII, Indianapolis Broadcasting, Inc.; KEID, KEIE, KCMO Broadcasting Co.; KEIV, Nichols and Warinner, Inc.; WRGG, Rome Broadcasting Corp.; WEMV, The WGAR Broadcasting Co.; WEIQ, Cosmopolitan Broadcasting Corp.

KPAK—Wichita Broadcasting Co., area of Wichita Falls, Tex.—Granted voluntary assignment of license to Wichita Broadcasters, a partnership, Joe B. Carrigan, Mrs. Joe B. Carrigan, P. K. Smith, Trustee, P. K. Smith, Mrs. Claude M. Simpson, Jr. (B3-ALRE-29). Also granted renewal of relay broadcast station KPAK for the period December 1, 1943, to not later than December 1, 1945 (B3-RRE-384).

KEJN—Puget Sound Broadcasting Co., Inc., area of Tacoma, Wash.—Granted extension of relay broadcast station license for station KEJN, upon a temporary basis only, pending determination upon application for renewal of license, in no event later than February 1, 1944 (B5-RRE-83).

WENI—WJW, Inc., area of Cleveland, Ohio.—Granted renewal of license for relay broadcast station WENI for the period ending no later than December 1, 1945, in exact accordance with the present license except to be operated with WJW, Cleveland, Ohio, instead of WJW, Akron, Ohio (B2-RRE-186).

WOKO—WOKO, Inc., Albany, N. Y.—Granted petition for extension of time (to December 20, 1943), within which to file proposed findings in re application for renewal of license.

KOBH—Black Hills Broadcast Co. of Rapid City, Rapid City, S. Dak.—Granted motion to dismiss without prejudice application for construction permit (B4-P-3339, Docket 6430).

Charles Swaringen, et al., d/b as Buckeye Broadcasting Co., Akron, Ohio.—Granted petition to dismiss without prejudice application for construction permit (B2-P-3529, Docket 6559), requesting facilities of WJW.

APPLICATIONS FILED AT FCC

560 Kilocycles

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Extension of special service authorization to operate on **560 kc.**, 500 watts power night, 1 KW daytime, unlimited hours of operation using transmitter authorized by B5-P-3150 as modified for the period 2-1-44 to 5-1-44.

780 Kilocycles

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Extension of special service authorization to operate synchronously with station WBBM from sunset at Lincoln, Nebr., to 12 midnight, CST, for period ending 2-1-46.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Extension of special service authorization to operate synchronously with KFAB from sunset at Lincoln, Nebr., to 12 midnight, CST for the period ending 2-1-46.

790 Kilocycles

KFQD—Wm. J. Wagner, trading as Alaska Broadcasting Co., Anchorage, Alaska.—License to cover construction permit (B-P-3506) which authorized installation of new transmitter and increase in power from 250 watts to 1 KW.

KFQD—Wm. J. Wagner, trading as Alaska Broadcasting Co., Anchorage, Alaska.—Authority to determine operating power by direct measurement of antenna power.

KFQD—Wm. J. Wagner, trading as Alaska Broadcasting Co., Anchorage, Alaska.—License to use old 250 watt composite transmitter as an auxiliary.

1230 Kilocycles

WRBL—The Columbus Broadcasting Co., Inc., Columbus, Ga.—Construction permit to install a synchronous amplifier near Ft. Benning, Georgia, to be operated with **1230 kc.**, 250 watts power and synchronized with WRBL.

1240 Kilocycles

NEW—Charles P. Blackley, Staunton, Va.—Construction permit for a new standard broadcast station to be operated on **1240 kc.**, 250 watts power, unlimited time. Amended: re change in type of transmitter and antenna and change in studio location.

NEW—E. Anthony & Sons, Inc., near Hyannis, Mass.—Construction permit for a new standard broadcast station to be operated on **1240 kc.**, 250 watts power and unlimited hours of operation—facilities of formerly licensed station WOCB.

1340 Kilocycles

WHAT—Independence Broadcasting Co., Inc.—Voluntary transfer of control of licensee corporation from Philadelphia Record Company to William A. Banks—200 shares of common stock, 100%.

1410 Kilocycles

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Modification of license to change corporate name of licensee to American Broadcasting Corporation.

1420 Kilocycles

NEW—Broadcasting Corporation of America, Brawley, Calif.—Construction permit for a new standard broadcast station to be located S. W. of Brawley, Calif., and operated on **1420 kc.**, 1 KW power, unlimited hour of operation.

MISCELLANEOUS

WSOH—The Ohio State University, area of Columbus, Ohio.—License to cover construction permit (B2-PRY-286) which authorized construction of a new relay broadcast station.

NEW—The Crosley Corp., Mason, Ohio.—Construction permit for a new international broadcast station to be operated on **6080, 9590, 11710, 15250, 17800** and **21650 kc.**, 200 KW, A-3 emission. Amended: re transmitter site.

NEW—The Crosley Corp., Mason, Ohio.—Construction permit for a new international broadcast station to be operated on **6080, 9590, 11710, 15250, 17800** and **21650 kc.**, 200 KW, A-3 emission. Amended: re transmitter site.

NEW—The Crosley Corp., Mason, Ohio.—Construction permit for a new international broadcast station to be operated on **6080, 9590, 11710, 15250, 17800** and **21650 kc.**, 200 KW, A-3 emission. Amended: re transmitter site.

W2XMT—Metropolitan Television, Inc., New York, N. Y.—Modification of construction permit (B1-PVB-40 as modified, which authorized construction of a new experimental television broadcast station) for extension of completion date from 12-31-43 to 6-30-44.

FEDERAL TRADE COMMISSION DOCKET

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

William H. Howe, 122 Jewett St., Lowell, Mass., engaged in selling Lady Ashton Foot Ease, is charged in a complaint with misrepresenting the effectiveness of the preparation. (5089)

F. H. Noble & Co., 535-559 West 59th St., Chicago, manufacturing and selling jeweler's findings and gold solders, is charged in a complaint with the use of unfair acts and practices in commerce. (5092)

Olive Tablet Company, 29 East Fifth Ave., Columbus, Ohio. selling and distributing a medicinal preparation designated "Dr. Edwards' Olive Tablets," and Erwin, Wasey and Co., Graybar Bldg., New York, an advertising agency which prepares, edits and places all advertising material used by The Olive Tablet Co., are charged in a complaint with false advertising and misrepresentation. In advertisements in newspapers, periodicals and other media, the complaint alleges, the respondents represented. among other things, " 'Nudge' Your Lazy Liver Tonight!" and "Olive Tablets are simply wonderful, not only to relieve constipation, but also to stir up liver bile secretion and tone up intestinal muscular action." (5090)

Wakita Herb Co., 110 West 42nd St., New York, is charged in a complaint with false advertising and misrepresentation in connection with the sale of a medicinal preparation designated "Indian Herbal Roots." (5091)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Church & Dwight Co., Inc., 70 Pine St., New York, selling a bicarbonate of soda designated "Arm & Hammer Baking Soda," and "Cow Brand Baking Soda," and Brooke, Smith, French & Dorrance. Inc., 347 Madison Ave., New York, an advertising agency disseminating advertisements for the products, have stipulated to cease and desist representing that the products will prevent shipping fever; that Church & Dwight Co., Inc., now manufactures Arm & Hammer Baking Soda or Cow Brand Baking Soda; that the products possess any therapeutic value in the treatment of "off feed," colds, scours or acetonemia in cattle in excess of that which may result from the action of any such products on any acidity or flatulence which may exist; that the products are general conditioners for hogs or poultry, or possess any therapeutic value in the treatment of influenza. scours or diarrhea in swine in excess of that which may result from the action of such products on any acidity or flatulence; or that the products alone will relieve or cure azoturia, or relieve colds or roup in poultry. (03170)

Dodge, Incorporated, an Illinois corporation with its principal place of business in Chicago, and Dodge, Incorporated, a California corporation with its principal place of business at 401 East Sixth St., Los Angeles, each engaged in the manufacture and sale of trophies, consisting of plaques, medals, statuettes and cups, have entered into separate stipulations in which they and Ray E. Dodge, of Los Angeles, president of both corporations, have agreed to cease and desist from use, in connection with the sale of their merchandise, of any false or misleading price representation which purports to be the retail sales price but which in fact is in excess of the price for which such merchandise is customarily sold, and from directly or inferentially representing, through the use of a fictitious or marked-up price, that the price for which such merchandise is offered for sale is an exceptional price, a low price or a discount price, when the price is that for which such merchandise is customarily sold in the usual course of retail trade. (3761-3762)

Filmland Studios and Film Studios, P. O. Box 1109, Hollywood, Calif., selling and distributing photo enlargements, has stipulated that in connection with the advertisement of his products he will cease and desist from representing that 16 prints and 2 enlargements of developed exposures, or any stated quantity of merchandise, will be furnished to a customer upon receipt of 25 cents, or other amount, unless delivery of such merchandise is made in strict conformity with the offer, and from use of the word "free" or any word of similar meaning as descriptive of an enlargement or any item which forms a part of a combination offer of merchandise for which an inclusive charge is made. (3766)

Geo. C. Gordon Chemical Co., 1100 Hickory St., Kansas City, Mo., selling and distributing a preparation designated "Gordon's Boiled Oil Blended" for use as a vehicle in preparing paints. has stipulated to cease and desist from use of the terms "Boiled Oil Blended" or "Boiled Oil" as a designation for or as descriptive of a preparation other than boiled linseed oil, and from use of any words or terms implying that a preparation containing ingredients other than linseed oil is linseed oil or a blend of linseed oils. (3764)

Green United Stores, Inc., et al.—Nine corporations engaged in the sale and distribution of wearing apparel have stipulated to cease and desist from representing that certain underwear they sell has been manufactured under the supervision of a doctor and has therapeutic value. The stipulation was entered into by the following corporations:

Green United Stores, Inc., 902 Broadway, New York; E-Z Mills, Inc., and its selling agent, A. S. Haight & Co., Inc., 57 Worth St., New York; Carmi-Feature Underwear, Inc., Carmi, Ill., and Century-Beverly Corp., Pottstown, Pa., and their selling agent, the Campe Corp., 85 Franklin St., New York; Brown Knitting Mills, Warsaw, N. Y.; P. H. Hanes Knitting Co., Winston-Salem, N. C., and Appalachian Mills Co., Knoxville, Tenn. (3760)

Lee Products and as Chemi-Culture Laboratories, 4730 Sheridan Rd., Chicago, selling and distributing feminine hygiene preparations, has stipulated to cease and desist from use of the word "Periodic" or other similar connotation as a part of the trade designation of pills or capsules heretofore offered for sale as "Lee's Periodic Pills" or "Lee's Periodic Capsules," or reference to the menstrual period in any way which may indicate that such a preparation has predictable or reliable influence upon such period; from representing that either of the preparations is a well-known formula that has been used successfully for such purpose; from use of symbols or legends such as "XXX" or "triple strength" as indicative of the extra strength or unusual potency of the preparations, and from use of the word "Laboratories" as a part of his trade name until such time as he may actually own or operate a laboratory in connection with his business. (3763)

Skrudland Photo Service, 6444 Diversey Ave., Chicago, engaged in selling photo enlargements, and United Advertising Companies, Inc., 205 North Michigan Ave., Chicago, an advertising agency disseminating advertisements for the products, have stipulated to cease and desist from representing that the offer to sell framed photographic enlargements for 49¢ is a limited offer; that the prices of their enlargements are lower than those at which similar or comparable photo enlargements can be obtained anywhere else; that the dyes used in coloring the products never fade, and that the hand coloring of the photo enlargements is done by an artist. (03171)

United States Beauty Products Corporation, 421 Seventh Ave., New York, selling and distributing beauty and barber supplies, has stipulated that it will cease and desist from the use of any statement or representation conveying the impression or belief that the resources available to the corporation, or employed by it in the interests of its customers, are in excess of what is a fact; that its customer trade is of a magnitude which is an exaggeration of the true facts; that its customers enjoy dividends or benefits which are the result of its merchandising policy, when such representation is not capable of substantiation or that the prices of its merchandise generally are lower by any indicated amount than prices charged by competitors, unless such price representation is true. (3765)

O. B. Whitaker Mfg. Co., 529 Joplin St., Joplin, Mo., selling drug preparations designated "Sar-Tol Cough Syrup," "Sar-Tol Nose Drops" and "Sar-Tol Cough Drops," and Joplin Broadcasting Company, which operates Radio Station WMBH, Joplin, Mo., and which disseminated advertisements for the products on behalf of O. B. Whitaker Mfg. Co., have stipulated to cease and desist from representing that the preparations used alone or in combination prevent or cure colds or have any curative effect on the underlying factors which cause colds, or alone or in combination prevent or cure throat irritations; that alone or in combination they will prevent fatigue, maintain health or maintain or aid in building body resistance; or that Sar-Tol Cough Drops neutralize tobacco, onion, or other odors. (03172)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Chemicals of the South, Tennessee Valley Associated Marketers, Bond Anti-Freeze Factory, Lo-Temp Chemical Works, and Lo-Zone Chemical Works, with offices and principal place of business at 117-119 Ninth Ave. North, Nashville, Tenn., manufacturing and distributing products designated "Lo-Temp Anti-Freeze," "Lo-Zone Anti-Freeze" and "Bond Top Line Anti-Freeze," intended for use in the cooling systems of automobiles and other combustion types of engines, have been ordered to cease and desist from misrepresentation of the products. (4999)

McFadden 3 Sisters Springs, with their principal place of business at Hot Springs National Park, Ark., have been ordered to cease and desist from misrepresentation in connection with the sale and distribution of mineral waters. (4940)

J. Silverman and Associates, General Forwarding System, and Commercial Pen Co., 821 Market St., San Francisco, selling and distributing post cards intended for use by creditors and collection agencies in obtaining information concerning debtors, has been ordered to cease and desist from false and misleading representations and unfair and deceptive acts and practices in commerce. (4846)

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 51, December 17, 1943

PRICE OUTLINES CODE CHANGES

In last week's NAB Reports (p. 491), a brief outline of the new Censorship Code was given. The following press release from the Office of Censorship more completely covers the subject:

Revised Codes for press and radio, designed to encourage a more liberal presentation of war news in publications of all classes and on the air, have been completed and will become effective immediately.

Numerous restrictive requests of the Government have been eliminated. Others have been modified. Not a single new request has been added.

The changes are expected to open the way for more news regarding, among other things, war production; operations of the Merchant Marine; diplomatic negotiations not directly connected with military operations; and weather conditions. The weather modification was previously announced but now is incorporated formally in the Codes for the first time.

In addition, by amendment of a basic clause of the Codes, the Office of Censorship announces its intention to assume wider responsibility in clearing material of all classes for publication and broadcast, whether or not such material has been announced officially by other agencies of the Government.

Director of Censorship Byron Price said:

> "These revisions are the result of discussions which have been in progress for several weeks. On October 12 when the Weather clause was modified, it was announced that further relaxations were under consideration. Since then every part of the Codes has been examined in detail in consultation with all other interested agencies. The revisions reflect the studied opinion of the Government that more information can now be published and broadcast without danger to national security.
>
> "This conclusion in no way presupposes an early end of the war. It does take account of the fact that the war has taken an important turn from the defensive to the offensive.
>
> "Unfortunately it still is necessary to retain in the Codes restrictive requests touching many fields of war activity, and the need for unrelenting vigilance in those fields remains as great as ever."

The first edition of the Codes, under which broadcasters and editors of newspapers, magazines, books, and all other classes of publications have loyally cooperated in voluntarily withholding information at the Government's request, appeared on January 15, 1942. A second edition was issued on June 15, 1942, and a third on February 1, 1943.

The present edition is based, like all of its predecessors, on a single consideration,—the withholding of information having to do with national security. That one purpose alone is the basis of every remaining request. The Codes make no incursions into the fields of editorial opinion, criticism of the Government, or newspaper or broadcasting ethics.

The principal changes in the Codes, in order, are:

1. Heretofore the preamble has asked that certain information, listed in detail, be withheld unless made available officially "by appropriate authority." The revised clause has the effect of making the Office of Censorship itself an appropriate authority. It asks that the specified information be withheld unless it is made available by appropriate authority *"or specifically cleared by the Office of Censorship."* Thus the standing invitation to appeal doubtful cases to this Office is given added emphasis.

2. The suggestion that APO or FPO addresses be used for servicemen at sea or overseas is eliminated. The Army mail system is undergoing changes, so that APO and FPO addresses, without unit identifications, *are no longer effective for the delivery of mail.* The Codes continue to ask that unit identifications and ship names not be published for servicemen at sea or overseas.

3. The request to withhold unit identifications for servicemen on duty on anti-aircraft, coastal, or invasion defense within the United States is eliminated as no longer necessary.

4. The language making the Navy the only appropriate authority for information concerning the sinking or damaging from war causes of merchant vessels is eliminated. Both the Navy and the War Shipping Administration will be recognized hereafter by the Office of Censorship as appropriate authority for information concerning the movements, sinking or damaging of merchant vessels in any waters. This will allow the story of the vital and heroic part of the Merchant Marine in winning the war to be told more fully by the War Shipping Administration.

5. The restriction on information concerning civilian defense communication control centers is eliminated as no longer necessary.

6. The clause concerning military installations outside the United States is clarified.

7. Restrictions against Nation-wide summaries of war production, progress of production, plant details and capacity, and movements of Lend-Lease material are eliminated. An entirely new production clause restricts only secret weapons and detailed breakdowns for specific types, such as 155 m.m. guns, etc. The restricted list of critical materials is reduced by almost one-half, the following being eliminated: aluminum, artificial rubber, zinc, magnesium, silk, cork, copper, optical glass, and mercury. Restrictions are retained with respect to tin, natural rubber, uranium, chromium, tantalum, manganese, quinine, tungsten, platinum and high octane gasoline. War production in general has now reached so great a volume that there is no need to hide it under a bushel.

8. The sabotage clause is shortened.

9. Relaxations in the weather provisions of the Codes, announced some weeks ago, are incorporated in the revised editions. The Broadcasters Code revision contains a special note concerning handling of outdoors events under the new weather provisions.

10. The Notes on Rumors clause is eliminated as no longer necessary.

11. The Military Intelligence clause is shortened.

12. All requests concerning resettlement centers and location of war prisoner camps are eliminated. The

(Continued on page 500)

NAB Reports
The National Association of Broadcasters
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Robert T. Bartley, *Director of War Activities;* Lewis H. Avery, *Director of Broadcast Advertising;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Arthur C. Stringer, *Director of Promotion.*

PRICE OUTLINES CODE CHANGES

(Continued from page 499)

FBI, as well as the War Department, is recognized as appropriate authority for information about escaped prisoners of war, in order to speed up the handling of these stories.

13. The clause dealing with war news coming into the United States is shortened. Broadcasters will find new language concerning handling of broadcasts from Canada that parallels the Press Code on this point.

14. The request against premature disclosure of diplomatic discussions is amended and narrowed to conform more closely to the administrative interpretation which has been applied heretofore in actual practice. This clause has been coupled with the request concerning war plans so that the new version reads: (No disclosure of) "Secret war plans, or diplomatic negotiations or conversations which concern military operations."

15. The clause dealing with forest fires is eliminated as no longer necessary.

Except for slight differences in handling weather, news sections of the Press and Broadcasters Codes parallel each other in every respect.

The Program Section of the Broadcasters Code is unchanged, with all present provisions for handling of request, quiz, man-on-the-street programs, forums, etc., continued. The Foreign Language Section has been clarified so as to emphasize the duties of station censors and monitors and to omit the request for English language translations.

The Office of Censorship constantly is seeking to keep the Codes related to changes in the Nation's situation in the war, and will act speedily to make additional relaxations as they are possible.

The continued excellent cooperation of the press and broadcasters in observing the Codes' provisions is earnestly requested.

STANDARD BROADCAST PANEL TO MEET

The first meeting of Panel 4 (Standard Broadcasting) of the Radio Technical Planning Board will be held on Wednesday, January 5, at the Hotel Pennsylvania, New York City. The meeting is called for ten A. M. and, according to the announcement by Chairman Howard S. Frazier, it is anticipated that the meeting will last all day and into the early evening. Many of the members will travel a considerable distance and it is therefore desired to utilize the time of the membership to the fullest extent possible.

A tentative agenda of the meeting, including topics proposed for study by the Panel, is now in preparation. Broadcasters having suggested topics for study and recommendation by the Panel should communicate immediately with the Chairman at NAB headquarters.

The complete membership and representation of the Panel as of December 15, 1943, is as follows:

MEMBERSHIP

Panel #4—Standard Broadcasting

RADIO TECHNICAL PLANNING BOARD

Name

Mr. Howard S. Frazier, Chairman
Director of Engineering, Nat'l Ass'n of Broadcasters, 1760 N Street, N. W., Washington 6, D. C.

Mr. Burgess Dempster, Vice Chairman
The Crosley Corporation, Cincinnati, Ohio

Mr. J. R. Poppele, Secretary
Station WOR, 1440 Broadway, New York

Mr. F. A. Cowan, Member
Transmission Engineer, A. T. & T. Co., 195 Broadway, New York

Mr. John H. Barron, Member
Consulting Radio Engineer, Earle Building, Washington, D. C.

Mr. George C. Milne, Member
Blue Network Co., 30 Rockefeller Plaza, New York, New York

Mr. A. E. Barrett, Observer
British Broadcasting Corp., Grafton Hotel, Washington, D. C.

Mr. R. D. Cahoon, Observer
Canadian Broadcasting Corporation, 1440 St. Catherine St., W., Montreal, Quebec

Mr. E. K. Cohan, Member
Columbia Broadcasting System, 485 Madison Avenue, New York, New York

Mr. William B. Lodge, Alternate
Columbia Broadcasting System, 485 Madison Avenue, New York, New York

Mr. George C. Davis, Member
Consulting Radio Engineer, Munsey Building, Washington, D. C.

Mr. George P. Adair, Observer
Federal Communications Commission, Washington, D. C.

Mr. J. S. McKechnie, Member
(Transmitter Design)
Federal Telephone & Radio Corporation, 591-593 Broad Street, Newark 2, N. J.

Mr. Earl G. Ports, Alternate
(Transmitter Design)
Federal Telephone & Radio Corporation, 591-593 Broad Street, Newark 2, N. J.

Mr. William T. Freeland, Member
(Transmitter Design)
Freeland & Olschner Products, Inc., 611 Baronne Street, New Orleans, La.

Mr. D. H. Mitchell, Member
(Receiver Design)
Calvin Manufacturing Company, 4545 West Augusta Blvd., Chicago, Ill.

Mr. Elmer Wavering, Alternate
(Receiver Design)
Galvin Manufacturing Company, 4545 West Augusta Blvd., Chicago, Ill.

Mr. C. R. Miner, Member
(Receiver Design)
General Electric Company, 1285 Boston Avenue, Bridgeport, Connecticut

Mr. R. H. Williamson, Member
(Transmitter Design)
General Electric Company, 1 River Road, Schenectady, New York

Mr. W. G. Broughton, Alternate
(Transmitter Design)
General Electric Company, 1 River Road, Schenectady, New York

Mr. Paul F. Godley, Member
Consulting Radio Engineer, 10 Marion Road, Montclair, New Jersey

Name

Mr. Stuart L. Bailey, Member
Jansky & Bailey, National Press Building, Washington 4, D. C.

Mr. George M. Lohnes, Alternate
Jansky & Bailey, National Press Building, Washington 4, D. C.

Mr. T. C. Kenney, Member
Station KDKA, Grant Building, Pittsburgh, Pennsylvania

Mr. Royal V. Howard, Member
Station KSFO, Mark Hopkins Hotel, San Francisco, California

Mr. J. E. Tapp, Alternate
Station KSFO, Mark Hopkins Hotel, San Francisco, California

Mr. Grant R. Wrathall, Member
McNary & Wrathall, National Press Bldg., Washington, D. C.

Mr. John V. L. Hogan, Member
Representing Nat'l Ass'n of Broadcasters
Station WQXR, 740 Fifth Avenue, New York, New York

Mr. O. B. Hanson, Member
National Broadcasting Company, 30 Rockefeller Plaza, New York, New York

Mr. Philip Merryman, Alternate
National Broadcasting Company, 30 Rockefeller Plaza, New York, New York

Mr. R. T. Capodanno, Member
Philco Corporation, Tioga and "C" Streets, Philadelphia, Pennsylvania

Mr. D. D. Cole, Member
(Receiver Design)
RCA, Victor Division, Camden, New Jersey

Mr. K. A. Chittick, Alternate
(Receiver Design)
RCA, Victor Division, Camden, New Jersey

Mr. J. B. Coleman, Member
(Transmitter Design)
RCA, Victor Division, Camden, New Jersey

Mr. V. E. Trouant, Alternate
(Transmitter Design)
RCA, Victor Division, Camden, New Jersey

Mr. A. D. Ring, Member
Ring & Clark, Munsey Building, Washington, D. C.

Mr. Lynne C. Smeby, Member
Consulting Radio Engineer, 4801 Connecticut Ave., N. W., Washington, D. C.

Mr. C. W. Finnigan, Member
(Receiver Design)
Stromberg-Carlson Company, Rochester, New York

Mr. Benjamin Olney, Alternate
(Receiver Design)
Stromberg-Carlson Company, Rochester, New York

Mr. G. Porter Houston, Member
Station WCBM, North Avenue at Harford, Baltimore, Maryland

Mr. K. J. Gardner, Member
Station WHAM, Sagamore Hotel, Rochester, New York

Mr. H. W. Holt, Member
Station WOV, 730 Fifth Avenue, New York, New York

Mr. F. M. Doolittle, Member
Station WDRC, Hartford, Connecticut

Mr. Frank McIntosh, Observer
WPB, Radio and Radar Division, Washington, D. C.

Mr. H. B. Canon, Member
(Receiver Design)
Wells-Gardner & Company, 2701 N. Kildare Avenue, Chicago, Illinois

Mr. Gordon T. Bennett, Alternate
(Receiver Design)
Wells-Gardner & Company, 2701 N. Kildare Avenue, Chicago, Illinois

Name

Mr. R. E. Poole, Member
(Western Electric Transmitter Design)
Bell Telephone Laboratories, 463 West St., New York, New York

Mr. J. C. Bayles, Alternate
(Western Electric Transmitter Design)
Bell Telephone Laboratories, 463 West St., New York, New York

Mr. M. R. Briggs, Member
(Transmitter Design)
Westinghouse Elec. & Mfg. Co., 2519 Wilkens Avenue, Baltimore, Maryland

Mr. A. C. Goodnow, Alternate
(Transmitter Design)
Westinghouse Elec. & Mfg. Co., 2519 Wilkens Avenue, Baltimore, Maryland

Mr. Karl B. Hoffman, Member
Stations WGR-WKBW, Rand Building, Buffalo, New York

Mr. I. R. Lounsberry, Alternate
Stations WGR-WKBW, Rand Building, Buffalo, New York

Mr. Ronald J. Rockwell, Member
Station WLW, Crosley Square, Cincinnati, Ohio

Mr. Clyde M. Hunt, Member
Station WTOP, Earle Building, Washington, D. C.

Mr. Walter A. Brester, Alternate
Station WTOP, Earle Building, Washington, D. C.

Mr. E. B. Passo, Member
(Receiver Design)
Zenith Radio Corporation, 6001 Dickens Ave., Chicago, Illinois

INDUSTRY'S SERVICE TO PUBLIC HEALTH REPORTED

With 204 NAB stations reporting, public health programs reaching a total of 197 weekly were described by Willard D. Egolf, Assistant to the President of NAB, in an address this week before the Health Conference of the New York Academy of Medicine entitled "Does Radio Owe a Doctor Bill?" These were local shows, network programs being mentioned in addition. 137 stations account for these 197 public health features weekly, the remainder concentrating their service on special projects, control of epidemics and periodic requests from health departments of medical associations, in which news periods, commentators, forums, interviews and other established features are utilized.

"Does radio owe a doctor bill? I use that phrase symbolically," Egolf stated, "because a broadcaster's obligation to serve the public health is primarily an obligation to the medical profession which is guardian of that precious commodity. Only through the cooperation of the medical profession and its designated organizations can a station achieve a public health service. Only at the instance of the medical profession or its representatives can machinery be set in motion which will accomplish public health education."

Many of the local health programs reported by stations have been on the air longer than five years, a surprising number longer than ten years.

Network reports show that during the past year the four major networks originated 902 programs dealing with the public health.

83% of the local health shows were broadcast in daytime hours, between 9:00 and 6:00 P. M. Approximately 95% of the network shows were in that time bracket.

"Guardianship of the public health by the medical profession is a labor of love," Egolf concluded, "whereas a broadcaster's obligation in that respect is induced by law. The law, however, does not define the manner in which stations shall discharge this responsibility. If definitions are needed, let us find them through the medium of friendly discussions reflecting the needs of every city, town and cross-roads community—in those communities, for those communities—throughout the land."

Dorothy Lewis, NAB Coordinator of Listener Activity, also attended the sessions and participated in the discussions.

SEEK TO IMPROVE TUBE DISTRIBUTION

The development of a program to provide dealers with more balanced stocks of radio tubes for civilian use was urged by the Electronics Distributors Industry Advisory Committee at a meeting with War Production Board representatives in Washington, WPB announced today.

The committee was of the opinion that wider distribution of non-military receiving tubes for household sets would be accomplished if the interchange of various types of such tubes between manufacturers and the pro-rating of tube supplies among distributors on the basis of their 1941 deliveries could be accomplished. This would not increase the number of tubes available for civilians, but would improve distribution. Some manufacturers now supply tubes to distributors on the basis of precedence of orders, although others have been using the proposed prorata distribution system voluntarily.

The committee recommended that a task group be appointed to make suggestions to WPB on the redistribution of excess stocks of electronic components no longer required in military programs.

ANOTHER JOB WELL DONE

Radio went "all out" for the National War Fund in its campaign to raise $125,000,000 for the USO, United Seamen's Service, War Prisoner's Aid and fourteen Allied war agencies, according to Joseph R. Busk, Chairman of the Radio Advertising Committee. This Committee, together with the Radio Committee, headed by Neville Miller, President of the National Association of Broadcasters, served in two USO campaigns, prior to the organization of the National Far Fund.

"Without a single exception every radio station and network contributed time generously to the Fund," Mr. Busk said. "Radio advertisers, both national and local, cooperated to the fullest with the OWI Allocation Plan and the War Fund's Radio Department."

A total of 398 top flight commercial network programs projected the story of the agencies in the War Fund and the need for support, during the October-December 7th period, Mr. Busk continued. The Hollywood Victory Committee contributed a star studded special program and Sandra Michael, Peabody Award Winner, wrote an original radio drama for the Fund, entitled "Who is Charlie," which was staged by CBS with Orson Welles in the lead.

"Mr. Miller's Committee enlisted 100% cooperation from local stations in playing a series of transcriptions built around five minute entertainment features with Gracie Fields, Dick Hayms, Yvette, Helen Twelvetrees, Norman Lloyd, Raymond Massey and Alec Templeton", Mr. Busk said. "We distributed also recorded talks by Prescott S. Bush, National Campaign Chairman, John D. Rockefeller, Jr., Eric Johnston, President of the United States Chamber of Commerce, William Green, American Federation of Labor head, and Philip Murray, President of the CIO."

Describing the work of his Committee, Mr. Busk said that together with the OWI, the members contacted the producers of commercial shows contributing participation to the Fund to develop the best way the story of the campaign could be unfolded. In some instances, the stars made personal pleas, in many dramatic programs the War Fund was incorporated into the script, Mr. Busk explained.

"The time and effort devoted by some of the leading copywriters in the advertising agency business to the development of several hundred individual National War Fund commercials is deserving of especial praise", Mr. Busk said.

He also wished to acknowledge the active interest and cooperation of Don Stauffer, Director of Radio, and William Spire, Chief of the Allocation Division of the Office of War Information.

CALLAHAN LEAVES TREASURY

Vincent F. Callahan, radio executive and former newspaperman, has resigned as Director of Advertising, Press and Radio of the War Finance Division of the Treasury Department. He leaves the Treasury to return to private business.

In 1941, Mr. Callahan was appointed Chief of Radio for the Defense Savings Staff. Later he was placed in charge of all advertising, press and radio in connection with the promotion of the sale of War Bonds.

WICHITA NAMES PEABODY GROUP

Professor Forest Whan of the University of Wichita, Chairman of the George Foster Peabody Radio Award sub-committee for Wichita, Kansas, has submitted the names of those people, selected because of their varying interests and experiences, who have served on his committee. They are:

Mrs. O. A. Beech, President of Beech Aircraft.

Mrs. Justus Fugate, Past President of the Board of Regents of the University of Wichita.

Judge W. F. Lilleston, Attorney at Law.

Mr. Sylvester A. Long, President of S. A. Long Electric.

Dr. William Jardine, President of University of Wichita, formerly Secretary of Agriculture, President of Kansas State University.

Senator Henry J. Allen, President of British Children Relief.

Dr. Earl Davis, Music Critic.

Mr. Sid A. Coleman, Radio Editor of the Beacon.

Mrs. Clarence Swallow, President of Twentieth Century.

FCC APPROVES THREE YEAR LICENSE

The Federal Communications Commission today announced the adoption of an amendment to its rules and regulations looking toward the issuance of standard broadcast licenses for a normal license period of three years, the maximum period authorized under the Communications Act of 1934. The present license period is two years.

Initial renewals will be for staggered periods, ranging from one year to two years and nine months. Thereafter, all regular licenses will be for the full three-year period. In this way the plan will be placed in operation in such a manner as to spread the work load incident to examination of applications for renewals over the full three-year period. Stations are grouped in order of the different license expiration dates in such manner as to include in each group a fair cross-section of the entire industry. This will automatically accomplish a fair distribution of the work load on renewal applications.

"This action is in line with the policy of the Federal Communications Commission and its predecessor, the Federal Radio Commission, to extend the length of licenses whenever the advancement of the radio art and the growth of the radio industry seemed to warrant such extension," Chairman James Lawrence Fly said.

"In deciding the matter of extending the normal term of licenses, the Commission has always had to consider the concept of a license as a public trust and the need of the industry for all the assurance and stability that seemed consistent with the public trust concept."

In 1927, when the Federal Radio Commission was first organized, licenses were issued for sixty days. In 1928, the normal license of a broadcast station was a three-month period. This was increased to six months in 1931. In 1939, the Federal Communications Commission authorized the issuance of licenses for one-year periods, and in October, 1941, increased the period to two years.

(A copy of Section 3.34 of the Commission's Rules and Regulations, as amended, is attached.)

Report No. 75—(RULES AND REGULATIONS)

The Commission on December 14, 1943, adopted the following amendment of Section 3.34 of the Rules and Regulations, to become effective with respect to licenses granted on and after December 15, 1943:

Sec. 3.34 *Normal license period.*—All standard broadcast station licenses will be issued for a normal license period of 3 years. Licenses will be issued to expire at the hour of 3 a.m., Eastern Standard Time, in accordance with the following schedule, and at three-year intervals thereafter:

(a) For stations operating on the frequencies 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 800, 810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 940 kilocycles, November 1, 1946.

(b) For stations operating on the frequencies 990, 1000, 1010, 1020, 1030, 1040, 1050, 1060, 1070, 1080, 1090, 1100, 1110, 1120, 1130, 1140, 1160, 1170, 1180, 1190, 1200, 1210, 1220, 1500, 1510, 1520, 1530, 1540, 1550, 1560, 1570, 1580 kilocycles, May 1, 1945.

(c) For stations operating on the frequencies 550, 560, 570, 580, 590, 600, 610, 620, 630, 790 kilocycles, May 1, 1946.

(d) For stations operating on the frequencies 910, 920, 930, 950, 960, 970, 980, 1150, 1250 kilocycles, May 1, 1947.

(e) For stations operating on the frequencies 1260, 1270, 1280, 1290, 1300, 1310, 1320, 1330, 1350, 1360, kilocycles, November 1, 1945.

(f) For stations operating on the frequencies 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590, 1600 kilocycles, November 1, 1947.

(g) For stations operating on the frequency 1230 kilocycles, February 1, 1946.

(h) For stations operating on the frequency 1240 kilocycles, February 1, 1946.

(i) For stations operating on the frequency 1340 kilocycles, February 1, 1947.

(j) For stations operating on the frequency 1400 kilocycles, August 1, 1947.

(k) For stations operating on the frequency 1450 kilocycles, February 1, 1948.

(l) For stations operating on the frequency 1490 kilocycles, August 1, 1948.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

No broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, December 20th.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WKZO—WKZO, Inc. (Assignor), John E. Fetzer and Rhea Y. Fetzer, d/b as Fetzer Broadcasting Co. (Assignee), Kalamazoo, Mich.—Granted consent to voluntary assignment of license of Station WKZO, from WKZO, Inc., to John E. Fetzer and Rhea Y. Fetzer, d/b as Fetzer Broadcasting Co. (No monetary consideration involved.) (B2-AL-287).

KWG—McClatchy Broadcasting Co., Stockton, Calif.—Adopted an order granting petition to reinstate and grant application for construction permit to make changes in the transmitter and antenna system and increase power from 100 to 250 watts (B5-P-3498; Docket No. 6427).

KROY—Royal Miller, Marion Miller, L. H. Penney and Gladys W. Penney, a partnership, d/b as Royal Miller Radio, Sacramento, Calif.—Adopted an order granting petition to reinstate and grant application for construction permit to install new transmitter and increase power from 100 to 250 watts (B5-P-3497; Docket No. 6428).

The Commission granted request of Bamberger Broadcasting Service, Inc., licensee of high frequency (FM) broadcast station WOR-FM, to change call letters from WOR-FM to WBAM.

LICENSE RENEWALS

WBAB—Press-Union Publishing Co., Atlantic City, N. J.—Granted renewal of license for the period ending December 1, 1945.

WDAN—Northwestern Publishing Co., Danville, Ill.—Granted renewal of license for the period ending December 1, 1945.

WKNY—Kingston Broadcasting Corp., Kingston, N. Y.—Granted renewal of license for the period ending December 1, 1945.

KWAL—Silver Broadcasting Co., Wallace, Idaho.—Granted renewal of license for the period ending October 1, 1945.

KOMA—KOMA, Inc., Oklahoma City, Okla.—The Commission, pursuant to Section 1.362, of its rules, directed that KOMA, Inc., licensee of Station KOMA, be asked to submit an application for renewal of license so that it may be set for hearing on the question of continued operation on **1520 kc.**, on the question of interference to Guatemala, and whether or not operation should be changed to prevent such interference to Guatemala. (Applications of KOMA to change frequency from **1520** to **690 kc.** and related applications of Hugh J. Powell (KGGF), Coffeyville, Kans., for renewal of license and for increase of power from 500 watts to 1000 watts on **690 kc.** were heretofore set for hearing.)

MISCELLANEOUS

KGY—KGY, Inc., Olympia, Wash.—Granted license to cover construction permit which authorized increase in power from 100 to 250 watts, and changes in transmitting equipment (B5-L-1783); granted authority to determine operating power by direct measurement of antenna power (B5-Z-1565).

Granted renewal of following relay broadcast station licenses for the period ending in no event later than December 1, 1945: KEIQ, KEIR, Ben S. McGlashan; KEGZ, Symons Broadcasting Co.; WBCZ, WHEB, Inc.

David Ashton Brown, Marion, Ohio.—Granted request to dismiss without prejudice application for new experimental relay station.

WTMA—Atlantic Coast Broadcasting Co., Charleston, S. C.—Granted motion to dismiss without prejudice application for construction permit to move present auxiliary transmitter to site of main transmitter and use 250 watts power.

APPLICATIONS FILED AT FCC

570 Kilocycles

WMCA—Cosmopolitan Broadcasting Corp., New York, N. Y.—Modification of license to change corporate name of licensee to WMCA, Incorporated.

1230 Kilocycles

NEW—American Colonial Broadcasting Corporation, Arecibo, Puerto Rico.—Construction permit for a new standard broadcast station to be operated on **1230 kc.**, 250 watts power, unlimited hours of operation.

1240 Kilocycles

WBIR—J. W. Birdwell, Knoxville, Tenn.—Voluntary assignment of license to American Broadcasting Corporation.

1490 Kilocycles

WGKV—Kanawha Valley Broadcasting Co., Charleston, W. Va.—Relinquishment of control of licensee corporation by Worth Kramer through sale of 28 shares of common stock to Eugene R. Custer and Richard M. Venable.

1520 Kilocycles

NEW—Calumet Broadcasting Corp., Hammond, Ind.—Construction permit for a new standard broadcast station to be operated on **1520 kc.**, 5 KW power, daytime hours of operation.

FM APPLICATION

NEW—Columbia Broadcasting System, Inc., Hollywood, Calif.—Construction permit for a new high frequency (FM) broadcast station to be operated on **43100 kc.** with coverage of 34,000 square miles.

MISCELLANEOUS

KNBC—National Broadcasting Co., Inc., area of San Franscisco, Calif.—License to cover construction permit (B5-PRY-290), which authorized installation of new transmitter and change in power.

KEJK—National Broadcasting Co., Inc., area of San Francisco, Calif.—License to cover construction permit (B5-PRE-434), which authorized installation of a new transmitter.

WEIQ—Cosmopolitan Broadcasting Corp., area of New York, N. Y.—Modification of license to change corporate name of licensee to WMCA, Incorporated.

WIEH—Cosmopolitan Broadcasting Corp., area of New York, N. Y.—Modification of license to change corporate name of licensee to WMCA, Incorporated.

FEDERAL TRADE COMMISSION DOCKET

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Federal Military Equipment Corporation and Harry Drath, Max Schwartz and Al B. Wolf, individually and as officers of the corporation, all of 33 Union Square, New York, are charged in a complaint issued with misrepresentation. The respondents are engaged in the sale and distribution of military insignia, clothing and novelties. (5096)

Globe Trading Company, Inc., Leon Shutz and Rothermel Wise, individually and as officials of the corporation, and Theodore E. Ullman, Maxwell M. Ullman and Herman Ullman, all of 119 North 8th Street, Reading, Pa., manufacturing and distributing wool products and other merchandise, are charged in a complaint issued with violation of the Wool Products Labeling Act of 1939 and of the Federal Trade Commission Act. (5098)

Grand Rapids Furniture House, 600 West Manchester Blvd., Los Angeles, selling and distributing furniture, is charged in a complaint with misrepresentation. (5095)

Gulf & West Indies Co., Inc.—A complaint charging misrepresentation in connection with the sale of chamois skins has been issued against Gulf & West Indies Co., Inc., 23 Murray St., New York, and its officers, Milton Cohn, Victor Lambiase and Isidore Faitt. (5093)

Imperial Drug Exchange, Inc., trading as Dupree Medical Company, and Abraham Parodney, individually and as an officer of the corporation, all of 20 East 17th Street, New York, are charged in the complaint with false advertising and misrepresentation. (5094)

STIPULATIONS

During the past week the Commission announced no stipulations.

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Bernard Engineering Company, 709 Market Street, Camden, N. J., its president, Lionel Bernard, and William I. Miller, trading as Miller Manufacturing Co., 1100 North 32nd Street, Camden, N. J., have been ordered to cease and desist from misrepresentation of a preparation designated "Wonder-Solv," recommended by them for use in the cooling systems of automobile and other combustion type engines. (4979)

Gladstone Bros., 110 Fifth Ave., New York, and also doing business as Aaron Leonard Company at the same address, have been ordered to cease and desist from violation of the Wool Products Labeling Act of 1939 and the Federal Trade Commission Act. (4960)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS

1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 52, December 24, 1943

MERRY CHRISTMAS
AND
A HAPPY NEW YEAR

INDUSTRY EMPLOYMENT AND PAY DATA

The Federal Communications Commission in a press release December 22, presented employment and compensation data for standard broadcasting stations and networks covering the week of October 17, 1943. The forms for reporting such information to the FCC were sent out October 9 and the NAB Reports of October 15 carried an appeal to stations to complete the form and return it as quickly as possible. On December 3rd, the NAB Reports carried another appeal pointing out that 100 stations had, at that time, failed to return reports.

The release by the FCC shows that responses were received from 815 standard broadcast stations and 10 networks. Approximately 52 stations failed to return their forms in time to be included in the compilation.

The 815 stations and 10 networks, during the week of October 17, 1943, employed 24,515 persons full-time and 4,862 persons part-time. Total compensation for the week to all full-time employees was $1,366,687. The weekly average for full-time employees was $55.75. This represents an increase of 6.6% over the average of $52.32 reported for a week in October 1942. The average weekly compensation for full-time employees excluding executives was $49.50, an increase of 7.3% over the 1942 average of $46.12.

The FCC in its press release expressed appreciation for the cooperation of the great majority of stations and networks which fulfilled its request promptly.

The interest of the NAB in these data is based upon their informational value to the industry in labor negotiation. It was upon NAB request that the Commission last year sent out the employee data forms in advance of its annual report forms and released employee data prior to the close of the year. The Commission is rendering a real service to the industry in following this procedure and in preparing a comprehensive report at an early date.

In the following table employment and compensation figures are presented for full-time employees for the total industry reporting, for networks and their key stations and for 806 broadcast stations. This represents summary information. In its release of December 22, the FCC made available like information for station employees by geographic districts and regions for both full-time and part-time employees. Figures for individual districts and regions will be made available upon request.

The Commission will release additional tabulations by class of station, by city size and by metropolitan districts at some future date. As these data become available NAB will undertake to furnish upon request the particular information which compares in employee data with the station classification, city size and geographic location of the inquiring station.

NAVY WARCASTS

Cooperating with the Industrial Incentive Division of the Navy Department, NAB is endeavoring to enlist the cooperation of broadcast stations located in selected centers of war production in a plan to carry news of the war to workers at their machines.

Termed "warcasts" the Navy's plan calls for a special kind of news broadcast to be sent from the radio station's news room over leased wire to war plants having public address systems. For the past several months this warcast plan has been in operation in several cities and the techniques have been perfected.

Assured of the feasibility of the plan, the NAB War Committee has agreed to cooperate in every possible way with the Navy Department in promoting it in other production centers. On next Monday (December 27) full details of the plan, documented with certain facts, will be sent out to the manager of one radio station in 30 selected cities. He will be asked to secure the cooperation of other radio stations in the community in getting the plan in operation.

The cost, including leased lines and additional personnel, if any, would be defrayed by the plants receiving the warcasts. This plan presents a splendid opportunity for radio stations in the selected communities to render a direct and genuine service to the war effort and NAB heartily commends it for favorable consideration.

SUMMARY OF FUNCTIONAL EMPLOYEE DATA OF 10 NETWORKS AND 815 STANDARD BROADCAST STATIONS AS REPORTED TO THE COMMISSION

FULL-TIME EMPLOYEES—FOR THE WEEK BEGINNING OCTOBER 17, 1943

PARTICULARS	*10 Networks and 815 Stations*			*Networks Including 9 Key Stations of Major Networks*			*806 Stations*		
	Number	*Compensation*	*Average*	*Number*	*Compensation*	*Average*	*Number*	*Compensation*	*Average*
1	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*
Executives:									
General managerial	969	$ 141,856	$146.39	46	$ 19,346	$420.57	923	$122,510	$132.73
Technical	554	38,409	69.33	18	2,414	134.11	536	35,995	67.15
Program	518	38,814	74.93	35	6,312	180.34	483	32,502	67.29
Commercial	400	44,281	110.70	45	7,897	175.49	355	36,384	102.49
Publicity	119	9,474	79.61	27	3,465	128.33	92	6,009	65.32
Other	216	17,737	82.12	30	3,558	118.60	186	14,179	76.23
Total, executives	2,776	290,571	104.67	201	42,992	213.89	2,575	247,579	96.15
Employees (Other than executives):									
Technical:									
Research and development	92	6,996	76.04	45	4,329	96.20	47	2,667	56.74
Operating	4,383	227,617	51.93	809	54,154	66.94	3,574	173,463	48.53
Other	324	11,856	36.59	66	2,669	40.44	258	9,187	35.61
Program:									
Production	1,022	55,730	54.53	384	24,884	64.80	638	30,846	48.35
Writers	802	33,096	41.27	120	7,453	62.11	682	25,643	37.60
Announcers	3,072	144,786	47.13	164	11,702	71.35	2,908	133,084	45.76
Staff musicians	2,150	150,569	70.03	517	62,659	121.20	1,633	87,910	53.83
Other artists	1,386	88,553	63.89	704	48,817	69.34	682	39,736	58.26
Other	1,197	53,151	44.40	537	27,515	51.24	660	25,636	38.84
Commercial:									
Outside salesmen	1,348	110,540	82.00	152	18,625	122.53	1,196	91,915	76.85
Promotion and merchandising	592	30,636	51.75	361	19,895	55.11	231	10,741	46.50
Other	488	19,549	40.06	307	13,350	43.49	181	6,199	34.25
General and administrative:									
Accounting	937	34,342	36.65	266	10,366	38.97	671	23,976	35.73
Clerical	1,120	28,190	25.17	247	6,517	26.38	873	21,673	24.83
Stenographic	1,172	33,214	28.34	218	6,850	31.42	954	26,364	27.64
Other	1,248	35,765	28.66	594	18,515	31.17	654	17,250	26.38
Miscellaneous	406	11,526	28.39	51	2,674	52.43	355	8,852	24.94
Total, employees	21,739	1,076,116	49.50	5.542	340,974	61.53	16,197	735,142	45.39
Total, executives and employees	24,515	$1,366,687	$55.75	5,743	$383,966	$66.86	18,772	$982,721	$52.35

NOTE: Data in this release, with the exception of columns (2), (3), (4) are not exactly comparable with similar releases for prior years, because the network reports include the employees of eight 50kw stations and one 5kw station. In prior years, an apportionment of these employees and their compensation had been made by the Commission between the networks and stations.

RADIO STATIONS HELPED LIFT WASHINGTON, D. C., NEWS BLACKOUT

(Reprinted from Washington *Times-Herald*, Dec. 21)

Washington radio stations yesterday and last night cooperated with local newspapers to bring news to the public during the work stoppage caused by a "continuous meeting" of the Columbia Typographical Union, involving printers on the four Washington newspapers.

With the presses of the District dailies halted for the first time in their history, all local broadcasting stations devoted special periods to programs of news gathered by the newspapers.

WOL Has Four Newscasts

Among the first to offer its cooperation was station WOL, which set up four special newscasts by its featured commentator, Billy Repaid.

Local news prepared by the *Times-Herald* was broadcast by Repaid at 11 a. m., 12:45, 4:15 and 10:30 p. m., and by a news announcer over WRC at 1 and 6 p. m.

Other WOL newscasts were introduced with the statement:

"This special news program is brought to you as a public service in cooperation with the Washington *Times-Herald*, *Evening Star*, *Washington Daily News*, and the *Washington Post*."

Besides its regularly scheduled news programs, Station WMAL broadcast six special newscasts. Peoples Drug Stores, during the "Pin Money from Peoples" period, devoted 15 minutes to local happenings, and Commentator Clark Mahoney gave special attention to the progress of negotiations between the printers, WLB, and the publishers.

Stations WTOP, WWDC, and WINX donated periods of their regular broadcasts.

All local stations returned to regular schedules late last night, when it was learned the printers would return to their jobs.

KATE SMITH AND TED COLLINS RECORD "REPORT ON RADIO"

Based on an advertisement written by Raymond Rubicam highlighting radio's accomplishments in the war, Kate Smith, Ted Collins and cast have recorded a graphic fifteen minute presentation entitled "Report on Radio" which is now being distributed to CBS affiliates, according to Paul Hollister, Vice-President, CBS.

The program features the dramatic interruption of America's peacetime pursuits on Sunday, December 7, 1941, when radio brought the astounding news from Pearl Harbor, and follows with an impressive re-enactment of radio's important role in the war since that date.

Widespread acceptance is expected for this show, in which radio's top flight talent tells radio's story to the listening audience. Kate Smith and Ted Collins are supported by an excellent cast and expert production.

Reprints of the Rubicam full page newspaper advertisement, source of much comment this fall, were distributed to all networks and stations with a letter from Neville Miller, President of NAB, urging that the material be given full publication and developed into radio programs.

The CBS response, evident in the Kate Smith, Ted Collins show, opens a new phase in the long range effort

NAB Reports
THE NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* **C. E. Arney, Jr.**, *Secretary-Treasurer*

Robert T. Bartley, *Director of War Activities;* Lewis H. Avery, *Director of Broadcast Advertising;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Arthur C. Stringer, *Director of Promotion.*

to tell radio's story over the radio. NAB is proceeding with fore-laid plans to get maximum distribution for the pressings. It is hoped that the format will be adopted by all elements of the broadcasting industry.

SOME TUBE RELIEF IN SIGHT

A definite program for the production in the first quarter of 1944 of at least 4,500,000 radio tubes of critical types for civilian receiving sets was announced today by the WPB Radio and Radar Division.

These tubes for household type radio sets are being scheduled for production in sizable quantities by plants best equipped to produce them, the Domestic and Foreign Radio Branch of the Radio and Radar Division said.

It is expected that tubes will continue to reach civilian outlets in increasing quantities as the new program gets under way.

The cooperation of radio servicemen and dealers is expected in seeing that the tubes first reach householders who have no sets in operation because of lack of tubes.

Editor's Note:

While NAB is gratified by the foregoing announcement of first quarter tube production for receivers, it is not in agreement on quantity.

The announced production, while helpful, represents only approximately one-half the number of tubes needed.

4,500,000 tubes is regarded as a "token production," in recognition of the need, but far from a quantitative solution of the problem.

RADIO TUBE BLACK MARKET?

These headlines appear at the top of the front page of NAB *Swap Bulletin* dated December 24, 1943.

Station managers are urged to read this front page in detail and to make reply. Just two facts are wanted: (1) Whether there is a black market; (2) how it works. Findings will be relayed to Office of Civilian Requirements.

INFANTILE PARALYSIS CAMPAIGN

On Monday, December 27, NAB President Miller, chairman, National Radio Division, The National Foundation for Infantile Paralysis, will mail all stations a letter soliciting their cooperation in the 1944 campaign.

Shortly thereafter stations will receive, from the Radio Division, various suggestions and types of material, both live and transcribed. Mr. Miller pointed out that the broadcast industry had accepted an ever increasing part in the struggle for the cure and prevention of infantile paralysis. He expressed confidence that a new high mark in achievement would result in the forthcoming campaign.

During the summer of 1943 the infantile palaysis epidemic in the several states claimed 12,000 Americans.

ATT: STATION MANAGER

Public Health Reports May Still Be Sent In

By December 13 204 stations returned the questionnaire covering local program service to the public health.

This material was the basis of an address made to the Health Conference of the New York Academy of Medicine on December 14 by Willard D. Egolf, Assistant to the President, NAB.

More stations have replied since that time. Final figures will be revised to include all stations replying. Please let us have your answer, so that the final record will be as comprehensive as possible. If you prefer, send a letter, giving title of show or shows, length, days and hours of broadcast, how long on the air, source of material, remarks, etc.

IRE WINTER TECHNICAL MEETING

The winter technical meeting of the Institute of Radio Engineers is to be held in New York on Friday and Saturday, January 28-29, 1944. Hubert M. Turner, Associate Professor of electrical engineering at Yale University, will be installed as president, succeeding Dr. Lynds E. Wheeler, head of the Engineering Department's Information Division of FCC.

At the Friday session (28), W. R. G. Baker, Chairman of the Radio Technical Planning Board, and several panel chairmen will discuss the work of RTPB. At the banquet that evening, the medal of honer awarded by IRE in recognition of distinguished service in radio communication, will be bestowed upon Harraden Pratt.

The Morris Liebmann Memorial Prize will be awarded to W. L. Barrow. In addition, Fellowship Awards will be bestowed upon S. L. Bailey, C. R. Burrows, M. G. Crosby, C. B. Feldman, Keith Henney, D. O. North, K. A. Norton, S. W. Seeley, D. B. Sinclair, Leo Young and Harry Diamond.

The Saturday session will be featured by a symposium discussion in which E. K. Jett, Chief Engineer of the FCC, will discuss "Engineering Work of the Federal Communications Commission," and G. P. Adair, Assistant Chief Engineer of the FCC, will talk upon "Timely Broadcast Matters." W. N. Krebs, Chief of the Safety and Special Services Division of FCC, will lead a discussion on "Police, Aviation and Maritime Services," while P. F. Siling, Chief of the International Division, FCC Engineering Department, will discuss "International Point-to-Point and Allocation Problems."

Saturday evening there will be a joint session between the IRE membership and the American Institute of Electrical Engineers.

These sessions are of great significance to those interested in radio engineering matters.

WHO BARN DANCE PLAYS TO $138,300.00 WAR BOND HOUSE

A year ago WHO discontinued the public performance of its celebrated Barn Dance, to cooperate with ODT and cut down on fan travel, moving the show to the studios.

On November 6, however, announcement was made that the WHO Barn Dance would show at the Shrine Auditorium in Des Moines three weeks from that time, November 27, one night only. Seats would go only to those who bought war bonds through WHO.

The house was scaled at $100.00, $50.00 and $25.00 to get the "little fellows."

Heavy promotion followed for three weeks and when the show went on the air the Shrine Auditorium was filled with 3,680 Iowa Barn Dance Frolic fans, 2,544 at $25.00, 778 at $50.00 and 358 at $100.00 for a total of $138,300.00 in Series E War Bonds, all purchased through WHO.

(*NAB welcomes stories from stations for* NAB REPORTS)

NOW 912 STATIONS

During the month of November, the FCC granted one new construction permit and cancelled one construction permit. One operating station was also deleted. No changes in the number of stations were made during August, September and October. There follows a comparative table of the number of stations by months:

	1942	1943											
	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1
Operating	909	910	910	910	911	911	911	911	911	911	911	911	910
Construction	9	7	6	5	2	2	1	1	2	2	2	2	2
	918	917	916	915	913	913	912	912	913	913	913	913	912

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

No broadcast hearings are scheduled before the Commission for the week beginning Monday, December 27.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WEIM—Ruben E. Aronheim (Assignor), Mitchell G. Meyers, Ruben E. Aronheim & Milton H. Meyers, d/b as Radio Station WEIM, Fitchburg, Mass.—Granted consent to voluntary assignment of license for station WEIM, from Ruben E. Aronheim to Mitchell G. Meyers, Ruben E. Aronheim, and Milton H. Meyers, copartners, doing business as Radio Station WEIM, a newly formed partnership, for a consideration of $12,788.88, which is the book value of 66-2/3 percent interest in the license (B1-AL-388).

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Upon consideration of the petition of John H. Stenger, Jr., the Commission further extended the temporary license of station WBAX from December 27, 1943, to March 26, 1944.

KWBW—William Wyse and Stanley Marsh, d/b as The Nation's Center Broadcasting Co. (Assignor), William Wyse, Stanley Marsh and Bess Wyse, d/b as The Nation's Center Broadcasting Co. (Assignee), Hutchinson, Kans.—Granted consent to assignment of license of station KWBW from William Wyse, Stanley Marsh, a partnership, d/b as The Nation's Center Broadcasting Co. to a newly formed partnership of William Wyse, Stanley Marsh and Bess Wyse, d/b as The Nation's Center Broadcasting Co. (No monetary consideration is involved.) (B4-AL-382).

WADC—Allen T. Simmons, Akron, Ohio.—Adopted order denying petition for rehearing filed by WADC, directed against the Commission's Findings of Fact, Conclusions and Order, adopted November 3, granting applications of WGAR and WHBC for construction permits.

DOCKET CASE ACTION

The Commission has announced adoption of Proposed Findings of Fact and Conclusions (B-186), proposing to deny the application of Station WROL, Knoxville, Tenn., to modify its license and increase its nighttime operating power from 500 watts to 1 kilowatt on the ground that the proposed operation would not tend toward a "fair, efficient and equitable distribution of radio service" as contemplated in Section 307 (b) of the Communications Act.

The increased nighttime power sought by WROL would result in interference to Station KWFT at Wichita Falls, Texas, the Proposed Findings note. The radio listeners in Knoxville who would have benefited from the proposed new operation of Station WROL already have service available from another radio station covering that area. On the other hand, radio listeners in the Wichita Falls, Texas, area would be adversely affected by the proposed operation of WROL in that they would lose service from Station KWFT—the only radio station assigned to Wichita Falls.

Proposed Findings of Fact and Conclusions (B-193) were also adopted in re application of Martin R. O'Brien (WMRO), Aurora, Illinois, for modification of license to operate unlimited time on 1280 kilocycles with daytime power of 250 watts and nighttime power of 100 watts, denying said application without prejudice to the right of applicant to file an application requesting unlimited time operation on 1490 kilocycles, since it appears that the use of the local frequency 1490 kilocycles may be available for unlimited time use in Aurora. Operation of Station WMRO at night on the frequency 1280 kilocycles would be inconsistent with the Commission's Standards of Good Engineering Practice as severe nighttime interference would be imposed upon the proposed service of Station WMRO, the Proposed Findings conclude.

In the same action the Commission adopted Proposed Findings of Fact and Conclusions (B-196) denying the application of Roy L. Albertson (WBNY), Buffalo, N. Y., for modification of license to change frequency from 1400 to 680 kilocycles with 250 watts power.

The operation of Station WBNY as proposed in the application would result in an extremely high nighttime interference limitation and would offer no improvement over the existing nighttime service of the station. Objectionable interference would also be caused to Stations WLAW, WPTF and WISR. The service which WBNY would be able to offer daytime in areas where service is already available from other stations would be more than offset by losses in service in areas where only one service is now available.

The change in operating assignment would also involve use of critical radio materials contrary to the policy announced in the Memorandum Opinion of April 27, 1942.

The Commission also adopted an Order making final the Proposed Findings of Fact and Conclusions granting application of J. C. and E. W. Lee (Lee Brothers Broadcasting Co.), KFXM, San Bernardino, Calif., for modification of license to change operation from sharing with Station KPPC, Pasadena, to unlimited hours of operation on the frequency 1240 kilocycles, using 250 watts power (B-197).

MISCELLANEOUS

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Granted license to cover construction permit to install new transmitter (B1-L-1786); granted authority to determine operating power by direct measurement of antenna power (B1-Z-1568).

KWFR—Wichita Broadcasting Co., area of Wichita Falls, Tex.—Granted authority for voluntary assignment of license of relay broadcast station KWFR from Wichita Broadcasting Co. to Wichita Broadcasters, a partnership, Joe B. Carrigan, Mrs. Joe B. Carrigan, P. K. Smith, Trustee, P. K. Smith, Mrs. Claude M. Simpson, Jr. (B3-ALRY-21).

WBAE—L. B. Wilson, Inc., area of Cincinnati, Ohio.—Cancelled relay broadcast license in accordance with written request of licensee (B2-RRY-235).

Granted renewal of following relay broadcast station licenses for a period ending in no event later than December 1, 1945:

WEIH, WEII, Indianapolis Broadcasting, Inc.; WENL, Surety Life Insurance Co.; WEMV, The WGAR Broadcasting Co.

L. J. Duncan, Lelia A. Duncan, Josephine A. (Keith) Rawls, Effie H. Allen, d/b as Valley Broadcasting Co., West Point, Ga.—Granted petition to accept amendment to its application so as to specify new transmitter site; hearing date to be unchanged (Jan. 4, 1944). (Application is for construction permit for new station to operate on **1490 kc.**, 250 watts, unlimited.) (Docket No. 6549).

APPLICATIONS FILED AT FCC

750 Kilocycles

KXL—KXL Broadcasters, Portland, Oregon.—Special service authorization to operate unlimited time, employing directional antenna day and night for the period ending 2-1-46.

1240 Kilocycles

NEW—WARC, Inc., Rochester, N. Y.—Construction permit for a new standard broadcast station to be operated on **1240 kc.**, 250 watts power, unlimited hours of operation. (Facilities of WSAY when relinquished by WSAY operating on **1370 kc.** as authorized by construction permit.)

KODY—Radio Station WOW, Inc., North Platte, Nebr.—License to cover construction permit (B4-P-3549), which authorized change in equipment, frequency, power and hours of operation.

NEW—Charles P. Blackley, Staunton, Va.—Construction permit for a new standard broadcast station to be operated on **1240 kc.**, 250 watts, unlimited time. Amended: re change in type of transmitter, antenna and change studio site.

KODY—Radio Station WOW, Inc., North Platte, Nebr.—Authority to determine operating power by direct measurement of antenna power.

KICD—Iowa Great Lakes Broadcasting Co., Spencer, Iowa.—Modification of license to increase power from 100 watts to 250 watts.

1450 Kilocycles

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Modification of license to change corporate name to American Broadcasting Corporation.

1490 Kilocycles

NEW—Birney Imes, Jr., Tupelo, Miss.—Construction permit for a new standard broadcast station to be operated on **1490 kc.**, 250 watts power, unlimited time. Amended: re equipment changes.

TELEVISION APPLICATION

NEW—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Construction permit for a new experimental television broadcast station to be operated on Channel #1 **(50000-56000 kc.)**, emission A5 and special power of 3 KW.

MISCELLANEOUS

WKRB—American Broadcasting Corp. of Kentucky, area of Lexington, Ky.—Modification of license to change corporate name to American Broadcasting Corporation.

WEGD—American Broadcasting Corp. of Kentucky, area of Lexington, Ky.—Modification of license to change corporate name to American Broadcasting Corporation.

WEGE—American Broadcasting Corp. of Kentucky, area of Lexington, Ky.—Modification of license to change corporate name to American Broadcasting Corporation.

FEDERAL TRADE COMMISSION DOCKET

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Alberty Foods Products, et al.—A complaint has been issued charging Ada J. Alberty, 729 Seward St., Hollywood, Calif., engaged in the sale of food and drug products, including vitamin preparations, with disseminating false advertisements concerning such products in newspapers, periodicals and other advertising media. The respondent trades under the names The Alberty Food Products, Alberty Products, Alberty Products Sales Co., The Cap-Lone Co., and Cheno Products. (5101)

Atlantic Commercial Agency, Inc., Gerald H. Strickland, G. Russell Walsh and S. Mortimer Hirshorn, all of 101 North Third Street, Camden, N. J., and Dorothy Boyden, trading as Secretarial Service, 6 North Michigan Avenue, Chicago, are charged in a complaint with the use of unfair and deceptive acts and practices in the operation of a collection agency. (5100)

Decker Products Co., Pelham, N. Y., selling and distributing an exhaust muffler attachment designated "Vacudex," designed to save gasoline and effect other economies in the operation of automobiles and trucks, are charged in a complaint with misrepresentation. (5097)

Dri-Kleen Co., 325 West Huron St., Chicago, is charged in a complaint with misrepresenting the cleansing properties of a product designated "dri-kleen" which, when in solution, is recommended for use in the cleaning of all fabrics, including wearing apparel, drapes, rugs and upholstery. (5103)

Milton S. Kronheim & Son, Inc., Washington's largest liquor wholesaler, is charged in a complaint issued with engaging in "unfair, coercive and oppressive practices" which tend to give it a monopoly in the sale of whiskies, wines and brandies to retailers in the District of Columbia. The respondent, which has its principal place of business at 1425 New York Ave., N. E., is said to have an annual volume of sales in excess of $4,000,000. (5102)

Mary Muffet, Inc.—A complaint has been issued charging Mary Muffet, Inc., 1136 Washington Ave., St. Louis, with misrepresentation of the fiber content of fabrics and wearing apparel. (5104)

New Jersey Service Company, Inc., 819 Cooper Street, Camden, N. J., and Dorothy Boyden, trading as "Secretarial Service," 6 North Michigan Avenue, Chicago, are charged in the complaint with the use of unfair acts and practices in commerce in connection with the operation of a collection agency. (5099)

CEASE AND DESIST ORDERS

The Commission issued no cease and desist orders last week.

STIPULATIONS

During the week the Commission has announced the following stipulations:

Austin Technical Institute, and now doing business as Austin Technical Publishers, 275 Seventh Ave., New York, selling a home study course designated "A.T.I. Home Study Course in Blueprint Reading," has stipulated to cease representing, by use of the word "Institute" as a part of his trade name or by other means, that he conducts an institution of learning with a staff of competent, experienced and qualified educators for the purpose of promoting learning; that his home study course is an invention or that articles of merchandise, the cost of which is included in the purchase price of his course, are free, either by use of the term "free" or any other term of similar meaning, or that a person, as a result of the completion of the course, would be a trained expert in blueprint reading. (03174)

Bechard Manufacturing Company, 700 Hudson Ave., Chicago, manufacturing and selling plated base metal trophies, prize cups and silver plated hollow ware, has stipulated to cease and desist from the use of any false, fictitious or misleading price representation which purports to be the retail sales price of a product but which is in excess of the price for which such merchandise is customarily sold, and from representing, through the use of a fictitious or marked-up price, that the price for which such merchandise is actually offered for sale is an exceptional price, a low price, or a discounted price when in fact the price is that for which such merchandise is customarily sold in the usual course of retail trade. (3773)

Cramer Chemical Company, Gardner, Kans., selling and distributing athletic trainers' supplies and first aid preparations, has stipulated to cease and desist from representing that a product sold by it designated Nitrotan is the best known or most universally used germicide in the United States, that it gives complete sterilization in 90 seconds, checks or stops bleeding other than capillary bleeding from superficial skin lesions, draws the torn, jagged edges of a wound together, stops sore throat or assists in the prevention of influenza, or that its use may be relied upon to give quick and safe recovery from all such conditions; that Cramer's Athletic Stringent for Gargle is effective in the checking or prevention of influenza, tonsillitis or like afflictions; that Cramer's Athletic Liniment has special penetrating powers or that it penetrates into muscular or other tissues to any significant degree; that Cramer's Dextrose Tablets will produce quick energy in the sense of capacity for more intense physical exertion, will stimulate an athlete to greater performance, enable athletes to win more games, or may be relied upon to afford immediate relief from hay fever or asthma. (3772)

Joseph Gluck, 469 Seventh Ave., New York, selling and distributing textile fabrics, has stipulated to discontinue use of the terms "Jer-Zee" or "Jerzette" as designations for fabrics other than jersey fabrics and from use of such terms or words simulating or connoting "Jersey" in any manner so as to imply that it is a jersey fabric when the product is not a jersey fabric; advertising, branding, labeling, invoicing or selling any products composed in whole or in part of rayon without clearly disclosing, by use of the word "rayon," that such products are composed of or contain rayon; and when a product is composed in part of rayon and in part of fabrics or material other than rayon, from failing to disclose, in immediate connection with the word "rayon," and in equally conspicuous type, each constituent fiber of the product in the order of its predominance by weight, beginning with the largest single constituent. (3769)

J. P. Hoft, Post Office Box 137, Berwyn, Ill., selling a medicinal preparation designated "Amisogen," and A. N. Baker Advertising Agency, Inc., 189 West Madison St., Chicago, an advertising agency which disseminated advertisements for the product, have stipulated to cease representing that the preparation will have any effect upon asthma except to the extent that it may afford palliative relief from the paroxysms of asthma; that it will relieve hay fever or the symptoms of hay fever, or that the preparation is free from opiates, narcotics or dope of any kind. (03175)

Jersey Oil Heating, Inc., Irvington, N. J., manufacturing and selling a device designated "Convert-O-Grate," for use in converting oil-burning furnaces to coal-burning furnaces, and Anchor Post Fence Company, Baltimore, also selling and distributing the device, have entered into stipulations in which both agree to cease and desist from representing that the device can be installed for one-half or less than one-half the installation cost of similar devices; that it "saves 65% of former cost" or that the installation cost is 65 percent less than that of competitive products, or that the cost or comparative cost of the device or of its installation is other than is actually a fact. Both respondents further agree to cease representing that the device can be installed in eight minutes; that a furnace in which it has been installed can be converted from oil to coal or from coal to oil in eight minutes; that the time required to install the device or to convert a furnace equipped with it from oil to coal or from coal to oil is less than is actually a fact, or that the device is an "amazing wartime invention" or that it embodies any amazing principle. (3767 and 3768)

Metzger & Cohen, 500 Seventh Ave., New York, selling and distributing merchandise including women's coats, have stipulated that they will cease and desist from using the terms "Krimkurl," "Broadtel" fabric, "Persianlece" fabric, "Cana-Curl" fabric or other terms of similar import to describe any fabric which is not made from the fur or hair of the fur-bearing animal indicated; provided, however, that in designating a textile fabric which is made in such manner as to resemble the peltry of a fur-bearing animal there may be used such terms as "fur-like fabric," "fabric made to simulate fur" or similar terms which clearly disclose that the fabric is not made of fur but merely resembles the peltries of a fur-bearing animal. The respondents agree to discontinue using the designations indicated to describe any coat or garment which is not made from the peltry of the animal so indicated, provided that when used to designate a textile fabric garment resembling fur, such words may be used if immediately accompanied by other words printed in equally conspicuous type disclosing that the fabric of which the garment is made is merely an imitation of the peltry of the animal indicated as, for example, "Imitation Persian Lamb." (3774)

Miller & Company, 225 North Michigan Ave., Chicago, selling and distributing spyglasses, have stipulated to cease and desist from representing that any spyglass offered for sale by them is a fine telescope, is precision made, has precision ground lenses, combines the convenience of a field glass with the power and range of a telescope, was developed by its manufacturers to replace or serve as a substitute for binoculars or field glasses, or will serve the purpose of field glasses or similar instrument; that such instruments bring objects which may be far beyond the range of the naked eye into sharp, easy vision; that the price of $1.49 for thin spyglass is amazingly low, when actually the normal retail price for such an article is $1; that the purchaser would anticipate a charge of $3, $4 or $5 for such an instrument, or by inference that the spyglass is in a class or can perform the same functions of an article costing $10, $15 or any sum above that charged for those of like kind and quality. (3775)

T. L. Miller Manufacturing Co., 3716 South Clairborne Ave., New Orleans, selling a cosmetic preparation designated "Presto Face Cream," has stipulated to cease representing that use of the preparation will produce a clear, smooth skin, or, by use of the word "Manufacturing" or similar words in its trade name or otherwise, that he owns, operates or controls a company engaged in the business of manufacturing or compounding the preparation. (03177)

A. C. Rehberger Company, 2134-38 North Magnolia Ave., Chicago, manufacturing and selling trophies, medals and charms, has stipulated to cease and desist from the use of or in connection with its merchandise of any false, fictitious or misleading price representation which purports to be the retail sales price thereof but which is in excess of the price for which the merchandise is customarily sold in the usual course of retail trade, and from representing, through the use of a fictitious or marked-up price, that the price for which such merchandise is actually offered for sale is an exceptional price, a low price or a discounted price, when in fact it is the price for which such merchandise is customarily sold. (3776)

Rupture-Guard Company, Marshall, Mich., selling a truss designated "Elastic Rupture-Guard," and Ralph L. Wolfe & Associates, Inc., 76 Adams Ave. West, Detroit, an advertising agency which disseminated advertisements for the product, has stipulated to discontinue representing that the device may be properly fitted to one's personal requirements when ordered through the mails; that it will hold the rupture securely or comfortably in any position of the body; that it will assist nature in strengthening the muscles or in closing the hernia opening, or that it is the only device of its kind. (03178)

Silver Cup Beverage Company, 2948 West Grand Ave., Chicago, manufacturing and selling soft drinks, including so-called root beer and other carbonated bottled beverages, has stipulated that, in connection with the sale of its bottled carbonated beverages, it will cease and desist from use of the word "draft" in connection with the trade name or as descriptive of such beverage and from use of the word "draft" or any other word or term, either alone or in connection with the picturization of a wooden keg or container, or with the words "Old Style," so as to imply that the product is drawn or dispensed from a keg or container to the consumer or that it possesses flavors such as are associated with draft beverages as distinguished from those which are bottled. (3771)

Emmett J. Smith & Daughter, Elmhill-Murfreesboro Hi-Way, Nashville, Tenn., selling and distributing chicks, have stipulated to cease and desist from using the statements "U. S. Approved," "U. S. Certified," "U. S. Approved and Banded," or other statements or representations of like meaning, as descriptive of or in connection with chicks not U. S. approved, U. S. certified or U. S. approved and banded in accordance with the provisions of the National Poultry Improvement Plan; from representing that they are members or participants in the National Poultry Improvement Plan until they actually are participating members; from representing by use of statements such as "Absolutely Pullorum Free" or "Pullorum Free," or in any other manner, that chicks can be depended upon to be pullorum free; and from representing that they are poultry breeders and are engaged in the poultry breeding business or that they operate a hatchery or hatcheries, unless and until they actually are engaged in the poultry breeding business and operating hatcheries as represented. (3770)

Power Fence Co., Darlington, Wis., selling a kit designated "Power Electric Fencer Kit," which, when constructed with the use of other parts not supplied with the kit, makes an electric fence controller, has stipulated to cease and desist from representing that his product can be made into an electric fence controller capable of rendering service equal to that given by commercial electric fence controllers costing up to $15; that his kit is an electric fence controller or that its use when made into an electric fence controller with a single wire enclosure, confines all livestock or any animal of a size which would enable that animal to readily pass under or over that wire without coming in contact with it, or any animal whose natural covering or coat would serve to insulate it from electric shock at the probable point of its contact with the wire, or that the electric fence controller made with his kit can be used in remote places or distant pastures, without disclosing that the unit must be protected from the weather. (03173)

Mamie Wilson, 1313 East 33rd St., Los Angeles, selling a medicinal preparation designated "Mamie's New Discovery Scalp Ointment," has stipulated to cease representing that the preparation will prevent loss of hair or baldness, counteract conditions causing hair loss, or is a cure for dandruff or other scalp ailments except to the extent that it may mitigate itching of the scalp; that it will nourish or stimulate the hair roots or make the hair grow or take on new life, or that it will tone or have any other effect upon the blood corpuscles or will tone the oil glands of the scalp. (03176)

FTC CLOSES CASE

The Federal Trade Commission has ordered the case growing out of a complaint against Reed Drug Company, Inc., West Frankfort, Ill., closed without prejudice to the right of the Commission to reopen it, should future facts so warrant. The respondent had been charged with misrepresentation in the sale of an alleged remedy for delayed menstruation.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N STREET, N. W. WASHINGTON 6, D. C. Vol. 11, No. 53, December 31, 1943

Important Notice
NAB REPORTS INDEX

Early next week a special mailing of a consolidated index for the complete 53 issues of the 1943 NAB REPORTS will be made. Stations planning to bind their REPORTS should await the receipt of this index so that it can be incorporated as a part of the volume.

"1943 SHOWED RADIO WHAT IT IS FIGHTING FOR"—MILLER

(Released by NAB News Bureau)

Washington, D. C., December 30: "The year 1943 showed radio what it is fighting for," Neville Miller, President of the National Association of Broadcasters, said today. "A powerful instrument of free speech, operated in the interests of the people and doing its full share in the valiant battle to win the war, found itself threatened with the loss of the very freedom it was championing. A Supreme Court decision in May, giving a new and hitherto unsuspected interpretation to the Communications Act, made possible government control of radio through the Federal Communications Commission. Immediately the radio industry sought new legislation from Congress to restore its freedom. Passage of the White-Wheeler Bill, already introduced in the Senate, was sought by every branch of the industry. Pronounced unity was achieved by the broadcasters in the hearings on the White-Wheeler Bill before the Interstate Commerce Committee, in which they were joined by a member of the Federal Communications Commission. The final bill is now in preparation and is expected to go to the floor of the Senate early in 1944. Hope is expressed that new legislation will bring to the people of the United States a firm safeguard of freedom of speech by radio.

"While fighting its own battle for freedom, the radio industry and its advertisers in 1943 devoted to the cause of the war time and talent exceeding two hundred million dollars in value."

JOE MILLER TO NAVY

Joseph L. Miller, NAB Director of Labor Relations, has resigned his position effective December 31 to enter the Navy.

Mr. Miller is, in point of service, one of the oldest members of the NAB staff, having assumed his position as Director of Labor Relations in May 1938.

With Mr. Miller's entry into the armed services, the NAB service flag now carries 8 stars. Ed Kirby, now an Army Colonel, heading the Radio Bureau of the Public Relations Division of the War Department, was the first to enter the armed service. He was followed very shortly by Lynne Smeby, Director of Engineering who is connected with the Radio and Radar Branch of the Signal Corps. Next to leave was Frank E. Pellegrin, Director of Broadcast Advertising, who is now a major in service in Italy. In June of this year, Russell Place, NAB Counsel, resigned to assume a position in the Office of Strategic Services. Simultaneously Everett E. Revercomb, for 9 years NAB Auditor, was commissioned an Ensign in the Navy. Two NAB messengers, George Many and Elliott Irving, went into the armed service, the former, in the Army Air Corps, is now stationed in England; and the latter, in the Navy, is stationed at Sampson, New York.

TRANSMITTER TUBE SITUATION EASES

If you use any of these tubes, here is good news! The NAB Engineering Department has been informed that the following tube types will shortly be available on a thirty-day delivery basis. Tubes affected are 893, 893R and 889. Further information is available upon request to NAB.

WIRE RECORDER MAKES DEBUT IN BATTLE DESCRIPTION

When the Marines hit Empress August Bay Beach, Bougainville, radio history was made, according to a delayed Associated Press release written by Technical Sergt. Harold Azine, formerly of WLS, Chicago, and WBAL, Baltimore, now a Marine Corps Correspondent.

In this engagement, according to Azine, a man and a microphone for the first time recorded a long operation against the Japanese.

The man was Marine Sergt. Roy A. Maypole, former producer at CBS, New York, whose equipment consisted of a sound-on-wire recorder.

Verbally identifying the ship sounds, gun salvos and bomb explosions, while trying to keep his feet against the concussions, when landing parties started down the rope nets, Roy rushed his mike to the rail of the ship to get several 10-second "man on the move" interviews.

He then followed ashore and continued recording the engagement although the source of electrical power furnished an obstacle. Abrupt end to his recording came when an enemy bomb landed ten yards from the equipment and caved in the side of its amplifier cover plate, but the wire and its precious story were unaffected. Its

(Continued on page 514)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1760 N St., N.W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Robert T. Bartley, *Director of War Activities;* Lewis H. Avery, *Director of Broadcast Advertising;* Willard D. Egolf, *Assistant to the President;* Howard S. Frazier, *Director of Engineering;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Arthur C. Stringer, *Director of Promotion.*

WIRE RECORDER MAKES DEBUT IN BATTLE DESCRIPTION

(Continued from page 513)

release to the public will be through Marine Corps headquarters, Washington, D. C.

(EDITOR'S NOTE: The wire recorder has been demonstrated at the NAB War Conference and upon other occasions by Col. Ed Kirby and Major Frank Pellegrin, formerly with NAB.)

PUBLIC RELATIONS SUB-COMMITTEE MEETS IN NEW YORK, JANUARY 5-6

The NAB Public Relations Sub-committee, under the chairmanship of Dr. Frank Stanton, Vice-Pres., CBS, will meet in New York City on January 5th and 6th to make plans for a book defining public relations activities for the radio industry.

Edgar Bill, Chairman of the Public Relations Committee, announced the appointment of the following sub-committee members: Charles P. Hammond, Director of Advertising and Promotion, NBC; Edward E. Hill, Director, WTAG; Vernon E. Pribble, Manager, WTAM; Irvin G. Abeloff, Program Service Manager, WRVA. Willard D. Egolf, Assistant to the President, NAB, will meet with the sub-committee. Hill, Pribble and Abeloff are public relations chairmen for NAB districts, 1-7 and 4, respectively.

NAB has been preparing preliminary material for the book for several months.

FCC LEGAL STAFF CHANGES

Harry M. Plotkin has been named assistant general counsel in charge of the Litigation and Administration Division of the Federal Communications Commission. Mr. Plotkin, a resident of Chicago, graduated *magna cum laude* from the Harvard Law School in 1937.

He joined the Commission staff in January of 1940 and has been chief of the Litigation and Administration Division since 1942. Prior to joining FCC, Mr. Plotkin was associated with Topliff and Horween, Chicago law firm. He is a native of Athol, Massachusetts, married and has two children.

At the same time the appointment of Peter Shuebruk as assistant to the general counsel was announced. He fills the vacancy created by the naval enlistment of Nathan H. David which occurred last month.

Mr. Shuebruk is likewise a *magna cum laude* graduate from the Harvard Law School in 1937. During his undergraduate days he was editor of the Harvard Law Review. Following graduation he served with the Boston law firm of Ropes, Gray, Best, Coolidge and Rugg. He came to the FCC on June 1, 1942, as assistant to the chairman. He is a native of Hull, Massachusetts, married and has two children.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, January 3. They are subject to change.

Tuesday, January 4

Consolidated Hearing

WGPC—J. W. Woodruff and J. W. Woodruff, Jr., d/b as Albany Broadcasting Company, Albany Ga.—C. P. to move transmitter and studio to West Point, Ga., **1490 kc.,** 250 watts, unlimited.

NEW—L. J. Duncan, Leila A. Duncan, Josephine A. (Keith) Rawls, Effie H. Allen, d/b as Valley Broadcasting Company, West Point, Ga.—C. P., **1490 kc.,** 250 watts, unlimited.

Wednesday, January 5

WPAT—Frank Falknor and Rex Schepp (Transferors), Donald Flamm (Transferee), Paterson, N. J.—For Transfer of Control of New Jersey Broadcasting Co., Inc. (WPAT), **930 kc.,** 1 KW, daytime.

Friday, January 7

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Mod. of License, **1480 kc.,** 5 kilowatts, unlimited; DA-night.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WGES—Oak Leaves Broadcasting Station, Inc. (Assignor), Gene T. Dyer, Vivian I. Christoph, Gene T. Dyer, Jr., F. A. Ringwald, Louis E. Moulds, Grace V. McNeill, William F. Moss, d/b as Radio Station WGES (Assignee), Chicago, Ill.—Granted consent to voluntary assignment of license of Station WGES from Oak Leaves Broadcasting Station, Inc., to Gene T. Dyer, Vivian I. Christoph, Gene T. Dyer, Jr., F. A. Ringwald, Louis E. Moulds, Grace V. McNeill, William F. Moss, a newly organized partnership, d/b as Radio Station WGES. No monetary consideration involved (B4-AL-385).

WLB—University of Minnesota, Minneapolis, Minn.—Granted request to waive Commission rules so as to permit identification of Station WLB as "Minneapolis and St. Paul."

KGKB—East Texas Broadcasting Co., Tyler, Texas.—Granted renewal of license for the period ending not later than December 1, 1945 (B3-R-728).

KPAB—Laredo Broadcasting Co., Laredo, Texas.—Granted renewal of license for the period ending not later than December 1, 1945 (B3-R-966).

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted modification of construction permit, as modified, for changes in directional antenna system, and granted authority for program tests under Section 2.43 (B4-P-2827), subject to the condition that proof of separation of common ownership of Stations KGBX and KWTO be made to the Commission on or before December 31, 1943 (B4-MP-1725). Dismissed applications for temporary modification of license (B4-ML-1153) and for authority to determine operating power by direct measurement of antenna power of 310 ft. vertical antenna (B4-Z-1523).

MISCELLANEOUS

KPAC—Port Arthur College, Port Arthur, Texas.—Granted license (B3-L-1779) to cover construction permit which authorized increase in power to 1 KW and changes in directional antenna system; also granted authority to determine operating power by direct measurement. The license is granted subject to condition that no interference will be caused in contravention of the terms of the NARBA.

Spartanburg Advertising Co., Spartanburg, S. C.—Placed in pending file application for high frequency (FM) broadcast station, **43500 kc.,** 26,200 square miles; transmitter to be located on Hogback Mountain, S. S. (B3-PH-149).

W2XCB—Columbia Broadcasting System, Inc., Portable-Mobile; Area, New York, N. Y.—Granted modification (B1-MPVB-107) of construction permit for experimental television relay station, authorizing extension of completion date from 1-7-44 to 7-7-44.

W2XMT—Metropolitan Television, Inc., New York City.—Granted modification (B1-MPVB-108) of construction permit for experimental television broadcast station, to extend completion date from 12-31-43 to 6-30-44.

KTRG—KTRH Broadcasting Co., Portable-Mobile, Area of Houston, Texas.—Granted license (B3-LRY-292) to cover construction permit for new relay broadcast station; frequencies 1606, 2074, 2102, **2758 kc.,** 50 watts, to be used with applicant's standard station KTRH.

KFI—Earle C. Anthony, Inc., Los Angeles, Calif.—Adopted Order granting motion filed by Earle C. Anthony, Inc., (KFI) requesting that the time for filing its Proposed Findings of Fact and Conclusions in the matter of the application of Iowa State College of Agriculture and Mechanic Arts (WOI), Ames, Iowa, for special service authorization, be extended from December 27 to December 31, 1943 (Docket No. 6541).

WGPC—J. W. Woodruff and J. W. Woodruff, Jr., d/b as Albany Broadcasting Co., Albany, Ga.; L. J. Duncan, Leila A. Duncan, Josephine A. (Keith) Rawls, Effie H. Allen, d/b as Valley Broadcasting Co., West Point, Ga.—Granted motion for continuance of hearing now set for January 4, until February 3, 1944, in re applications of WGPC for construction permit to move transmitter and studio to West Point, Ga. (Docket No. 6548), and Valley Broadcasting Co. for construction permit for new station to operate on **1490 kc.,** 250 watts, unlimited time (Docket No. 6549).

APPLICATIONS FILED AT FCC

610 Kilocycles

WHKC—United Broadcasting Co., Columbus, Ohio.—Construction Permit to change frequency from **640 kc.** to **610 kc.,** increase power from 500 watts to 1 KW, increase hours of operation from limited to unlimited, and install directional antenna for night use (facilities of WCLE).

640 Kilocycles

WCLE—United Broadcasting Co., Cleveland, Ohio.—Construction Permit to change frequency from **610 kc.** to **640 kc.,** increase power from 500 watts to 1 KW, and hours of operation from Daytime to Limited time (facilities of WHKC) and move transmitter and studio to Akron, Ohio.

850 Kilocycles

WRUF—University of Florida, Gainesville, Fla.—Extension of Special Service Authorization to operate Unlimited time with power of 100 watts after sunset at Denver, Colo., for the period beginning 3 a. m., EST, 2-1-44, and ending 3 a. m., EST, 11-1-46.

930 Kilocycles

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Modification of Construction Permit (B3-P-3114 as modified) which authorized move of transmitter, increase power and installation of directional antenna, for extension of completion date from 1-20-44 to 7-20-44.

950 Kilocycles

KPRC—Houston Printing Corp., Houston, Texas.—Authority to determine operating power by direct measurement of antenna power.

1320 Kilocycles

KXYZ—Harris County Broadcast Co., Houston, Texas.—Authority to determine operating power by direct measurement of antenna power.

1460 Kilocycles

KINY—Edwin A. Kraft, Juneau, Alaska.—License to cover construction permit (B-P-3089 as modified), which authorized increase in power, installation of new transmitter, changes in antenna.

KINY—Edwin A. Kraft, Juneau, Alaska.—Authority to determine operating power by direct measurement of antenna power.

1490 Kilocycles

NEW—L. J. Duncan, Leila A. Duncan, Josephine A. (Keith) Rawls, Effie H. Allen, d/b as Valley Broadcasting Co., West Point, Ga.—Construction permit for a new standard broadcast station to be operated on **1490 kc.,** 250 watts power, unlimited time. Amended: to change transmitter site to Cherry St., Lanett, Ala.

FEDERAL TRADE COMMISSION DOCKET

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

International Distributing Corp., 1119-14th St., N. W., Washington, D. C., said to be one of the largest wholesale liquor dealers in the city, with annual sales of more than $4,000,000, is charged in a complaint with refusing to sell whiskies to District of Columbia retailers unless they purchase a stipulated quantity of wine or brandies or both. (5105)

Vawne Foundations—A complaint has been issued charging Arthur R. Lewis and Ben A. Hensler, trading as Vawne Foundations, 302 Fifth Ave., New York, with misrepresentation in connection with the sale of "Wispese" girdles. The respondents advertise the girdles in newspapers and magazines, and in catalogs, circulars and other advertising media distributed among the purchasing public and to dealers in women's apparel. (5106)

CEASE AND DESIST ORDERS

The Commission issued no cease and desist orders last week.

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Beau Brummell Ties, Inc., Cincinnati, has entered into a stipulation to cease and desist from labeling, advertising or in any other manner designating as "Burton's Poplin," neckwear or other merchandise not made of the cotton fabrics converted by Burton Brothers & Co., Inc., New York, and widely known to the trade and the public as "Burton's Poplin"; or representing by use of the trade designation "Burton's Poplin Ties," or by similar statements, that neckwear made of materials obtained from other sources has been processed or treated by the converters of Burton Poplins, or that such cotton converting firm has contributed something of value thereto. (3778)

Earp Laboratories, and Earp-Thomas Laboratories, Inc., both of Bloomfield, N. J., have stipulated to discontinue certain misrepresentations in connection with the sale of bacteria cultures, variously designated as Silogerm, Humogerm, Farmogerm and Acidofilac, also known as Bloomfield Culture Lactobacillus. (3777)

Imperial Brands Co., 537 South Dearborn St., Chicago, have entered into a stipulation to cease and desist from representing that their medicinal preparation designated "Imperial Lax-101" is a gentle or mild laxative and will move the bowels easily without irritation to the intestinal walls; that it will change an unhealthy to a healthy evacuation; that it contains no habit-forming drugs; that delayed evacuation will poison the system and lower bodily resistance and that Imperial Lax-101 will remedy such conditions. (03179)

Roycemore Toiletries, Inc., trading as Shy Products Co., 180 North Wacker Drive, Chicago, has stipulated to cease and desist from false and misleading representations concerning a preparation it sells under the name "Diopreen," recommended for the "promotion of personal hygiene." (3779)

Solinger & Sons Co., Inc., 349 Broadway, New York, has entered into a stipulation under which the corporation agrees to cease and desist from representing that certain mattress ticking it sells, which is treated with a preparation known as "Aseptex," possesses such bactericidal, germicidal or fungicidal properties as to make the fabrics resistant to germs, bacteria, fungi or vermin. (3780)

FTC CLOSES CASE

The Federal Trade Commission has closed without prejudice the case growing out of the complaint issued against Nacor Medicine Co., Indianapolis, which had been charged with misrepresenting the therapeutic properties of medicinal preparations sold under the designations "Nacor" and "Nacor Kaps."

National Association of Broadcasters
1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON, D. C.

January 22, 1943 SPECIAL A. F. of M. BULLETIN No. 15

Petrillo Hearing Before Senate Sub-Committee

This issue contains excerpts from the official record of 515 typewritten pages of testimony given by James C. Petrillo, President of the American Federation of Musicians, and Joseph A. Padway, counsel for the Union, at the hearing before the Subcommittee of the Interstate Commerce Committee of the United States Senate on January 12, 13 and 14th. While the record has necessarily been shortened, every effort has been made to have the excerpts accurately reflect the testimony as a whole, and a reading of these excerpts will reward every broadcaster.

Informed broadcasters will also find in the testimony numerous misstatements and inaccuracies which, in the interest of expeditious circulation of this bulletin, the NAB is not at this time attempting to point out or to contradict. The NAB has been assured by the Senate Committee that it will be afforded an opportunity to set forth its side of the controversy, and at this time the industry's position with respect to Mr. Petrillo's ban and to his "unemployment problem" will be made known.

Mr. Petrillo frankly admitted that he called a strike and withdrew the services of all his musicians from recordings without ever having formulated or made demands, and that, if the affected people had sought to find out what he wanted, all that he could have said to them was that he wanted more employment and it was up to the affected industries to find some way of giving that employment. For this, and for his ignoring of the public position in the controversy, Mr. Petrillo, as the record shows, was strongly criticized by members of the Committee.

The basic theory which underlies Mr. Petrillo's action was indicated by his testimony. He admitted that he had no information as to what percentage of the members of his union were primarily engaged in crafts and occupations other than musicianship, although he admitted that the number was substantial. He admitted that radio had furnished employment opportunities for musicians, and was unable to give any concrete examples of musicians who had been displaced or supplanted as a result of radio. Under these circumstances, his claim would appear to be that the broadcasting industry has an obligation to men whom it does not employ, never employed, and did not supplant. Obviously, the members of Mr. Petrillo's union today are not the same persons who were members of the union when the phonograph was invented over fifty years ago. Mr. Petrillo's union has grown since that date from a membership of less than 10,000 to 138,000; and the membership has increased by 20,000 during the last decade when commercial broadcasting made its greatest strides.

The Committee pointed out that the demand for more employment came with particularly bad grace at a time when our nation is struggling with a shortage of manpower. Mr. Petrillo himself admitted that if the war continued for only a few months more, his union would be unable to meet even the present basic needs of broadcasters for musicians, and that 18% of his union membership was already in the armed forces.

In the course of his presentation, Mr. Petrillo made a number of concessions:

1. He agreed to formulate his demands in writing after meeting with his Executive Committee on February 1st, and to deliver a copy of these demands to the Senate Subcommittee, as well as to make

them available to any parties who might be named in the demands. Mr. Padway pointed out that these demands would be addressed to specific users of music, including members of the NAB, and that the union would not deal with the NAB as an association.

2. He conceded that there were many small stations which could not be expected to employ musicians.

3. He admitted that his present order excluding all amateurs from the air required modification so that amateur organizations could be heard on the air, albeit on a basis satisfactory to the A. F. of M.

4. He stated that he might have been mistaken in the tactics he pursued and agreed that there was some justice in the position of employers.

5. He agreed that certain practices of the union in connection with standbys had gone too far and conceded that such practices as demanding the employment of union musicians as "pancake turners" were basically unsound.

6. He admitted that in issuing his order against recordings he had not given full consideration to the effects of this order on private, educational and commercial use.

Despite these admissions, Mr. Petrillo maintained his basic position without substantial change. He reiterated his refusal to permit records to be made and refused a request of the Committee that he withdraw the ban even for a short time. He charged that the public feeling against him was due to an "expensive publicity campaign composed of nothing but false issues and personal abuse" initiated by the National Association of Broadcasters, overlooking the fact that the widespread editorial condemnation and news comment which followed Mr. Petrillo's actions, and which were reflected in thousands of newspaper items, preceded the earliest date upon which the NAB took any action whatsoever with respect to this matter.

Readers of the excerpts from the testimony will note how Mr. Petrillo shifted his position on what he wanted during the course of questioning.

It may be of interest to broadcasters to note that Judge Barnes has set January 25th as the date for hearing arguments on Mr. Petrillo's motion to dismiss the government's new complaint against him, and that a date in February will be set for hearing the Government's argument for a preliminary injunction against Mr. Petrillo and his union.

Senator Clark's Opening Statement

When this order was first published on the 25th of July, 1942, it excited the alarm of the War Department, the Navy Department, the Marine Corps, the Office of Civilian Defense, the Treasury Department, and the Office of War Information. Consequently a staff meeting was held, or at least a meeting was held, at which representatives of each of these departments were present. Among others attending that meeting there was present Mr. Elmer Davis, who was the director then and is now of the Office of War Information, one of the functions of which office is to disseminate throughout the United States and throughout the personnel of troops abroad, all information pertinent to the war and therefore vitally interested in maintaining a free, open and efficient communications system in the United States.

Consequently, three days after this meeting, namely, on July 28, 1942, Mr. Davis, speaking for himself and for the Army, the Navy, the Marine Corps, the Treasury Department, and the Office of Civilian Defense, addressed a letter to Mr. James C. Petrillo, President of the American Federation of Musicians, in which letter he, first, set out a letter which Mr. Petrillo had previously written to the President of the United States. That letter was written shortly after Pearl Harbor, namely, on December 27, 1941.

Mr. Davis called Mr. Petrillo's attention to the fact that in that letter he had stated that each and every member of the American Federation of Musicians and its officers:

> "pledge themselves on this occasion to do everything possible to aid in the fight for freedom."

There are other quotes, but the letter of Mr. Petrillo to the President ended up with this new slogan, and I quote him again:

> "To this new slogan, this new theme for the New Year, then, the Federation dedicates itself: Music For Morale."

After Mr. Davis had quoted the letter of Mr. Petrillo to the President which I have adverted to, he then stated in his letter to Mr. Petrillo:

> "Despite this public and published pledge you sent a communication on June 25, 1942, to all companies engaged in the making of phonograph records, electrical transcriptions, and other forms of mechanical recording of music, advising them as follows:"

And then he set out the order of June 25, 1942. He further called Mr. Petrillo's attention to the fact that if this order remained in force and effect three serious consequences would ensue, all as he viewed it detrimental to the morale of the people at home and to the morale of the armed forces on the far-flung battle-fronts of the world.

Mr. Davis ended up his letter to Mr. Petrillo with this paragraph:

> "Therefore, on behalf of the people of the United States and on behalf of the War Department, the Navy Department, the Marine Corps, the Coast Guard, the Treasury Department, the Office of Civilian Defense, and the Office of War Information, I sincerely urge that you consider it your patriotic duty to stand by your pledge of December 27, 1941, and withdraw your ultimatum of June 25, 1942."

On July 31, 1942, three days after the dispatch of the letter I have just referred to, Mr. Petrillo replied to Mr. Davis at some length. He set out that the American Federation of Musicians would make recordings directly for the armed services; that is, if the Army put on a show or wanted a recording of its own band or something of the sort, the American Federation of Musicians would permit the making of recordings of such music. He further stated that they would make recordings, and I quote from his letter:

> "at the request of the President of the United States."

As far as I know there has been no such request made directly by the President of the United States. In any event, after some explanatory material in which he set out the part that the American Federation of Musicians was playing in the war effort, he ended up his letter as follows:

> "I cannot grant your request to cancel the notice that the American Federation of Musicians' members will not play for transcriptions or records."

Then he again mentions the two other exceptions. So the ban went into effect but certain exceptions were made for about a month, and certain special permissions given to make recordings during the month of August. Later, without notice so far as I know, these special permits were refused further. So that with the exception as I say of two or three specially permitted recordings we have had to subsist on cold storage music since the first day of August, 1942.

* * * * *

Mr. James Lawrence Fly, Chairman of the Federal Communications Commission, addressed a letter to Mr. Petrillo in which he too asked that the ban be lifted, and was met with a rather lengthy letter explanatory, neither of which I will read now because both will be made a part of the record; but the substance of it was a refusal to lift the ban or to rescind or modify the order of June 25th.

Naturally this ban excited considerable comment in the press and considerable apprehension among many persons whose financial investments and one thing and another depended upon a continuous flow of free music to the American people.

* * * * *

I personally do not care who is to blame. If the blame does not attach either in full or in part to Mr. Petrillo and his American Federation of Musicians, then it is the purpose of this subcommittee if possible to find out to whom it does attach. I do know this, that I am willing to take the word of Mr. Davis and the representatives of our armed services, and the Federal Communications Commission, and the Department of Justice, that this ban is going to become progressively detrimental, and probably suicidal, to our American communications system and to the morale on the home front as well as on the battlefront.

* * * * *

Mr. Fly's testimony is replete with charts and graphs and figures showing very conclusively and beyond dispute that a large number of the radio stations of this country are absolutely dependent upon the continuous and free flow of commercial recordings for their very existence. I think he held no particular brief for the network stations, who probably can take care of themselves, because the networks, as a rule, rely upon live musicians for their programs. But there are several hundreds of little stations, with no network affiliations, that depend for as much as 80 to 100 percent of their music time on recorded music, who will unquestionably, in his judgment, be forced to the wall if this ban stays in effect.

Mr. Petrillo. Mr. Chairman and members of the committee, my name is James C. Petrillo. I am President of the American Federation of Musicians, an affiliate of the American Federation of Labor. I was elected to the office of President in June, 1940.

I am pleased to respond to your invitation to appear before this Committee and give you such help as I can.

Let me say at the outset that in order for the Committee to be properly and fully informed on the subject of the Resolution, it is necessary to make a full investigation of the industry. Only by such investigation can the tremendous control of the entire music industry, including record making, radio broadcasting and the like, be shown to be in the hands of a few giant corporations who have become powerful and prosperous on the original work, and at the expense of, the live musician. The American Federation of Musicians respectfully requests this Committee to look into the charges frequently made, and which we believe to be true, of monopoly, interlocking arrangements and large profits.

This information can only be obtained by a thorough inquiry by this Committee into the inner workings of the industry and a complete examination and cross-examination of the higher officials managing the industry, as well as a full and complete examination of all records, data, and information gathered by the FCC.

Much has been written and said about this controversy by those whose interests are opposed to the interests of the American Federation of Musicians and its members. What has been said has not been for the purpose of enlightening the public, but for the purpose of abusing and insulting the American Federation of Musicians and its officers, on the theory that "if you cannot answer a person's arguments, you can still call him dirty names".

The worst offender in this regard has been the National Association of Broadcasters and some of its officials. The American Federation of Musicians has not adopted similar methods by way of defense. I hardly think that the members of this Committee can be unaware of the fact that the National Association of Broadcasters has engaged in an expensive publicity campaign composed of nothing but false issues and personal abuse.

In so far as the American Federation of Musicians is concerned, we welcome an investigation, providing it is full and complete and will investigate the entire industry in all its operations. Unless this is done, the Committee cannot obtain a thorough understanding of the problem.

I believe that I can be of most service to this Committee by dealing with the practical side of the question, and I think that this can best be done by answering such questions as you may desire to put to me. I shall try to answer such questions to the best of my ability. In so far as legal and economic information is concerned, our Counsel, Judge Padway, will present a full statement on these matters.

Mr. Petrillo's Testimony

Senator Wheeler. I would like to ask Mr. Petrillo a question. What proposal have you got for the settlement of the problem? WHAT DO YOU WANT?

Mr. Petrillo. Senator, this is not a problem, in our opinion, that can be settled by the American Federation of Musicians by itself. This is a problem, Senator, that can only be settled by the recording and transcription companies and the American Federation of Musicians sitting around a table and both being fair with one another. Then and then only can this problem be settled.

Senator Wheeler. What do you want and whom do you want it from? The committee is entitled to know that.

Mr. Petrillo. I will give the committee whatever information I can, Senator.

Senator Wheeler. You ordered a strike of your men, or it amounted to a strike. First of all, I have not seen any place just what you are striking for and what you want. The committee is entitled to know, first, what you want and from whom you want it.

Senator Tobey. Mr. Chairman, may I put in a word?

Senator Wheeler. Certainly.

Senator Tobey. I was interested in Mr. Petrillo's partial reply to the question. In his answer he said, "This can only be settled if the musicians' union and the broadcasters sit around a table together."

I think he is laboring under a false and incomplete premise. That is not all there is to it, as I understand it. There is a person in this country to whom we refer as John Q. Public. We are interested in Mr. Public in this matter and we propose to study it from that standpoint also and have something to say about what is coming out of the situation. That is why you are here and why we are here today. So, please bear in mind that it is not only the musicians' union and the broadcasters, but the public of America, the armed forces, individuals and radio stations, that we are representing, as well as you.

Mr. Petrillo. Senator, I did not know that the committee would like to sit around the table; I did not know that.

Senator Tobey. The interests of all the people have to be taken care of.

Mr. Petrillo. We understand that; and the American Federation of Musicians is going to do nothing to take away music from the public.

Senator Wheeler. But you have taken it away from the public; and that is the problem that this committee is interested in. After all, it seems to be the philosophy of some of the labor leaders and some of the leaders of industry in this country that all they have to do is to get together, and to hell with the public. The public has an interest in all these matters, just the same as the industry and just the same as labor. What I want to know—and I will repeat it—is, what do you want? Why did you go on strike? What do you want and from whom do you want it?

Mr. Petrillo. That is sort of a hard question to answer. I will do the best I can. Up until this moment, Senator, we have not been asked why we have gone on strike against the machine. That is what it amounts to.

* * * * *

Senator Clark of Idaho. When you call a strike, do you not think that the American people are entitled to know what you want?

Mr. Petrillo. The American people we always keep in mind. But we have an economic problem here. When a musician makes a machine that destroys himself it is a question of who is going broke first, the radio stations, the recording companies, or the American Federation of Musicians. We say that we do not believe that anybody should go broke. We say we do not believe that the radio stations should dry up, and we will not, gentlemen, make canned music under conditions formerly made by our people, because to continue, I dare say there would be no livelihood for the professional musician in two years.

* * * * *

Senator Wheeler. What do you want?

Mr. Petrillo. We want more work.

* * * * *

Senator Clark of Idaho. The very fact that those transcriptions go out through the country and that tune is plugged and plugged and plugged in every phonograph and coin-operated phonograph and on every radio program in the country by electric transcriptions, enables him (Paul Whiteman) to clean up, he and his musicians and other musicians playing that same tune.

Mr. Petrillo. You are right; but we are not interested in making Paul Whiteman richer than he is. We are interested in using Whiteman as a club to put some of our unemployed people to work.

Senator Clark of Idaho. But the fact that he makes this recording which is plugged, because people will listen to it because it was made by Paul Whiteman, puts thousands of other dance bands playing that tune. The other dance bands could not put it over themselves unless it was put over in this way.

Mr. Petrillo. I cannot agree with you there. Partially, yes. But that is the trouble with the industry. There are only a few bands doing all the jobs.

* * * * *

Senator Clark of Idaho. Why are they (the musicians) not in defense industries?

Mr. Petrillo. They do not want to go into defense industries. They want to be musicians. We will all get into defense industries if Uncle Sam sends for us.

Senator Clark of Idaho. You mean, they would rather walk the street?

Mr. Petrillo. After all, these people practiced music for ten or fifteen years and they have a right to make a living in their profession. But if Uncle Sam said, "You are all going to make munitions and get off the street"—

Senator Clark of Idaho. The automobile dealers have gone out of business.

* * * * *

Senator Wheeler. But I do want to know, and I think the public wants to know, because nobody has stated what you want and from whom you want it. You have given a great deal of thought and study to the subject, and your organization ought to have something in mind so that you could tell the committee. I think you owe it to yourself, because, frankly, whether it is propaganda or whatever it is, the fact is that the American public is very much disturbed and a great many people feel that by your actions you are doing a great disservice to the labor movement in this country. Can you not give us just exactly what your solution is? It may not be one that will be accepted by the industry or the broadcasters or somebody else; but you ought to have in mind what your views are as to what the solution of the problem is, what you want and from whom you want it. Tell us that, if you will.

Mr. Petrillo. Of course, Senator, I believe you know by this time in the few minutes that I have been sitting here that I am not trying to duck anything; I don't want to say anything that I will have to retract. That I don't want to do. I told you in the beginning that it is a hard question to answer. It seems to me that the people we have got to do business with are the recording companies. But the radio companies have taken on the fight instead of the recording companies. Of course I can understand that they will be hit indirectly if the recording companies don't make any records because of the action of the American Federation of Musicians. Naturally it is going to hurt the radio stations, and I can understand why they are in this fight. But if the recording companies come to the Musicians' Union and ask us the same question that you just asked me, Senator, the only thing I can say would be that under the conditions that those records were formerly made by the musicians, they will not be made in the future unless the recording companies and the musicians can get together with the public, like Senator Tobey said, or anyone else that would like to sit in. I believe that the problem could be solved. You know, Senator, there is work involved in this thing. There is no use in beating around the bush, as far as I am concerned. We want more work. We are the only labor organization that makes the instrument that destroys itself. Everybody has been fighting machinery, but mostly everybody who has attempted to fight machinery has been unsuccessful because they have no control over the situation, any more than the ice man who delivered the ice found himself out of business because the Frigidaire was installed in the home. But the ice man had nothing to do with the making of the Frigidaire. I feel sure that if the ice man had had something to do with it, knowing that he would be put out of business, I don't think he would have made it.

Senator White. Do you mean that you are against the recording instruments and electrical transcriptions because they compete with the live musicians, as you call them?

Mr. Petrillo. That is right.

Senator White. Is that the only reason you have?

Mr. Petrillo. Because it competes with us and takes our work away; yes.

Senator White. Is that the only reason?

Mr. Petrillo. Yes.

* * * * *

Senator Wheeler. We have got to the point where you stated that they were putting your people out of business. How many men in that union also work on the side, throughout the country?

Mr. Petrillo. Senator, that is a pretty hard question to answer. We have lawyers, doctors, and what not who play their violins or other instruments and earn a few dollars and go to school, and after they get their diplomas they drop their instruments; but some remain in the union.

* * * * *

Senator Wheeler. I have represented a lot of unions and have been attorney for a lot of unions, and if a union goes on strike it has some idea in mind about what it is asking for. It is asking for higher wages or shorter hours or for some specific thing, so that there will be something upon which they can bargain. The company says, "We don't want to give you shorter hours," or they say, "We can't give you higher pay." You ought to have some plan formulated in your mind so that you can sit down with people and tell them what your plan is. Do you want more money? Do you want shorter hours? Do you want these recording companies to pay a royalty on all of these recordings to the Musicians' Union, or just what is it you do want?

Mr. Petrillo. We are in a very peculiar position. We had a man here by the name of Thurman Arnold who has been after me ever since I have been president of this Federation, and he has been attacking me, since I have been president, in most of his speeches around the country. * * * Anything we put in writing, Mr. Thurman Arnold says is a secondary boycott; it can't be done. You can't do this, you can't do that. We had a $3,000,000 contract with broadcasting companies signed in 1937, and on the expiration of the contract we were told, not by Mr. Arnold, but by the broadcasting company, that Mr. Arnold said, "If you do that we will put you in the can for five years." And we had to drop the contract.

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Mr. Petrillo. If you want me to make a direct answer, the only thing I can say is that we want more work or we will not make the recordings.

Senator Clark of Idaho. More work from whom?

Mr. Petrillo. From the recording companies.

Senator Wheeler. How are they going to give you more work?

Mr. Petrillo. That is up to them.

Senator Wheeler. No. That is where you are making a serious mistake. You are simply saying to the industry, "You have got to make more work." You do not tell them how. You are going on strike and you say, "We want more work." But you do not tell them how you are going to get it. You put yourself in a perfectly untenable position, in my judgment, before the American public. When you put yourself in that position you are not only doing yourself a disservice and your union a disservice, but you are doing the labor movement in the United States a real disservice, in my judgment, because you are putting it in bad. If you do not know you ought to know that there is at the present time, because of certain situations that exist in this country, a feeling not only on the part of business people, but on the part of farmers in this country against labor. There is a tremendous sentiment growing against labor unions. I am not one of those in favor of destroying labor unions. But if some of these labor leaders keep on in the way they have been doing in the past they are going to destroy themselves. I do not want to see the labor movement destroyed simply because temporarily they feel they are in a position of power. That is no reason to create public sentiment to such an extent that labor unions are going to be destroyed.

Mr. Petrillo. Let me see if I can't answer you this way. I have a note here that says we have 201 stations in the United States today that receive chain programs. They receive our finest symphonies and orchestras over the air without any cost. They receive our name bands from the hotels and cafes without any cost. They buy and play all the recordings.

They not only get all this free of charge from the musicians, but the chain companies pay them for taking commercial programs. Now, in 201 stations in the United

States we haven't got one live musician on the pay roll, and certainly not one of these 201 stations could live without the American Federation of Musicians. Now, we haven't got one man in the radio stations. Now, gentlemen, certainly that is not fair.

Senator Wheeler. Well, now, you are getting away from the proposition that you made a while ago. Now you are saying, as I gather it, that you want these 201 stations in the United States to employ musicians. Is that all you want?

Mr. Petrillo. Yes.

Senator Wheeler. Well then, you are not asking that the recording companies put more men to work, are you?

Mr. Petrillo. The thing is so complicated, Senator, that a direct answer is nearly impossible, because they are all together, the recording companies, the transcription companies, and the radio stations.

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Senator Clark of Idaho. Have you asked either the recording companies or any representatives of the radio broadcasting institutions or the coin phonograph industry to meet with you and discuss terms?

Mr. Petrillo. No.

Senator Clark of Idaho. Have you ever heard of a strike, in all your experience in the labor movement, that has been called without previously making certain demands upon the people against whom you struck?

Mr. Petrillo. No, but we are in a unique position.

Senator Clark of Idaho. Why are you in a unique position?

Mr. Petrillo. Because we make the instrument that destroys the musician.

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Mr. Petrillo. Suppose we have in mind not making recordings at all any more.

Senator Clark of Idaho. Do you have that in mind?

Mr. Petrillo. No, but suppose we did.

Senator Clark of Idaho. Well, I do not think we are interested in hypothetical cases.

Senator Wheeler. Let me say, if I may interrupt, if you did have that in mind, if you simply said that you would, you would soon find your labor organization out of business in this country—do not make any mistake about that—because you would get legislation in Congress to take care of that situation.

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Senator Wheeler. So, Mr. Petrillo, the American public is not going to stand for any union, I do not care what it is, what union it is, or how powerful it is—the American public is not going to stand by and simply say or let a union come in and say, "We are going to stop industry; we are going to stop the manufacture of this particular thing; we are going to stop progress in this country."

Mr. Petrillo. I agree with you.

Senator Wheeler. I think that your first obligation, not only to your own union, but to the people at large, is to have some formula that you can submit and say "This is what we want," and then see if it cannot be worked out upon a practical basis so that your union won't suffer and so that the industry won't be put out of business and so that the general public can get the benefit of good music throughout the United States.

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Senator Tunnell. Mr. Petrillo, what percentage of the musicians of the country belong to your union?

Mr. Petrillo. Senator, I will say right now that every professional musician in the United States and Canada belongs to the American Federation of Musicians.

Senator Tunnell. Every one does?

Mr. Petrillo. Yes, sir.

Senator McFarland. Now, is not that your unique position that you are talking about?

Mr. Petrillo. I will say yes.

Senator McFarland. Now, if that is correct, following up Senator Wheeler's question, is it not absolutely necessary that you stop all recordings in order to accomplish your purpose?

Mr. Petrillo. Yes.

Senator McFarland. And that is the only answer?

Mr. Petrillo. That is right.

Senator McFarland. That is all.

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Senator Clark of Idaho. Now, the fact of the matter is, your strike was called without giving anybody, either the industry or this Congress or the public any intimation of what demands you were after, was it not?

Mr. Petrillo. Well, I didn't think, in the beginning, we were going to run up against like this, to be frank with you.

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Mr. Petrillo. We made demands on the recording companies in 1937.

Senator Clark of Idaho. What were those demands?

Mr. Petrillo. The same kind of demands that we would probably make now if we got into a meeting, and that was to try and solve the problem whereby the musician was committed to be destroyed in making these records.

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Senator Clark of Idaho. But now, in your 1942 ban, did you make any demands on the recording companies or any member of the industry affected, before you struck?

Mr. Petrillo. Not as yet.

Senator Clark of Idaho. Not as yet. So, since August 1st you have had in force and effect a ban here, which all of the officers of the Government charged with conducting this war say is injuring the national morale, and as yet you have not told either the public or the industry what you want; is that not true?

Mr. Petrillo. That is true.

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Senator Tobey. One of the incidents which has aroused widespread hostile comment to your order is in that instance where you prohibited the broadcasting by a high school orchestra at Interlochen, Michigan, and my mind is not quite clear as to that situation. I have seen some justification and some adverse comment.

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Mr. Petrillo. It is also necessary for the self-protection of the professional musician. Since the outbreak of the war, Army and Navy bands are on the air any number of times each day. This of course you can easily understand has taken up much music time on the air, so much so that the American Federation of Musicians was beginning to wonder whether there was going to be any work left for the professional musician. It is easy to understand that the more free music the radio stations receive, the less need for the professional. That was the primary reason for opposing the broadcasting of the concerts from Interlochen. It will be a sorry day for the professional musician if two-thirds of the air time is taken up by nonprofessionals. You must remember that this already is an overburdened profession.

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Mr. Petrillo. In some of our locals unemployment reaches 60 percent; in some 75 percent; and in other locals as high as 90 percent. If this continues, there will be no incentive for our children to become professional musicians, because after having studied for many years they will find themselves in a starving profession.

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Let us see what the American Federation of Musicians has done for the happiness of the home in supplying good music. Today, as in the past, its symphony orchestras are permitted to go over the air without any charge to the broadcasting companies. Its name bands are also permitted to go over the air without any extra charge to the broadcasting companies. The final result is that the public gets the benefit. I can truthfully say that for every dollar the broadcasting companies pay for musicians they receive $4 worth of music gratis.

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Senator White. An amateur band is not a broadcasting band.

Mr. Petrillo. But all the music they give free of charge is still music to the radio stations, and the more music they can get free the less work there is going to be for the professional musician.

Senator Clark of Idaho. Does that follow at all? I think it would help the professional musician, by keeping up listener interest in music.

Mr. Petrillo. Senator, if they get a lot of music free of charge and our musician sits there in the studio and has nothing to do, then the time comes when the broadcasting company says, "We don't need those men any more. They are sitting around all year doing nothing." That is what we are worrying about.

Senator Clark of Idaho. Well, a lot of your men are sitting around doing nothing and getting paid too, aren't they?

Mr. Petrillo. That is because the broadcasting company is going to use that against us as a club some day and say, "We don't need those men; we can't use them."

Senator Clark of Idaho. That is highly speculative.

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Senator Wheeler. You have control over your musicians, do you not?

Mr. Petrillo. Yes; I do.

Senator Wheeler. Why do you not work it out with your union so that the musicians would have to divide up their time, so as to help support the poorer people or see that they get a larger share of the business?

Mr. Petrillo. Senator, I don't think that can happen, because these people play for advertising agencies. An advertising agency won't go on the air unless he can get Whiteman's band, and if he can't get Whiteman's band, he will probably go and advertise in the magazines or the newspapers.

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Senator Tunnell. I would like to ask about this. I am getting, and I suppose every other member of the committee is getting letters along this line: when he bars children, educational institutions and even service bands from the air—what does that mean? How can you bar them from the air?

Mr. Petrillo. Well, as I stated before, Senator, we have a closed shop contract with the chain broadcasting companies.

Senator Tunnell. You just won't let them use the facilities?

Mr. Petrillo. We simply say to the broadcasting companies that if these bands play, we withdraw our services.

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Senator McFarland. Going back to Senator Wheeler's original question just a few moments ago, you stated a little bit ago that the real, unique position that you were in was the fact that you do control the musicians of the country. In that way you have prevented the recording of music; that is right, is it not?

Mr. Petrillo. That is right.

Senator McFarland. And you state, as I understand your position, what you want is more work and more money; is that true?

Mr. Petrillo. I won't say more money. I will say more work.

Senator McFarland. Well, you cannot work without money, can you?

Mr. Petrillo. That is right.

Senator McFarland. You can do plenty of work without money. It is the money you want.

Mr. Petrillo. What I mean is this: We don't want more money and more time on top of it.

Senator McFarland. Well, coming back to this question that I wanted to ask you, this ban—and I will call it "ban" instead of "strike"—this ban that you have made upon recording of music has been in effect about six months, has it?

Mr. Petrillo. Since August 1st.

Senator McFarland. Has that helped your organization up to the present time?

Mr. Petrillo. No.

Senator McFarland. Are you satisfied with your position at this time?

Mr. Petrillo. No.

Senator McFarland. Well, what are you doing about that situation?

Mr. Petrillo. Well, by the time we get through with the Federal Courts and the Senate investigation and another Federal Court case Monday, we don't know where we are at.

Senator McFarland. Well, the ban has been in effect for six months. Now, the people have suffered during that time, have they not?

Mr. Petrillo. I don't know whether they have suffered or not, Senator, because the live musicians are giving the people over the radio and over the chains all the popular tunes that they desire.

Senator McFarland. But you know, do you not, Mr. Petrillo, that there are a large number of stations that do not even have hook-ups with these broadcasting companies?

Mr. Petrillo. Yes, I know that.

Senator McFarland. They are little stations. And the only type of music that they can get, good music, is from the chain broadcasting companies. Now, you would not want one of your good orchestras barred from the little towns out in the country, to those people, would you?

Mr. Petrillo. I don't know whether there is a station or city in the United States that hasn't got chain broadcasting.

Senator McFarland. Well, I can tell you that there are lots of them.

Senator Wheeler. Oh, yes, lots of them.

Senator Clark of Idaho. Lots of them.

Senator McFarland. Now, you would not want one of your good orchestras barred from one of those little stations, would you? They probably could not afford to hook up now.

Mr. Petrillo. They could not afford to pay it.

Senator McFarland. Did you stop and take into consideration that you were depriving the people in that little community of good music?

Mr. Petrillo. That may be so.

Senator McFarland. And do you think, Mr. Petrillo, really, now, that that is helping the cause of music, to deprive those people that happen to live in those localities, who are doing important work, mind you, in the United States of America, to help win this war right now—do you think that depriving those people of the benefit of good music that you put out is doing your cause any good?

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Mr. Petrillo. It isn't doing any good, no, not for the musicians nor the community. But now, let me say this: Are we to continue making records, knowing that we are going out of business? How about that angle of it? Are we to be considered at all as the makers of the music?

Senator McFarland. Now, I will answer you that question in this way: As has been said here many times, ordinarily when a man goes on a strike and he says, "Well, we are not going to do this", he has some object in mind. Now, that is what Senator Wheeler was trying to find out, what you are driving at; what you expect to accomplish. Now, you have admitted here that you haven't helped your cause by just putting the ban on. Where are you going? Where are you headed for? Maybe you are headed for a pitfall. Did you ever stop and figure that?

Mr. Petrillo. That may happen.

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Senator McFarland. I was trying to find out your position, because if you won't help, how in the world can you expect anyone to help you if you don't know what you want? That is what I am trying to get down to.

Mr. Petrillo. Senator, I might say this to you. If it was not for the Senate investigation, for the Federal courts, and certain department heads didn't interfere with this controversy, I believe we would have had a settlement by this time.

Senator McFarland. All right. If you had started to try to get a settlement before you put the ban on, maybe you would have gotten a settlement, but you did not do it. And, you stated a minute ago that you never made your wants known up to this date.

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Senator Wheeler. But, Mr. Petrillo, I did send for you and suggested that you and the industry get together, with some of the members of this committee, and see if we could not work out some program, and you sent word back to us that you did not want to meet with us, because of the fact that you felt you were going to get together. However, you never showed up. Now, it was not this committee, because I personally tried to get the industry and you together to try to work out something rather than have an investigation, or pass some law, because I do not want to see laws passed which are going to put labor organizations out of business. But, unless labor unions can work out their problem on a fair basis, you are very apt to get some laws which will be a great detriment to the labor organizations. Now, as the Senator said, you have not as yet stated what you want or how you expect to get it. Now, take your recordings. What arrangements can you work out with the recording companies that will give your men more work? Can you work out anything? Is there any possible way that the recording companies can give your men more work, if you suggest that that is what you want?

Mr. Petrillo. I think so.

Senator Wheeler. Tell us how.

Mr. Petrillo. Well, if we take the instance here of the 201 stations who employ no musicians—

Senator Wheeler. We are talking about recording companies now.

Mr. Petrillo. But the recording companies get the records and we make the records for them, and they push them out.

Senator Wheeler. All right, they push them out. But, you suggest, first, that the recording companies ought to be the ones to settle it. Now, as to the matter of the recording companies giving more work to your people, that is not possible, is it? They are giving all the work that they can give and using all the recordings that they can use, aren't they, so they cannot use more men. Now, that was your first proposition.

Secondly, you say that the local stations ought to use more musicians. Now, in the first place, a lot of these small stations cannot afford it. For instance, I know a station in Montana that had to move from one locality to another because of the fact that it could not make enough in that community to keep it going. I know other little stations just hanging on by a thread. Some of these stations could not hire more musicians if they wanted to and, in the second place, if they hired more musicians, the musicians in some of these communities would not be anything that would be satisfactory to the general public, like Paul Whiteman's orchestra or some of the other orchestras that are on the air. Now, I do not know just how you are going to do it, unless you make the stations employ some men, regardless whether they want to use them or not, or can use them.

You might go to a station and say, "Now, you have to employ so many musicians, whether you can use them or not, and let them sit around," but I do not believe the general public would stand for it.

Mr. Petrillo. I am in agreement with you, Senator, that there are many stations that can't afford any more of a payroll, whether it be musicians or anybody else. Those are not the stations we are after; I mean, if there is no money there, you certainly can't get it, and we know there are a lot of them that can't pay. I am in agreement with you.

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Senator Wheeler. Here is the President's Report, 1940, in which he says: Our membership consists of fully one-half of non-professionals who are not entirely dependent on music for a livelihood but are of exceedingly high value to the American Federation of Musicians as a whole, that is, very valuable to the Musicians Union, because they pay dues to it, I presume. But, he says: Our membership consists of fully one-half of non-professionals who are not entirely dependent on music for a livelihood.

Mr. Petrillo. Now, there is probably thirty thousand of those men, whom we don't question as professionals now, that can't get a job in the music business. They just can't get a job. For instance, Senator, when the Movietone and the Vitaphone were installed in the theatres, we had twenty-two thousand professional men working in the theatres. Of those twenty-two thousand, today we probably have four thousand. Now, there are about eighteen thousand men who were thrown out on the streets, and I would say that most of those men today are working at something else, but still hold a card in the Federation, because they can't get a job in the music business.

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Senator McFarland. Mr. Petrillo, you admit that people out in outlying places who dicker around radio broadcasting stations, where they are deprived of this music it is a detriment rather than a benefit to your industry, do you not?

Mr. Petrillo. Well, I say that, Senator McFarland, for the reason that we do not want to deprive these people in such neighborhoods as have been discussed here so much all morning, of popular music.

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Senator McFarland. I understand that various schools, in order to teach students to appreciate music, particularly good music, play records for their benefit in classes. I am quite sure that is done.

Senator Tobey. Of course it is done. It is the common practice.

Senator McFarland. Mr. Petrillo, you by this ban have deprived such schools of that privilege. Do you not think that injures the music industry rather than helping it?

Mr. Petrillo. Frankly speaking, we never went into that. But we have never had any requests since the ban for the making of such records.

Senator McFarland. Then you will admit that before you issued your order placing a ban upon such recordings you did not carefully consider the far-reaching effect it might have upon your own industry as well as upon the people of the United States.

Mr. Petrillo. Of course, primarily we were thinking of the musician himself. I want to be fair with you about it, and will say, that that is what we had in mind.

Senator McFarland. But you have to have an audience, do you not?

Mr. Petrillo. Yes, we have to have an audience.

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Senator McFarland (continuing). Really I cannot understand the situation. I am trying to determine in my own mind where you are headed for. What is it really that you are asking for?

Mr. Petrillo. Let us indulge in this supposition: Suppose the musicians' union has made a mistake in not making a demand and the people are suffering for want of music. Now, do two things that are wrong make a right? Does that mean that the recording companies can say: If you don't make a demand we will not talk to you, but will go on about our business.

Senator Clark of Idaho. They have not said they would not talk to you, have they?

Mr. Petrillo. They have not said they would.

Senator Clark of Idaho. And you call a strike without asking them.

Mr. Petrillo. That is right, but what I am trying to get at is this, that if there has been a mistake made here, two mistakes do not make a right. I will tell you why these people do not come to see me. They are depending upon Congress to take care of them. They are depending upon the courts to tie us up. This is big business.

Senator Clark of Idaho. Haven't you got to the point of pretty big business by this time?

Mr. Petrillo. The workingman should get a part of the profits, surely. For instance, the violinist is entitled to a reasonable return for all of his efforts. He has practiced for 15 or 20 years to get a job.

Senator McFarland. I do not know what they are depending on. This much is sure, that you placed a ban upon the recording of music, which you yourself admit has hurt some people. You admit that some people have suffered by reason of it. You also admit that it has not gotten you anywhere, that you have not accomplished anything by it. It may be that we will have to find out from someone else what you want, but it seems to me you are the man from whom we should learn what you are asking for and what you expect to accomplish.

Mr. Petrillo. We expect to get more work.

Senator McFarland. And yet you admit that you have not gotten it by what you are doing.

Mr. Petrillo. I am satisfied we will get it if there is no interference.

Senator McFarland. You have not had any interference up to date.

Mr. Petrillo. Oh, yes, we have.

Senator McFarland. From whom do you hope to get work?

Mr. Petrillo. Well, it is a combination of people. For instance, the recording man says, "We cannot give you any more work because you make a record and it is put on the market and anybody can buy it." The radio fellow says, "You cannot work for us because you make a record and it goes on the market." So it is just a vicious circle. We do not know where to go.

Senator Clark of Idaho. And in the meantime you call a strike without knowing what you want.

Mr. Petrillo. That is our prerogative. We are not going to make canned music, and that is what it is called, under former conditions unless the Government makes us do so. I do not think the Government will do that because there is the musicians' side of the question. I told you this morning and I tell you now again, and repeat it and repeat it, that we do not want to put anybody out of business because that is neither sound practice nor good business. However, we do want to live, and we do want industry to live.

Senator McFarland. But you do say that as far as the record goes up to the present time, the only solution is to stop making records so that people in the various localities will have to hear musicians personally?

Mr. Petrillo. We did that because we felt the recording companies would come in and ask, "What do you want?" which is just what you gentlemen are asking me here today.

Senator McFarland. And, I take it, you would not be able to tell them, just as you seem unable to tell us.

Mr. Petrillo. I would say, "Gentlemen, we need your help." I would say, "We would like to have you solve this problem with us."

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Senator Clark of Idaho. Mr. Petrillo, there are three major industries involved, apart from the public, with whom you are going to have to negotiate or they negotiate with you, if you make your demands known. There is the immediate objective of your ban, the transcription or recording companies. Next comes the people who buy records for radio use, the radio industry; and, third, is the coin phonograph industry. Now, I am not mentioning the home record industry, which is the right of the public to use records, but let us take these three seriatim: What do you want the transcription companies to do in order to change the conditions under which you have refused to make records?

Mr. Petrillo. We now come back to the same question that Senator McFarland asked me.

Senator Clark of Idaho. Whose question remains unanswered. In the hope of facilitating an answer I am trying to break it up into three parts. Under present conditions how can the transcription companies give more employment to members of your union?

Mr. Petrillo. The first thing a transcription company makes is the master record, and then they make thousands of additional transcriptions. But if they are able to say to a small radio station, such a station as we are trying to help here: You may have this transcription for a show tomorrow afternoon but it is going to cost you $100, and after you are through with it for that use you must ship it back to us so we may put it back in our library service, you can see where you are. Well, right there is one fee, and they probably get a thousand fees out of that record. Why is it that we cannot make a thousand fees out of the record? We make the record in the first place.

Senator Tobey. Is it not possible that a plan can be developed whereby those who produce the music, your union members, through the medium of recording, can have some licensing plan or some rental plan, may receive some increment more commensurate with their services as professional musicians?

Mr. Petrillo. We think that should be done.

Senator Tobey. Can you accomplish that?

Mr. Petrillo. I think so.

Senator Tobey. And some such plan would please you?

Mr. Petrillo. Yes, sir.

Senator Tobey. And would please your musicians?

Mr. Petrillo. Yes, sir.

Senator Tobey. And would please the recording companies?

Mr. Petrillo. Yes, sir.

Senator Tobey. And out of some such plan you would all be able to live?

Mr. Petrillo. Yes, sir.

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Senator Clark of Idaho. Then I take it you are willing to state to this subcommittee that at the request of the President of the United States you will lift the ban which you have heretofore imposed.

Mr. Petrillo. After explanation to the President of the United States of our position in the matter and he finally decides, especially now, in wartime, that it should be done, to lift the ban and continue the making of transcription recordings for the duration of the war, yes, I say the request will be granted.

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Mr. Bingham. What survey was made by the American Federation of Musicians to determine the extent of unemployment, either in June of 1941, or June of 1942, or July of 1942, before the ban went into effect?

Mr. Petrillo. Well, the only survey we have is that of resolutions that came in at every convention, and the introducer of a resolution will always start off by saying "You know, we have to go back home, and we must bring something back home to our boys. We cannot sit idly by in convention and merely pay bills and reelect officers. We have so many men out of work." For instance, we are every year taking so much money out of our treasury to feed the unemployed. In New York City in the last three years the treasury spent something like $900,000 to feed unemployed musicians in that jurisdiction. In Chicago we spent $90,000 for the same purpose last year. That is our survey. But we have some figures here if you would like to have them.

Mr. Bingham. I should like to have whatever your survey may show. As I understand the situation no survey has ever been made; that all that you have done is to take resolutions introduced at conventions and used those as a basis for unemployment.

Mr. Petrillo. That is right.

Mr. Bingham. Then you have no definite idea as to the extent of unemployment among your members?

Mr. Petrillo. Yes, we have an idea, such as speeches made in conventions, and so on.

Mr. Bingham. Of your 138,000 members, how many are permanently unemployed?

Mr. Petrillo. That is a hard question to answer.

Mr. Bingham. I mean, not engaged in any gainful occupation.

Mr. Petrillo. That is hard to answer.

Mr. Bingham. In other words, you do not know?

Mr. Petrillo. I could make a guess, but you do not want that.

Mr. Bingham. You have no survey?

Mr. Petrillo. We have a survey made in the last three days.

Mr. Bingham. Then, I take it, you made a survey in January, 1943, to substantiate a guess on your part that would justify you in placing a ban on all recording of music in general, effective as of August 1, 1942.

Mr. Petrillo. I will say, if it will do you any good, that at one time we had 16,000 musicians on W. P. A.

Mr. Bingham. When was that?

Mr. Petrillo. About 1938. Then it went down to 12,000, and 9,000, and 6,000, and I think the last figure showed 4,000 because the budget was being cut.

Mr. Bingham. What is it now?

Mr. Petrillo. It is 4,000 musicians working for W. P. A.

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Mr. Petrillo. We have many such musicians who play Saturday night and Sunday. They have a job of work in the daytime and use music as a sideline.

Senator Clark of Idaho. On your own statement of this morning over 50 percent of your membership is comprised of musicians of that kind.

Mr. Petrillo. I do not think that was my statement. I think perhaps that was the statement of the former president, in 1940.

Senator McFarland. Perhaps a great many of those people would use it as a sideline, but not by choice.

Mr. Petrillo. No, not by choice, and a great many of them—and I want to be perfectly fair with you, so I will say, a great many of them do use it by choice.

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Mr. Bingham. Was anybody benefited by your ban of the Interlochen orchestra?

Mr. Petrillo. No.

Mr. Bingham. Will you tell me who did benefit?

Mr. Petrillo. As I told you this morning, it is the employers' idea of getting as much free music as possible, so that the day will come when they will say to Petrillo or his executive board, we have 75 men in the New York studio. They haven't worked 14 days out of 52, and we are not going to pay them any more, and we don't need them any more.

Mr. Bingham. That is the fear that you have?

Mr. Petrillo. Yes.

Mr. Bingham. But nobody has made that statement to you, that this is the proposal of N. B. C.?

Mr. Petrillo. No. But I have been dealing with employers too long not to know that they do not pay for nothing.

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Senator White. If you are applying the principle you enunciated and which you said dictated your action in the Interlochen case, that you took them off the air because they interfered with professional musicians, why wouldn't the application of that rule take off the air all these thousands of school and Legion orchestras and bands?

Mr. Petrillo. There are no more amateur school bands on the air. They are all off. That is an answer to your question if I understand you correctly.

Senator White. Do you mean to say there are no school bands now broadcasting at all?

Mr. Petrillo. None today. They are all off the air.

Senator White. When did that happen?

Mr. Petrillo. In the past four or five months.

Senator White. Was that at your instigation?

Mr. Petrillo. Yes, sir.

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Mr. Petrillo. There are no amateur bands or orchestras on the air today.

Senator White. And they are off the air because of your orders or representations or whatever you may choose to call them?

Mr. Petrillo. That is right.

Senator White. And you have taken them off the air because you do not want them to interfere with professional musicians?

Mr. Petrillo. That is right.

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Mr. Steeper. There are 11,059 out of these twenty Locals that are represented, who are employed full-time. Then there are 3,972 employed part-time. The balance is 48,245 unemployed. We took 15 per cent off for men in service, leaving a balance of 41,209.

Mr. Bingham. Unemployed as musicians?

Mr. Steeper. Yes, sir.

Mr. Bingham. Mr. Petrillo, your position is that anybody who joins your Union is entitled to earn his living as a musician?

Mr. Petrillo. No. We have some bad musicians.

Mr. Bingham. How many?

Mr. Petrillo. Well, I don't know how many.

Mr. Bingham. You have been doing some guessing, could you make a guess?

Mr. Petrillo. I could only answer that question by telling you what I told you this morning, that a musician is listed according to his ability by the employer and his director and not by the Union.

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Mr. Bingham. With reference to the Detroit Symphony Orchestra which you talked about this morning, I again quote Variety of October 28 to the effect that musicians are good mechanics, that their expert fingers are valuable in war work; and the next item mentions the names of members of the Detroit Symphony Orchestra who are now working in war plants, and it is estimated that 60 percent of Motor City musicians are doing full time defense work in war plants.

Mr. Petrillo. Don't we come back to music culture again? What is going to happen to our music culture?

Senator McFarland. Music culture is going to disappear if we do not win this war. That is the first and most important thing.

Mr. Petrillo. I agree with you. That is the first. I will not argue with you there.

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Senator Clark of Idaho. Of course the impact of the war has dislocated our economy in many respects. For instance, automobile salesmen, who would like to remain at that profession which they have followed during a period of years have also been injured. I think all industry, probably, and professional and business men have been injured, with a few exceptions, by the war. I am just wondering if musicians can be obtained today; that is, good musicians, musicians that would measure up to the standards that would be required of them and which you require of them.

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Senator White. I wondered if there was anything to show what number of live musicians had been displaced at any given time by records and electrical transcriptions.

Mr. Petrillo. The only way I can answer that question is that wherever a musician is put out of work, canned music comes in as a substitute. If the public don't want any more music, we are out of business, like anybody else. But canned music always comes in, always shows up when a musician is put out of a job.

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Senator McFarland. Perhaps it would be a good thing if you told us what those (movie) "tones" are. What kind of recording is the vitaphone?

Mr. Petrillo. It is put on a film and played with the picture, put in the operator's booth with the picture, and as the picture is shown on the screen music is played.

Senator Tobey. It is synchronized?

Mr. Petrillo. Yes.

Senator Tobey. Have you put a ban on that, too?

Mr. Petrillo. Not yet. You would bring that up!

Senator Stewart. Are you opposed to that method of producing music, the synchronization method?

Mr. Petrillo. Yes; very much opposed to it.

Senator Stewart. You think they ought to have live musicians playing in the orchestra?

Mr. Petrillo. Or they should at least put back 22,000 men they put out of jobs.

Senator Clark of Idaho. That is, the moving picture industry?

Mr. Petrillo. Yes.

Senator Stewart. How many moving picture theaters are there in the United States?

Mr. Petrillo. About 17,000.

Senator Stewart. How many in small towns would be unable to perhaps afford live musicians?

Mr. Petrillo. We would leave them out. Even in the heyday, when we had plenty of musicians working, we did not have musicians in those 15 or 25 cent theaters. What they had in those days was an organ.

Senator Stewart. Do you want to put them back to that?

Senator McFarland. You would not want to put them back to the organ again, would you? I come from one of those little towns.

Mr. Petrillo. I will give you special permission.

Senator McFarland. Seriously, you would not want to put those theaters back to where they were, would you?

Mr. Petrillo. But I do think that the first class theaters, where they charge anywhere from 50 cents to 85 cents or $1 or $1.25 admission could certainly afford an orchestra.

Senator Stewart. That charge how much?

Mr. Petrillo. Fifty, 75, 85 cents, $1 or $1.25 admission.

Senator Stewart. Do you know of any small towns that charge that much?

Mr. Petrillo. No; but I say that is the kind of theaters I am speaking about which could certainly afford an orchestra. We permit 300 of our people in Hollywood to play all that music that you hear in all the theaters in the United States; and we are again depriving ourselves of work.

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Senator White. What increases have been brought about by that ban since you put it into operation?

Mr. Petrillo. I might put it this way, Senator, that there are more commercial programs on radio today, by far, played by canned music than by live musicians. If you will listen in on the stations every morning—

Senator White. That has been true always with respect to certain stations, has it not?

Mr. Petrillo. That was because we were very lenient and permitted them to do it; but now we find ourselves in a position where we need that work.

Senator White. Can you give us any figures on which we can rely?

Mr. Petrillo. No; I cannot.

Senator White. Have you a hope as to the number which will be added, of live musicians, if your ban is continued? Have you anything on which to base an estimate?

Mr. Petrillo. I would say that if the recording companies and the radio companies, if you please, are willing to sit down with the Federation—

Senator White. That is not what I asked.

Mr. Petrillo. Then I misunderstood you.

Senator White. I want to know if you have any present judgment or any present estimate that you could give us as to the number of live musicians added to the previously existing number of live musicians as a result of your ban?

Senator McFarland. I think he answered this morning that the ban had not done any good so far; that it had done harm.

Senator White. I wanted to know to what extent this ban was absorbing and making use of the 138,000 musicians which make up your organization; whether it was a really effective instrument in your own behalf or whether it was chiefly an annoyance to the public.

Mr. Petrillo. Why, there is one case in particular, now, of "Singing Sam." He sings for Coca-Cola, I believe. He was on transcriptions, but since the transcriptions have been shut down he is on a live program. I know of a few cases in Chicago where the house band comes down a little bit earlier to play some popular tunes because they can't get them on the records. I don't think it is enough of a gain to speak about.

Senator White. It does not seem to me to be enough of a gain to compensate the public for the loss of the service they have been enjoying.

Mr. Petrillo. Not as far as we have gone; I agree with you.

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Mr. Bingham. While we are talking about commercial transcriptions, you said, I believe, in your letter to Mr. Elmer Davis, that you had no objection to the making of the commercial transcription that was used one time and one time only?

Mr. Petrillo. Yes.

Mr. Bingham. You told Mr. Davis that you would permit that to be done, and then on September 3 you placed that under the ban also; is that correct?

Mr. Petrillo. Yes.

Mr. Bingham. Why?

Mr. Petrillo. Because up to that time I was of the opinion that only one master record was made of a recording, so that if they turned the master over to the American Federation of Musicians and they would not make any more transcriptions, only the original—play it once and break it—I could see no harm. But after I sent that letter I found that they could make five or six or ten master records, so that the one they sent to the American Federation of Musicians did not make any difference. They could still go out and press those transcriptions, which I was ignorant of when I sent that letter to Mr. Davis.

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Mr. Bingham. And that is the type of record you were talking about when you wrote to Mr. Davis in July, when you stated that electrical transcriptions used as intended, once only, are not detrimental to the American Federation of Musicians if destroyed after such use?

Mr. Petrillo. That is right.

Mr. Bingham. And then you repudiated that on September 3?

Mr. Petrillo. That is right; because they make transcriptions with music only and no name of the musician on the transcriptions. Those are the records that I have been telling you about that they send out and print.

Mr. Bingham. Let us get back to this one-use-only advertising message that is on a wax disk, and used once only. You say that somebody violated that provision?

Mr. Petrillo. I say they could.

Mr. Bingham. Did they?

Mr. Petrillo. No; they did not.

Mr. Bingham. How do you know that they could?

Mr. Petrillo. They could, because any record, even a Singing Sam Record, even though it is played for Coca-Cola—they can dub the music out of that record and leave Singing Sam out.

Mr. Bingham. And you thought that was sufficient reason to repudiate your statement?

Mr. Petrillo. I thought it was a good reason. I had no guarantee that they would not do it.

Senator Clark of Idaho. After saying you would permit it, do you think it was at all fair to arbitrarily withdraw your permission because they could do it and had not done it?

Mr. Petrillo. I was ignorant of the fact that they could do it. Had I known that I would have told Mr. Davis the same as I am telling the committee.

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Mr. Petrillo. I am in hopes that very shortly we will be able to show this committee, or the Congress or whoever wants the record, that many of the small stations now make records of our orchestras coming over the air and sell those records to smaller stations. They go farther. We will give them a remote control band out of a hotel, which we give them free of charge, and while you listen to that band some fellow down in a small town, or in a large town, will say, "Don't forget to buy your drugs at So and So's drug store on the corner"—commercializing the band that we give them free of charge.

Senator Stewart. Does not somebody pay for the band?

Mr. Petrillo. No, no one. They pick it up at the hotel.

Senator Stewart. It is paid up at the hotel, is it not?

Mr. Petrillo. They pay the hotel price, but not the radio price.

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Mr. Bingham. It is a fact, is it not, Mr. Petrillo, that you just issued this ban without knowing anything about the impact on your musicians or the impact on the public at large, without having made a survey of unemployment or a survey of the effect on the war effort? That is a fact, is it not?

Mr. Petrillo. Frankly speaking, we didn't know that we were going to be crushed by newspaper publicity and a lot of speeches and court proceedings and all that. I thought we were just striking against a machine, and let it go at that. But I am a much wiser man now. I see that everybody is taking exception, or most people have. But I believe that is only because they do not understand our problem.

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Mr. Bingham. I am talking about radio putting a musician out of work, a radio broadcasting station putting a musician out of work somewhere.

Mr. Petrillo. I say we can prove that. Of course you must understand that I didn't come here fully prepared for everything. I didn't know what the questions were that I was going to be asked.

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Mr. Bingham. Let me ask you this. Is it not a fact that at the 1941 convention in Seattle a chart was prepared showing the income of musicians from recordings and transcriptions from 1935 down to the estimated income of 1941? That is correct, is it not?

Mr. Petrillo. That is right.

Mr. Bingham. And did it not show that in 1935 the income to musicians from recordings and transcriptions was some $600,000, and that in 1941 it was about $3,000,000?

Mr. Petrillo. That is right.

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Mr. Bingham. Do you see any distinction between putting on Singing Sam alive over a network and transcribing the same program and sending it by United States mail to 30 or 40 or 100 stations?

Mr. Petrillo. Only that we prefer the entertainment in the flesh rather than in the can.

Senator McFarland. While you are right on that subject, how efficient is the recording of this music?

Mr. Petrillo. It is very good.

Senator McFarland. Is it sufficiently efficient so that you would say there would be no difference between the recording and the live music?

Mr. Petrillo. There is only one thing I have got against it—it is too good.

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Senator Clark of Idaho. I have a theory. I do not know whether it is accurate or not, and I want to get your slant on it. My theory has been, without knowing the official figures, that the widespread dissemination of music by recordings, if you please, and by the phonograph, both in the home and commercially, has of itself so popularized and plugged music that the musicians must be better off, by and large, as regards employment because of it. Does that gibe with your thought at all in the matter?

Mr. Petrillo. You see, Senator, on that phase of it most people would think as you are thinking. But it is in the hands of a very few bands. I don't suppose—I am just guessing now—I don't suppose there are more than twenty name bands that have made records and transcriptions. Of those twenty name bands you probably had a membership of, we will say, twelve to a band. That would be 20 times 12 or 12 times 20. That is 240 musicians, all told, doing this job for all this recording.

Senator Clark of Idaho. I follow you there, but I guess I did not make my point quite clear. These comparatively few name bands make recordings; one hundred million of them a year, I think?

Mr. Petrillo. About 120 million.

Senator Clark of Idaho. And about 120 millions are circulated throughout the length and breadth of the country. They are played on home phonographs, coin-operated phonographs, they are played on the smaller radio stations which use recorded music. Consequently these bands through that medium do what is called, I believe, plugging a tune?

Mr. Petrillo. That is right.

Senator Clark of Idaho. Take a tune like "Praise the Lord and Pass the Ammunition." If that had only circulated by sheet music throughout the country I cannot conceive of its being a popular tune. My only thought was this, that by popularizing it they get everybody to hum it. They hear it on the radio, and hear it not once but ten times, and pretty soon they get into the rhythm and the spirit of it, and then little dance bands throughout the country that employ musicians pick it up. They not only pick up that tune, but they pick up other tunes that have been plugged largely through canned recordings of that music, and people go to dance and they want the band to play "Praise the Lord and Pass the Ammunition" or, say, "Sleepy Lagoon" or some other popular thing that these bands have popularized.

I am wondering if the very plugging of such a tune does not popularize it so that it gives employment to musicians throughout the land who would not otherwise be employed, because it makes the thing attractive for people to hear.

What is your thought on that, if I make myself reasonably clear?

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Mr. Petrillo. Suppose we put it this way: a symphonic record is made by the Chicago Symphony Orchestra. I would say that 98 per cent of those records are for home consumption. In my talk with the manager of the Chicago Symphony Orchestra once, he said that he thought he would see the day when they would stop making records because it didn't increase the attendance at the symphony hall. While it did give them some revenue to maintain the orchestra, he said, "There is three and a half million people in Chicago and five million within the suburbs, and the actual people out of the five million who hear the Chicago Symphony Orchestra, in all these years, is not more than eight thousand." I wonder if that doesn't clear your question up a little bit.

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Mr. Padway. If we sit down with these companies around the table—it doesn't merely involve the radio companies alone, it doesn't merely involve the record maker because the record maker, perhaps, hurts us the least and employs musicians—but as Mr. Petrillo said in his statement this morning, if you look at the interlocking directors you will find, exclusive of Decca, they are all tied up together. Their stock interests and all are owned by the radio companies. The recording companies and the radio companies are one.

Now, we find that by the combination of the record manufacturer and the sale of these records to the companies, that our economic interests are hurt. The whole answer to this question is not a simple one. You asked questions this morning and Senator Wheeler asked questions this morning, and when you put questions and you have just an isolated answer, you don't get the situation. It is a very simple story, once you get the whole answer. You asked Mr. Petrillo this morning to answer it, but by disconnected questions you did not get the complete answer.

What is it we want and whom do we want it from? The answer of Mr. Petrillo was: We want more employment and more money spent on that employment. Mr. Petrillo said he didn't want more money. He didn't mean more money in the sense of more money spent. We want more money. We don't want more money on the scale. That is either made now, or we can sit down on a collective-bargaining basis.

Senator Tobey. What you mean is, you want more money to go into the hands or pocketbooks of the musicians themselves?

Mr. Padway. Exactly. In 1937 and 1938 the problem was up. Now, to say that unemployment is the result of or, rather, whether unemployment is the result of recording records, is something not to be questioned, because we will show you by the contracts made at that time, the acknowledgement of the companies themselves, that unemployment is the result of these records.

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Mr. Padway. I want to leave one thought with you. What we want is more men employed and more money spent on everyone of those unemployed. That can be done. That is not an impossibility.

You say: Why haven't you made that proposition or those demands on the company before you issued the ban? Now, let us not kid ourselves. Let us not be youngsters. These companies knew what we wanted all the time, because in 1938 that was the solution of the problem. We entered into contracts. We entered into contracts for two years. Then, at the end of that time the companies themselves said that you can't renew those contracts. Why not? Because Mr. Thurman Arnold said it was a violation of the antitrust laws so therefore that proposition, if made again, we believe, would be confronted with that answer.

Now, it is not a question of Mr. Petrillo going to the company or the company to us. They know what we want and they know we will sit down and discuss these things, but we believe there has not been any good faith on the part of these companies. They would rather engage, as the ASCAP engaged in with the National Broadcasters Association, in a war of attrition, to beat us down. Maybe, they will beat us down. But, every time they want to sit down with us, we will sit down, if they show good faith, and listen to their problem. And it means money to them. If they spend $15,000,000—and I can show you that they would spend that very easily—do you know what they can do with $15,000,000? They can put 15,000 musicians to work at probably from twelve- to fifteen-hundred dollars a year. Look what a tremendous thing that would be.

Mr. Bingham. Just a moment. Just so the record will be straight, I think we ought to have the companies identified. You mean the radio broadcasting companies, the record companies, the transcription companies, or all of them?

Mr. Padway. Radio broadcasting, to some extent records.

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Mr. Padway. And, to answer the small-station unfairness, we eliminated every station earning $20,000 or less, and every dependent that first didn't gross $15,000, we eliminated them entirely from any demand for live musicians. And, we are willing to do that now. We are not desiring to put the small station out of business.

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Mr. Padway. We want to get employment, but we do believe that an industry that is probably grossing a hundred million or more and spending but little for musicians should see to it that more of our musicians, more than are now employed, will be employed and that some of that money should lead to us.

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Senator Clark of Idaho. At the outset of this morning I wish to say that a book was called to my attention yesterday evening entitled "America's Symphony Orchestras and How They Are Supported," written by Margaret Grant and Herman S. Hettinger. There are two or three things of interest in this book, but at the moment I wish to call the subcommittee's attention, and Mr. Petrillo's attention for such comment as he may desire to make, to the following, found on page 22, under the title of "Periods of Development."

I understand that this work is authoritative; that is, that Mr. Hettinger is a professor at the University of Pennsylvania and an excellent research man, and that Margaret Grant occupies an outstanding position in the field of music:

> "Although the development of symphony music in the United States has exhibited its most spectacular phases during the last 20 years, its roots go deep into the past."

Then there are two or three sentences going back to 1842, which I will not read, and I quote again:

> "Then followed three fairly distinct periods, each representing an accelerated tempo of development. From 1900 to 1920, 29 orchestras, six major and 23 secondary, were organized. The next decade produced 55, only two of which rank as major orchestras; and, finally, the decade since 1930 has witnessed the formation of 84 orchestras, or nearly as many as were founded during the entire previous century."

And then there is a table setting out all major orchestras and the dates of their establishment. If that statement is correct, and it seems to be borne out by the table, it would indicate that even up to now and despite canned music and all technological developments in the music field, the symphony orchestras of the country have prospered and increased. Would you care to make any comment on that, Mr. Petrillo?

Mr. Petrillo. No.

Senator Clark of Idaho. It would seem on its face to indicate that canned music perhaps, even if it were not a factor in so popularizing music as to make people desirous of forming these symphony orchestras in increasing numbers, at least was not a deterrent; and that is the reason I asked if you cared to make any comment, Mr. Petrillo.

Mr. Petrillo. No.

Senator Clark of Idaho. Also on page 47, under the title "Forces Underlying Recent Expansion," and I presume referring to music, it goes into the matter of amateur musicians in high schools throughout the country, and in grade schools, particularly contests among high school bands and orchestras, whereby the winners would go to Interlochen and such camps as were established. That is fairly lengthy and I will not read that part of it, but assure you it shows the organization of various bands, and how they have increased tremendously throughout high schools and grade schools of the country under this system. And then, on page 37, it says:

> "The national high school orchestra and band camp at Interlochen, Michigan, is the outgrowth of the largest movement. This camp, offering young students courses in the playing of band and orchestral instruments under expert instruction, has been so successful that it has led to the organization of similar camps throughout the country. The effect of school music education upon symphony orchestra development has been two-fold. Hundreds of professional musicians have come up through high school orchestras and summer camps, and are now in regular symphony orchestras throughout the country. Probably no major symphony orchestra is without one or more graduates of the Interlochen Camp alone. For years such developments in high schools have been even more important in the hundreds of secondary orchestras."

Then I skip a little because it need not be repeated here, and quote the following:

> "Out of this process come a very considerable supply of symphony orchestra players. Equally important, however, was the unprecedented number of young people who had become acquainted with symphony music, under continuing and stimulating circumstances, and representing a great new audience to support the professional and semi-professional symphony orchestras which were being formed."

Would you disagree with that, Mr. Petrillo?

Mr. Petrillo. No.

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Senator Andrews. Mr. Petrillo, the greatest number of objections I find to the course you have taken is from music clubs in the United States. There are thousands of music clubs in this country. They are organized for the purpose, as you doubtless know, of cultivating a taste for music, and for better music. The membership of such clubs approximate 450,000, and they are very much opposed to the course you have taken in prohibiting playing over the radio—and, I presume, the use of other means of getting the benefit of recordings—records which have been made, particularly by professionals. That applies not only to instrumental music but to vocal music as well. Frankly, I do not understand the theory behind this prevention of advancement in music, or how it could possibly help your cause. If you could get all the people of the United States, the children of high schools, educated to the point where they appreciate fine music, you would lay the foundation for an even greater desire for first-class orchestras.

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Mr. Petrillo. Senator Andrews, I stated yesterday that we were not opposed to amateur boys and girls going on the air.

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It is just a question of whether or not we are going to lose our means of livelihood. If we could get guarantees from the broadcasting companies, the chains, I should say, and there are four chains, that they will not discharge our people, then we would be getting some place.

But I do not think the sacrifice should come entirely from the American Federation of Musicians. If we are going to have these children play in a manner whereby there will be no loss of a means of earning a livelihood to musicians, then there can be no harm.

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Senator McFarland. You do not know what you want, and therefore you could not ask for any help.

Mr. Petrillo. Well, we know what we want, and so do they.

Senator McFarland. Well, we do not know what you want, or at least I do not know. I have been unable to find out.

Senator Clark of Idaho. What do you want?

Mr. Petrillo. More work.

Senator Clark of Idaho. From whom?

Mr. Petrillo. From the whole crowd—from radio, from the recording and transcription companies. If we all got together we would find a way.

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Senator Andrews. What I am getting at is that the people of the United States, and particularly the young people in the schools—and there is a music club in practically every high school—are the people who will listen to the future orchestras of the country, and they are the ones who are going to be your support if they are satisfied, and if dissatisfied they will turn down the instrumentality through which it is given to the public.

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Senator Andrews. Can it properly be contended that whenever a person chooses a profession he or she may say, "I am going to stick to that profession and the public owes me a living"? Is it not a fact that the person has to take the risk? Perhaps half the men on this subcommittee started out to teach school to pay their way through college. I taught school for about six years. I found that I could not make a living at teaching school, but I could not go on strike. So I studied law and took up the practice of law. In other words, the people of America do not owe anybody a living. That is a matter for him to work out. If a person finds he cannot earn a living by following the line he first chose, then the duty is upon him to seek other or supplemental means toward earning a living.

Now, this question arises: Must this subcommittee, whose members represent the public and represent you and your organization as well as other organizations, enact legislation that will prohibit what you have been doing, or shall we take the other viewpoint?

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Senator Tunnell. As I understand it, you are not asking for any relief. You do not expect any relief from Congress, do you?

Mr. Petrillo. From who?

Senator Tunnell. From Congress, or this committee.

Mr. Petrillo. No.

Senator Tunnell. This order of yours is simply a part of your strategy to accomplish your purpose.

Mr. Petrillo. That is right.

Senator Tunnell. Do you now think that you need any assistance from Congress or this committee?

Mr. Petrillo. Well, we would like to have assistance, yes. If the Congress of the United States can do a job for everyone concerned and the public, we certainly would welcome it.

Senator Tunnell. Well, what is it that you want them to do?

Mr. Petrillo. Well, we want more work.

Senator Tunnell. Well, I know, but do you want an Act requiring that you be given more work; an Act of Congress?

Mr. Petrillo. Well, I would like to have an Act that would permit me to make demands on the recording companies and the broadcasting companies, whereby I won't be indicted for secondary boycott, or something. That is what put us in this position. That is why you gentlemen keep hammering away here, "What do you want? You have made no demands." Now, it is some of the laws that put me in the position that I couldn't make any demands.

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Senator Tunnell. Well now, coming back to the same proposition that Chairman Wheeler asked about, is there nothing that you want us to do here?

Mr. Petrillo. Well, as I said before, of course, there is something that you could do.

Senator Tunnell. Well, what is it?

Mr. Petrillo. If you could pass some laws, like the ASCAP organization has, whereby we would get some kind of revenue from every record that was sold, that was made by the musicians, that would be a great help.

Senator Tunnell. But, would that not be a matter of contract?

Mr. Petrillo. Between the recording companies?

Senator Tunnell. Yes, and the musicians.

Mr. Petrillo. They won't sit down with us and won't talk to us about it.

Senator Tunnell. But, you say you did not attempt that.

Mr. Petrillo. In 1937, Senator, we did.

Senator Tunnell. That was six years ago. Well, there was a long time between that request and your order.

Mr. Petrillo. Well, they are much tougher now than they were then, because they have got more money, and the more money they make, the tougher they get.

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Mr. Petrillo. Senator, if this ban stays on for two or three years, which I am satisfied it won't, we would have plenty of work.

Senator Tunnell. Just how do you arrive at that conclusion?

Mr. Petrillo. Because, as Chairman Fly stated to this committee, the new records, the popular records, dry up, and the advertising agencies will not go along on the old records unless they can get the new ones, and if they can't get the new ones, I am satisfied that they will hire musicians in the flesh instead of the can. But, I think that is too drastic. I think we should get to the point whereby all of us could live; the recording companies, the radio companies and the musicians.

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Senator Tunnell. You simply want more work. That is what you mean by that, is it not; you want more money for your people?

Mr. Petrillo. Well, more work, I suppose is more money.

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Senator Clark of Idaho. Would you give the survey (showing musicians unemployed as musicians) by the AFM to the reporter so that it can be made a part of the record?

Mr. Petrillo. Sure.

Local Number	Membership	Full Time	Part Time	Unemployed
802: New York City	22,000	3,500	282	16,718
1: Cincinnati, Ohio	876	265	120	491
2: St. Louis, Mo.	955	228	72	655
3: Indianapolis, Ind.	526	67	40	419
4: Cleveland, Ohio	1,417	350	60	1,007
5: Detroit, Mich.	3,365	609	103	2,653
6: San Francisco, Cal.	3,100	580	391	2,129
8: Milwaukee, Wisc.	1,294	133	173	988
9: Boston, Mass.	1,595	400	400	795
10: Chicago, Ill.	10,000	1,100	1,200	7,700
16: Newark, N. J.	1,010	130	150	730
30: St. Paul, Minn.	928	114	0	814
34: Kansas City, Mo.	657	129	60	477
40: Baltimore, Md.	936	244	0	692
43: Buffalo, N. Y.	622	175	0	447
47: Los Angeles, Cal.	6,451	2,000	350	4,051
60: Pittsburgh, Pa.	1,653	201	0	1,452
66: Rochester, N. Y.	604	95	190	319
73: Minneapolis, Minn.	1,226	250	150	826
140: Wilkes-Barre, Pa.	700	8	6	686
526: Jersey City, N. J.	660	31	25	604
161: Washington, D. C.	759	258	34	467
655: Miami, Florida	578	109	38	431
123: Richmond, Va.	184	47	7	130
99: Portland, Ore.	514	71	58	385
257: Nashville, Tenn.	196	53	40	103
71: Memphis, Tenn.	236	39	12	185
80: Chattanooga, Tenn.	95	13	0	82
20: Denver, Colorado	506	54	36	416
	66,335	11,703	4,147	50,494
Less 15% in service				7,574
				42,920

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Senator Tunnell: How many are out of employment, would you say, in the whole membership?

Mr. Petrillo. Well, this survey shows 41,000 out of 63,000.

Senator Tunnell. Well, how many out of 138,000 is what I am trying to get at.

Mr. Petrillo. Well, if there is no more than 41,000 out of 138,000, that is a great number of musicians out of work.

Senator Tunnell. Well, there are more, though, are there not?

Mr. Petrillo. Yes; there are.

Senator Tunnell. That is, two-thirds of your survey are out of employment, from what you say; 41,000 out of 63,000, or about two-thirds. Now, would you say that runs throughout your whole membership, of the 138,000?

Mr. Petrillo. Yes.

Senator Tunnell. You cannot long retain your membership under that condition, can you?

Mr. Petrillo. Well, it would not be a healthy condition, no.

Senator Tunnell. It is your idea that by preventing the use of records for two or three years, that this condition can be remedied, but in the meantime, what is going to become of your so-called unemployment?

Mr. Petrillo. Well, as I said before, the unemployed would go to work in two or three years, but we are in hopes that this thing would be settled, and the sooner, the better, so far as we are concerned. We don't want to hold this thing up for two or three years. We want these records to go on, but we want these gentlemen to share their profits with us.

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Senator Tunnell. As I understand it, you have a tremendous unemployed membership now, but certainly they cannot remain unemployed for two or three years and live, can they?

Mr. Petrillo. Well, they have no alternative. They probably will have to go to work in the factories. Some of them are doing that now.

Senator Tunnell. Well, that is an alternative now, is it not?

Mr. Petrillo. As I told you yesterday about the Detroit Symphony Orchestra, one hundred men are out, with no finances. Ninety-five per cent of those men are out of work. Where are they going? They are all professional musicians.

Senator McFarland. Do you not think that factory work is more important now than music? We have a war to win now, and this is no time for people to be striking and saying, "We have to have work along a certain line," when we need men to turn out planes and ammunition to win a war with.

Mr. Petrillo. We are not objecting to that, but we have been pushed and pushed around for twenty years.

Senator McFarland. But, we must have manpower in the United States. We are short of manpower, and you are trying to make it shorter.

Mr. Petrillo. No, that is not so.

Senator McFarland. Well, why is it not? You are complaining because you say too few people are doing the job; that you want to spread that work out and make more people do the same work that the few are doing now, when they are crying for men in the United States, and our boys over on the other side are crying for ammunition and crying for planes. That is the reason this public sentiment has built up against you, Mr. Petrillo; because our boys are dying on the other side; because we are not giving them sufficient planes and we are not giving them sufficient ammunition. The reason why the people have built up sentiment against this ban is because of the boys on the other side.

Mr. Petrillo. The people didn't build up the sentiment. The National Association of Broadcasters, with their hundreds of thousands of dollars, built up the sentiment.

Senator McFarland. Well now, that is going back to the old proposition. You are assuming that the people are not intelligent, and I do not agree with you.

Mr. Petrillo. No; I won't say that, but they have only heard one side of it; one side of the question.

Now, these people have got hundreds of thousands of dollars to advertise me and my organization as a czar, but they won't sit down and give the musician what he has rightfully coming to him.

Senator McFarland. Now, Mr. Davis argued for the sake of the war effort and for the sake of our country. He asked you to lift this ban, as I understand it, for the duration of the war, and then you could do anything you pleased. But, you have chosen a time right here in the midst of a conflict when we are needing every ounce of manpower that we have, to put this ban into effect.

Mr. Petrillo. Senator, the President said in his speech that this year it would cost one hundred and nine billion dollars to operate this war. Every union is in that one hundred and nine billion dollars but the musicians. The Government every day is asking our men to play gratis, and every day our people are playing gratis.

Senator McFarland. Well, what I am saying to you is, you have not asked for money.

Mr. Petrillo. Today, Senator, I will say to you that the American Federation of Musicians is spending for the Government, in services of its musicians, anywhere from twenty-five to $50,000 a week.

Senator McFarland. Well, we are not complaining about what you are doing and what you are not doing.

Mr. Petrillo. Well, now, Senator, there you go. Now, the American Federation of Musicians hasn't got a good side here at all. Everything we do don't mean nothing. I say it does. The minute a soldier gets on a train, you pay his transportation, you buy his uniform, you buy his shoes, you buy his food, you buy everything from A to Z, but when it comes to the musician, for the selling of the bonds, for the entertainment of the soldiers, not one dollar. And, by God, men, I want to tell you the musicians are working men. They studied their violins, not to be pushed around, and they have been pushed around for forty years. We want to stop it. Why put the burden on us? Let us get these fellows together here. They got the money. They are making the money. Let them share some of their profits with our boys, which we are entitled to. We are not burglars. We are not racketeers.

Senator McFarland. Well, I do not know what you are, because we have not been able to find out what you are.

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Senator McFarland. And I am telling you that all over the United States they are crying for people to do work. They are crying for them to put out planes. They are crying for them to put out ammunition. They are crying for them to put out everything. And, it is not the money, you say. We have not been able to pin you down here and find out just what you want. You said, "No; we want more work." What we need in the United States is more men right now to do the work, but you want to do the work, the same work, with more men, and therefore increase the shortage of manpower in the United States.

Mr. Petrillo. Senator, you know as well as I—

Senator McFarland. Pardon me. Now, the chances are that Mr. Davis and a lot of people who are criticising you are familiar with this situation. I do not know what your problems are. I am not a musician. And, do not misunderstand me that I am taking any sides in this thing. But, the proposition is that you have come here and you have put out a proposition of wanting to increase the shortage of manpower by making it necessary to have more musicians do the same amount of work than are doing it now, when we need men and are crying for men to win a war.

Mr. Petrillo. Senator, the American Federation of Musicians is second to none in patriotism, and if any of our people are needed for the factories, including myself, we are ready at any time.

Senator McFarland. Well, you are needed.

Mr. Petrillo. Well, if we are needed, we will go. You know that as well as I do.

Senator McFarland. But, that was not the tone of your testimony yesterday. You said, "No; we are musicians."

Mr. Petrillo. Well, no. If we are going to lose this war, we are not musicians. And, we are not going to lose this war. Now, we will throw the fiddles away and the trumpets away to do that.

Senator McFarland. We do not want you to throw the fiddles away or the trumpets away. We want you to use them, but we do not want anything to occur in the midst of the war which would in any way hinder the war effort. And, you have had the people who are responsible, I repeat, placed in charge of the responsibility, to tell you that you are hindering the war effort.

Mr. Petrillo. Well, I am certainly sorry to hear that.

Senator McFarland. Well, that is what Senator Clark explained to you yesterday. You are not hearing it now for the first time.

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Senator Andrews. The musicians are professionals. The Government is not guaranteeing a living to hundreds of other professionals.

Mr. Petrillo. That is right.

Senator Clark of Idaho. Mr. Petrillo, all we are able and have been able to elicit from you is that you have not made any demands known either to this committee or to the public or to the industry up to this time. And, when pressed, your response is that you want more work. Now, there are only three people, three groups, that can give you more work. One is the recording companies. Do you want more musicians hired by the recording companies?

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Mr. Petrillo. I will answer your question in this way: We are ready now to make demands, if that will clarify the situation, and go into negotiations and settle this thing as fast as possible.

Senator Clark of Idaho. I think that would immeasurably aid in clarifying the situation.

Mr. Petrillo. Will that clear up the thing?

Senator Clark of Idaho. That will.

Mr. Petrillo. That is fine.

Senator Clark of Idaho. That will. It will clear it up. Would you mind presenting those demands in the course of the day?

Mr. Petrillo. Well, I will have to get my executive board together. They all have ideas.

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Senator Clark of Idaho. Now, of course, I do not blame you, because you are in a fight with the National Association of Broadcasters, by continually saying, "Well, they have got all the money." I think I explained the situation last night for this committee, which has had no connection with the National Association of Broadcasters, either in the introduction of the resolution or in the prosecution of these hearings, and I think that that should be perfectly clear. But, on the other hand, your Union has plenty of money too, does it not?

Mr. Petrillo. Well, I don't like to go into the Treasurer's department, but I think we have about two and a half million dollars.

Senator Clark of Idaho. Well, that is quite a substantial sum of money. And, I am glad you got it; I mean, I think you probably will handle it wisely. I do not think the condition in that respect is so unfair, but this committee is not interested in that condition. We are interested in the musicians and in the industry. It is a great industry. And, we are interested in the public, which does not belong to either of those groups.

Could you give this committee now, then, any idea of approximately when you would be able to formulate some specific demand, something that the industry can work on and something that we can work on, along the lines of what you think you ought to have?

Mr. Petrillo. That is right. If it is the consensus of opinion of this committee that we get together and negotiate immediately, I will assure this committee that we will make our demands.

Senator Clark of Idaho. Well, I do not want to speak for the committee, but I know for my part I think it would be immeasurably helpful.

Senator McFarland. As far as I am concerned, Mr. Chairman, I would be willing to quit and let them make their demands and see what they can work out.

Mr. Padway. Senator, may I interject one remark, and that is on the subject of demands. We are not going to get away from that point. Now, you probably wonder when we sit here and tell you we can't tell you what we want. Now, we have thought of the problem, because it affects us, and yet there is a good deal of truth in it, and I will show you why, because we don't want you to think we are sparring with you or not acting in good faith. You ask one question: Do you want more money from the people you want money from? Do you want more money from the recording companies? Do you want more employment from them? Yes. Then you say: How do you expect to get it? They are employing everyone that they need for the making of records. That is true. So, the increase in personnel in the record-making industry itself is not available, or would not be received.

Well now, you have to sit down with these record makers and figure something like this out. Senator Tobey at a point yesterday said it may be good or it may be bad. We don't know whether it ought to be accepted or discussed. Suppose these record makers would by law, or be able to by agreement, or agree to put a cent on a record, or two cents. They make 120,000,000 records. Suppose we say that is allocated to some general fund in the hands of the American Federation of Musicians, or someone else; we don't care, and that you were taking up that fund from these record makers and put a little band in the town where you live, where people will come to the park, families, with their lunch baskets, and listen to live musicians. That will give us some employment.

So, while the record-maker himself may not be able to take into his organization an additional man, he will nevertheless be setting up a fund whereby through the record-maker and through the profits he makes, he will be able to furnish employment. And, we will show you he is making plenty of profits; tremendous profits. I don't know of an enterprise that compares with it.

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Senator McFarland. My idea or my thought was this, and I think this was the thought of the committee, that before you call a ban or strike, whatever you want to call it—I call it "ban" because I think that is a little less offensive to you—before you put a ban on the making of this music, you ought to first sit down and work out a program which you are going to try to put into effect, the thing that you want to try to accomplish, and not just put a ban on and say, "We are going to quit."

Why did you not first work out what you wanted to accomplish, if you had something in mind? Of course, if it was just an idea, and that is what a lot of people thought that you were trying to accomplish, you would just say, "We will do away with the making of records altogether. We will just stop it, and that is what we intend to try to accomplish." Now, if that is what you intended to accomplish, well, you have done a pretty good job of it, but if you had something else in mind, it seems to me that you should have worked out your program before you put your ban into effect.

Mr. Padway. Now, let me say this in answer to that, Senator. This problem of canned music is not one of the date of the ban. The problem of canned music goes far back. We will show you that the organization spent millions of dollars in advertising and encouraging the public to treat with live music rather than with canned music, which has been going on. Now, the problem has been discussed as a problem with the organization, with the radio broadcasting companies, with the record makers and management and with their officials, all along the years. It has been discussed. They know what we have in mind as a solution for the problem. Whether it is agreeable to them or not or whether it is a practical one, they know it. Now, they have unofficially let us know that will never go.

For instance, if we ask the record maker to put two cents additional price on a record, whereby a fund can be created for musicians, we don't need to sit down to the conference with them to know that they won't go for it.

In 1937, when they gave us an increase of a million and a half dollars and guaranteed three million additional dollars on staff bands—I wasn't in the other conferences, but I was told at the time they talked for months and months, and finally they were able to add a million and a half extra. In truth, it was only a million, and then, of course, guaranteed three million extra. Now, we know that they have stated unofficially, time and again, if Petrillo comes around and asks for a dime more, we won't accept it. Now we know that the proper plans we have had in mind they won't go for. And, the only way to do that was to let them know in 1941, not in 1942, "Gentlemen, you have got to sit down and you have got to work out this problem with us. You know there is a problem. You recognize there is a problem. You wrote it into your preamble in 1937." And yet we got no rights, except we were told, "You will get nothing. We will do nothing for you."

What happened then? In 1941, at the Seattle convention, they let it be known from the rostrum, and it was heralded throughout the papers, and they knew it, because they were out there that sometime we would put a ban on records. Did they come to us and endeavor to solve the point? Unofficially there were conversations back and forth. Now since this ban has been on, representatives of the large companies have unofficially spoken to President Petrillo and myself. Now, that is true. But, we got nowhere.

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Senator Clark of Idaho. Mr. Petrillo, when do you think you can get your executive board together to present to this committee your demands?

Senator McFarland. He is going to present it to the other people, as I understand it.

Senator Tunnell. Senator Clark asked him to present it to us.

Senator Clark of Idaho. Well, to both.

Senator McFarland. Pardon me for interrupting. I misunderstood him. I thought he was going to start negotiating with them and try to settle the proposition.

Mr. Petrillo. That is what I thought, Senator. I thought we would negotiate with these people, and then if we couldn't get together, why, then I could come back here and tell you that I kept my word with you and we can't get anywhere.

Senator Clark of Idaho. Very well.

Mr. Petrillo. But I am in hopes we will get somewhere if we sit down. I am satisfied now during the investigation here and the court procedures, that these men will finally get down to their level and finally will talk about the matter in a manner that I think the time has come that we have got to do business with these boys, because there is a problem to be solved. And, they have some justice on their side. I am beginning to feel now that this investigation is going to do the job.

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Senator Clark of Idaho. Let me read you just one sentence from this book which I quoted from a minute ago. It says, "The influence of the phonograph"—this is under the title "Recorded music",—"in widening the general audience for classical music began to be felt even before the use of records in education became widespread."

It goes on to say that recorded music, along the theory I was commenting on yesterday, has been a great thing for the live musician. I know you disagree, but it says here also on page 50, "The development of recorded music has been another important force in the growth of symphonic orchestras and their audiences."

This, apparently, is an impartial book.

Then it says, "The greatest agency available for the dissemination of fine music, however, is radio." That is found on page 53, and contains considerable dissertation on that.

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Senator Tobey. I have two or three questions that I want to ask Mr. Petrillo. In the first place, there is an article in the United States News of the current issue under "Labor" on page 29:

> "Chicago and St. Louis radio stations are required under their contracts to hire members of the musicians' union as 'pancake turners.' This job consists of changing and turning phonograph records. Actually the work is done by technicians and the AFM members are used as errand boys to bring records from the files. The scale in these cities is $90 for a 25-hour week."

I read that, with no prejudice, as a news item, and it raised a few questions in my mind, which I would like to ask. In the first place, is the article substantially correct?

Mr. Petrillo. That is correct.

Senator Tobey. Now, here is what comes to a layman's mind, as he reads it, the familiar John Q. Public, that we have to have a group of men particularly charged with the duty of changing records in the radio stations, and nothing else.

Mr. Petrillo. Because the record is made of music.

Senator Tobey. Is made of what?

Mr. Petrillo. Music is on the record.

Senator Tobey. That is right.

Mr. Petrillo. And we feel if there is music on the record, that the man who puts the record on the machine should be a member of the musicians' union. Now, there is only two Locals that have that kind of an agreement, as that particular statement says.

Senator Tobey. Chicago and St. Louis.

Mr. Petrillo. Chicago and St. Louis, that is right. Now, the scale in St. Louis doesn't run $90. I think it is about forty-five, something along that line. In Chicago it is $90 a week, for 25 hours' work, five days a week.

Senator Tobey. Now, the turning of records is not a laborious job, is it? I am not talking about you now.

Mr. Petrillo. No.

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Senator Tobey. I could not put the record on myself.

Mr. Petrillo. No, sir.

Senator Tobey. I would have to have a separate employee, a pancake turner, they call them, and pay him from $45 to $90 to do that job; is that correct?

Mr. Petrillo. That is correct.

Senator Tobey. Now, how far does that theory go in the operation of union labor?

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Mr. Petrillo. Well, I can only say this to you. In Chicago I happened to negotiate the contract myself, and when I made the demands for the pancake turners, there was no opposition to it. They gave them to me, so I took them.

Senator Tobey. Well now, if it is a good thing for Chicago, why is it not a good thing everywhere else in the country?

Mr. Petrillo. Well, all of the unions are not powerful enough to make those demands, Senator. I probably would have dropped it myself if they said, "You will have to call a strike, because I am not going to give you the pancake turners." But, as I said, I put it in there and they gave it to me, and I couldn't turn it down.

Senator Tobey. But, the principle you believe in. You believe in the principle regardless. It all depends on the size and the power of the labor union.

Mr. Petrillo. Oh, yes.

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Senator Tobey. It is not the principle of fairness that you enunciated here to this group of men. It is simply that here is a chance to get this man, because we are powerful enough to get it done that way; is that not it?

Mr. Petrillo. Well, you might put it this way.

Senator Tobey. The point I make is this: if this is sound, then it ought to prevail all over the country, should it not?

Mr. Petrillo. It should.

Senator Tobey. That is, if it is sound economically.

Mr. Petrillo. But we can't get it.

Senator Tobey. But, if you could get them, you would.

Mr. Petrillo. We would love to have them all.

Senator Tobey. And that principle is sound, in your judgment, to do it this way?

Mr. Petrillo. I don't know whether it is sound, but I know it makes for more employment.

Senator Tobey. Now, that raises a question not of metaphysics, but something higher than that, perhaps. How long can we go along in this country with anything that is not sound? How long is it going to endure, whether it applies to music or anything else, provided it is not sound and is not economically feasible and with an expenditure that is not justified by the facts, just because you are powerful enough to do it? How long would you expect to continue in this country by that method?

Mr. Petrillo. Senator, I agree with you, in this particular case it is not sound.

Senator Tobey. I think you are a perfectly fair man. I read this merely as a news item, and I said, "I am going to ask Mr. Petrillo about it."

Mr. Petrillo. I try to be fair, but sometimes I make a mistake.

Senator Tobey. Yes, we all do.

Mr. Petrillo. But, in this case I made a mistake, but they O. K.'d it.

Senator Tobey. All right. Thank you. Now, another thing that troubled me a little bit, because I am only an amateur in these things, is the question of stand-bys. I only read this in Harpers Magazine, which was referred to by one of your men last night, about stand-bys. I don't know what it means. If I am running a radio station and I have an orchestra of 50 men there, and I use probably a large number, call it 30 men, and I put on a program with those 30 men, does that also mean that I have to have an orchestra of 20 men, potential men, that may or may not have their instruments with them, but they have to sit somewhere on these premises, so they are classified as stand-bys, and they are being paid as stand-bys?

Mr. Petrillo. That is right.

Senator Tobey. Now, what is the function of a stand-by beyond that?

Mr. Petrillo. Sometimes a stand-by reports on the job and sometimes he don't. The employer might say, "All right, we will agree to pay the stand-by. We don't want the men hanging around, but we will pay them."

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Mr. Petrillo. Now, we will take right now, the Government says that the Army and the Navy bands would not play any commercial engagements. But, they can go over the air as a sustaining program, playing over the air for the Army and the Navy in recruiting.

Now, Montgomery Ward or Coca Cola wants to employ the Navy Band on a commercial basis. We say, "All right, you engaged the band on a commercial basis, and if there is 30 men in the Navy Band, then you pay 30 men the union scale for what you call a stand-by." And, the employer agrees to do that and puts on the Navy Band. Sometimes he won't agree to that and then the program falls through.

Senator Tobey. What is the principle that initiated this so-called stand-by? Where did it come from? What is the thesis or philosophy behind it? Is it the purpose to give more men work?

Mr. Petrillo. Senator, in most cases it is to protect the local musicians. For instance, we will take Chicago again. Paul Whiteman was traveling through the country. He plays a job at the Palmer House at Chicago; probably has a job there for three months. While he is there, some advertising agency will say, "Well, you are going to be here three months. How about playing a program every Tuesday night for half an hour for Wrigley's chewing gum?" Well now, we feel that Paul Whiteman has a job in Chicago. He has already taken a job in the Chicago jurisdiction. Now, he is going on the air in Chicago to take away work from the local musicians. I say to Whiteman, "You have a job and now you are going to take another job. If you want to do that, the employer must pay you the union scale and also a stand-by orchestra."

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Senator Tobey. My question is, Why a stand-by?

Mr. Petrillo. Because a man like Whiteman can come into the jurisdiction for three months, playing a hotel job or a radio job, and the local musicians would be just sitting around while one band would be doing all the work.

Senator Tobey. Suppose that my friend Clark were to make a radio speech in Chicago at $300 for expenses, would you think that he would have to get some public speaker from Chicago to stand by?

Mr. Petrillo. No.

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Senator Tobey. You believe in the principle of stand-bys?

Mr. Petrillo. Not in all cases. Sometimes an employer will come to my office saying that a local in some town is trying to get more money out of him, supposedly for a stand-by, and he presents his case, and in many cases we turn the local down because we feel it is unfair. In some cases they are justified.

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Senator McFarland. You take the position that as to whether a stand-by is a good or bad thing it depends upon the reasonableness of the demand?

Mr. Petrillo. Yes. An employer can always appeal to the president's office from an action of a local, and in many cases we turn the local down. I will have to admit that some of the locals go out and try to put as many men to work as they can.

Senator McFarland. You admit, as I understand it, that there may have been—I will not say that there has been; I will not put you in that position—but you admit that there may have been unreasonable demands in the matter?

Mr. Petrillo: Many times.

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Senator Tobey. Is it a fact that the heart of this controversy which is bothering you and bothering us is the old question of whether or not society has an obligation to workmen whose employment is limited by technological improvements? That is true, is it not?

Mr. Petrillo. Yes.

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Senator Tobey. I asked you a question yesterday, and you did not answer it satisfactorily to my desires, about union membership in the American Federation of Musicians. I happen to play the piano for my own amusement. Assuming that I wanted to become a member of the Musicians' Union, could I as a very mediocre piano player qualify? Could I join if I had a desire to join a union, without having to go through some examination as to my ability or my wage-earning capacity or whether or not I was a first-class musician?

Mr. Petrillo. There are many locals who take in anyone who has the desire. There is an examination board, but they never turn anybody down. It is only there as a matter of form.

Senator Tobey. In other words, anybody can join who has the desire?

Mr. Petrillo. Of course we can handle them better on the inside than we can on the outside.

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Mr. Petrillo. The American Federation of Labor of which Mr. Green is president has no control over any of the laboring people in the country. The only people who have control over the labor movement are the International presidents and their respective executive boards. Green could come to me and say, "Petrillo, I would like to have you do me a favor for Senator So and So or Congressman So and So"—

Senator Tobey. Is that a common practice?

Mr. Petrillo. I can't talk.

Senator Tobey. The power of suggestion is still pretty potent in this world.

Mr. Petrillo. You are all right. You touch on a very vital point there.

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Mr. Petrillo. We have what we call a delayed broadcast. We have not interfered with that, because if we did the smaller stations would probably go out of business. Here is where the Musicians' Union did a good job for the radio companies and advertising agencies and the smaller stations. Still taking the Jack Benny show, it goes over 148 stations. Out of that 148 stations there may be twenty stations that cannot accept that show in the locality in which they are situated, because they have another program at that time. So they will take the Sunday show, put it on a record and play it next Tuesday. We permit the radio companies to put that show on a record, transfer it to the small stations, and play that show on Tuesday, Wednesday or Thursday of the following week, without any extra compensation to the musicians. We call that a delayed broadcast. We could stop that, but we can't fight on all fronts.

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Senator Clark of Idaho. I want to leave a suggestion with you, Mr. Petrillo, and I want you to think it over during the noon hour and talk it over with your associates and your counsel. I am going to ask you a question upon reconvening, and that is this. Would you consider, at the request of this committee, lifting your ban on recorded music at this time, substantially, and then proceed to negotiate with the industry to see whether or not something cannot be worked out?

I merely ask you to consider that during the noon hour. Here is my reason for so asking you. It is my sincere belief, without holding any brief at all for the industry, because I have not heard their story, and I do not know—but it is my sincere belief that you would put yourself and your people in an infinitely better light all over this country if you would consider that. I do not think it would weaken your bargaining position. My candid opinion is that it might well improve it.

I do not want you to answer it now; I just want you to think it over.

Mr. Petrillo. I can answer it.

Senator Clark of Idaho. Very well, then.

Mr. Petrillo. I am satisfied that this committee wants quick action.

Senator Clark of Idaho. That is right.

Mr. Petrillo. And we do, too. I will tell you now, I have negotiated with these fellows from time to time for twenty years, locally and nationally, and if they are permitted to go back and make records while we are negotiating, the negotiations will go on for two or three years. That is my candid opinion, Senator.

Senator Clark of Idaho. I do not think that this committee or anybody else would require you to keep the ban off. We cannot require anything. You are acting within the law now, and you know it. So we are not investigating you as being a lawbreaker. The courts have held that you are acting within the law. What we are interested in is to find out whether such a situation is in the public interest and, if not, what can be done to change the situation which is having an impact on the people and on the war effort. You would not be required to do any unreasonable negotiating at all. If you cannot settle it in 30 days, put your ban back on, and we will go to work again.

Mr. Petrillo. Senator, there is another point I would like to make in connection with your suggestion, and that is that they could make records in thirty days of all the popular tunes that would last them for another year, and they would not be interested in our negotiations. The ban has been on now for five months, and it certainly won't hurt if we go on another two weeks, inasmuch as we are making all the records that the armed forces need. We are granting all requests every day from the Treasury Department, the Justice Department, and all the departments in Washington, without any charge.

Senator Clark of Idaho. Very well. That is an answer.

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Mr. Bingham. Have you made any check with any name bandleaders to ascertain whether or not they are having difficulty to get replacements?

Mr. Petrillo. No.

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Mr. Bingham. Referring to Mr. Padway's statement on page 163, he said, "If they spend $15,000,000—and I can show you that they would spend that very easily—do you know what they can do with $15,000,000? They can put 15,000 musicians to work at probably from twelve to fifteen hundred dollars a year. Look what a tremendous thing that would be."

You remember that statement?

Mr. Padway. Yes, sir.

Mr. Bingham. Now, Mr. Petrillo, do you know of any musician in any Local that would work for $100 a month or $125 a month; a union scale in the United States?

Mr. Petrillo. Well, I don't think you would get the good ones to work for that money.

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Mr. Bingham. Mr. Petrillo, I assume that you have familiarized yourself with the earnings of radio stations in order to arrive at the conclusion that all these radio stations, of which you have some complaint, have the financial ability to hire musicians; am I correct in that assumption?

Mr. Petrillo. Only what I get in the financial sheets of the newspapers.

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Mr. Bingham. You have not familiarized yourself with the reports of the Federal Communications Commission as to the earnings of the radio-broadcasting industry?

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Mr. Bingham. Do you have any idea as to the amount of money spent for musicians by the radio broadcasting companies?

Mr. Petrillo. Yes.

Mr. Bingham. How much did they spend in 1941?

Mr. Petrillo. They averaged in 1941 about $13,000,000.

Mr. Bingham. Now, is that by the radio broadcasting stations or by the sponsors?

Mr. Petrillo. No; that is by the stations themselves, This has got nothing to do with the sponsors.

Mr. Bingham. They spent about $13,000,000 in 1941?

Mr. Petrillo. That is right.

Mr. Bingham. That figure, sir, is at variance with the Communications' figure, the Communications Commission's figure, in that your figure is high. The Communications' figure on the basis of one week, which was typical of the survey, showed that on an annual basis, about $8,000,000-plus was spent by the radio-broadcasting stations themselves.

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Mr. Bingham. According to the Federal Communications Commission's report, the musicians received more money than any other group of employees, including executives, except the technicians. They received more than the managers, program department, script writers and officers; more than any other group. Did you know that?

Mr. Petrillo. Yes, but they do more work. The musicians are on the air morning, noon and night, especially on the chains.

Mr. Bingham. I thought you said that they worked twenty-five hours a week, five days a week?

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Mr. Bingham. So, you have no idea as to whether or not the industry, the broadcasting industry, can stand the burden of additional musicians' wages.

Mr. Petrillo. Well, we all know that the radio industry is not starving to death. I mean, if I knew—

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Senator Clark of Idaho. Well, I think the question goes as to whether before you put in effect your ban you had familiarized yourself through the published reports of the Communications Commission or otherwise with the earnings of the broadcasting companies; is that right?

Mr. Petrillo. You see, Senator, it is not hard to get these figures together.

Senator Clark of Idaho. No, but you undertook to take a definite course of action. You called a strike or ban, whatever you want to call it, and I think Mr. Bingham was merely attempting to find out whether at the time you called that strike, you had made any investigation as to the earnings of the radio companies. Now, if you haven't, that is all right. You said you had not, at least.

Mr. Petrillo. That is right.

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Mr. Bingham. So that 537 stations of the 796 stations reporting upon which that chart was based, make less than $25,000 a year.

Mr. Petrillo. Those are the stations that were exempted in our last agreement. Any station making $20,000 or under did not come within the agreement of the American Federation of Musicians and the broadcasters.

Mr. Bingham. How many stations did you have signatory to that agreement, both from the chain and from the independent group?

Mr. Petrillo. Oh, about 280.

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Mr. Bingham. And did not those contracts have a clause to the effect that you would permit them to use phonograph records and electrical transcriptions, so long as they were in effect?

Mr. Petrillo. At that time, yes.

Mr. Bingham. And some of those contracts were renewed, were they not, and did not expire until the end of 1942?

Mr. Petrillo. No. They all expired in 1940.

Mr. Bingham. And were not some of them renewed to 1942?

Mr. Petrillo. There were a lot of them renewed, but not with that clause in it.

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Mr. Petrillo. After reading Mr. Fly's testimony here, I sent out a communication to all the Locals, asking them if they had any stations in their jurisdiction that were receiving chain programs and had no musicians employed in the station. And, the answer I received from the Locals was 2,121 men working in all stations; number of stations employing musicians, 296; number of stations not employing musicians, 201. That is the answer to 497 Locals. Now, I got these figures direct from the Locals in whose jurisdiction these stations are located.

Mr. Bingham. You mean, by not employing musicians, not employing full-time staff musicians?

Mr. Petrillo. That didn't employ anybody; not one musician.

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Mr. Bingham. Do you happen to know in how many cities there are broadcasting stations and in said cities there are no musicians' locals and no locals claiming jurisdiction over those cities?

Mr. Petrillo. That is a pretty hard question to answer. We have what we call neutral territory where there is no local in a jurisdiction, and there the Federation takes control of that jurisdiction. Why there is what we call neutral territory I don't know, but you have got to go back many years to our board records. It seems to me that all jurisdictions in the country some place ought to be given exclusive local jurisdiction; but that has never been done.

Mr. Bingham. If there is a broadcasting station in a city which has no local and no local claims jurisdiction over that city, how do you expect that broadcasting station to hire a union musician or union musicians?

Mr. Petrillo. I would say that if the station is in a neutral territory where there is no jurisdiction by any local of the Federation, it certainly would not have any radio station to fight about, because it certainly couldn't afford to pay anything.

Senator Clark of Idaho. Of course they are the ones that are really going to get hit by your ban.

Mr. Petrillo. That is right.

Senator Clark of Idaho. I do not think the big network stations are going to worry about your ban very much. I think it is only these several hundred little stations.

Mr. Petrillo. The smaller fellows.

Senator Clark of Idaho. They never hire musicians anyway.

Mr. Petrillo. It is the small fellow who suffers all the time; and in the canned music situation it is the smaller fellow who would suffer; I can't deny that.

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Mr. Petrillo. I would say, roughly speaking, that I believe 95 percent of those stations (in cities where AFM survey was made) in those jurisdictions all employ musicians. I think I am quite safe in saying that.

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Mr. Bingham. Just as a matter of record, Mr. Petrillo, according to the provisions of the constitution of the American Federation of Musicians, you as president have the power to set aside or annul or change the constitution if it is not adequate. In fact, you can do anything, under the provisions of Article 1, Section 1-B, of the constitution that you deem necessary to meet a particular situation?

Mr. Petrillo. That is right.

Mr. Bingham. Aside from being the president of the American Federation of Musicians, you are also the president of the Chicago local?

Mr. Petrillo. That is right.

Mr. Bingham. Will you please relate for the record the salary that you receive as president of the Chicago local and any other emoluments of office, anything else that you are entitled to by reason of being president, so far as the American Federation of Musicians is concerned, and also your salary and your emoluments of office as president of the American Federation of Musicians?

Mr. Petrillo. From the Chicago Local I get $26,000 a year. From the American Federation of Musicians I get $20,000 a year and a $3,000 contingent fund of which I make no account.

Mr. Bingham. That is $49,000 in cash?

Mr. Petrillo. Don't bring that up, because I just drew my salary, and the Government has fixed a $25,000 limit.

Mr. Bingham. I thought there was a $62,000 limit.

Mr. Petrillo. Sixty-seven thousand dollars.

Mr. Padway. But when you pay your tax, it leaves you with $25,000.

Mr. Petrillo. As I understand it, all you can make is $25,000.

Mr. Bingham. You have to earn about $67,000 before you are cut back to $25,000.

What else do you get? Do you get a car and chauffeur?

Mr. Petrillo. Oh, yes; I get a car and a chauffeur. I have not engaged the chauffeur since I have been president of the Federation.

Mr. Bingham. Let us talk about the Federation for a moment. You are entitled to a car and a chauffeur as president of the Federation?

Mr. Petrillo. Yes.

Mr. Bingham. Are you entitled to anything else as president of the Federation? A car and a chauffeur and $20,000 a year?

Mr. Petrillo. Expenses.

Mr. Bingham. That is, out-of-pocket expenses, money that you spend for traveling?

Mr. Petrillo. No; the Federation pays for the traveling. The Federation also pays for my room rent while I am in New York.

Mr. Bingham. That is, expense?

Mr. Petrillo. Yes.

Mr. Bingham. As president of the Chicago Local you get $20,000 a year?

Mr. Petrillo. $26,000.

Mr. Bingham. The $20,000 is from the Federation?

Mr. Petrillo. Yes.

Mr. Bingham. What else do you get from the Chicago local?

Mr. Petrillo. I get a contingent fund when I believe it is necessary to have one.

Mr. Bingham. There is no set amount on that?

Mr. Petrillo. No.

Mr. Bingham. And that you spend as you see fit without accounting to the local?

Mr. Petrillo. That is right; and I pay income tax on it.

Mr. Bingham. Do you get a car and chauffeur?

Mr. Petrillo. Yes.

Mr. Bingham. And a residence, a place to live?

Mr. Petrillo. No. I did get a summer home.

Mr. Bingham. But that was a gift?

Mr. Petrillo. Yes. The Government said it was an income, and the tax went up and I could have bought the house out of my own pocket and it would have been cheaper.

Senator Clark of Idaho. Would you trade jobs with one of us?

Mr. Petrillo. Today I would.

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Mr. Bingham. Five hundred thousand coin-operated phonographs. That is the statement attributed to you, and it is in your letter. I am informed that only 445,000 have been built since 1932 to date and that of, that 445,000 there are only approximately 332,000 available for use at this time. I am further informed that they used approximately 30,000,000 records in 1942. Do you happen to have any figures on that?

Mr. Petrillo. No, sir.

Mr. Bingham. You do know that they use no symphonic records?

Mr. Petrillo. No; they are all dance records.

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Mr. Bingham. You do not find those machines in restaurants and places where they would be likely to employ musicians, do you?

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Mr. Petrillo. In some places there are juke boxes where they could employ musicians and where they have already displaced musicians.

Mr. Bingham. Do you know of any instances of that kind?

Mr. Petrillo. Yes. I can give you a record of it.

Mr. Bingham. There are not very many, though, are there?

Mr. Petrillo. Not from the record of it, but if you made a survey you would be surprised how many jobs the juke box has taken away from musicians. Of course I do not mean an orchestra. Most of those places would use a piano player. They would not use a band of six or seven or eight or ten men. But musicians have been displaced from first-class places.

Mr. Bingham. Do you have any idea as to the number of coin phonographs found in or near army camps and naval training stations and what not?

Mr. Petrillo. No.

Mr. Bingham. Do you have any idea as to what the average gross per week per machine is?

Mr. Petrillo. Only what I told you a few minutes ago, what I got out of "Billboard"; and that was that they average about $12 a week.

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Mr. Bingham. I am informed that the average is approximately $5 per week, of which the location owner retains $2 and the operator retains $3, and the net income to the operator is approximately 90 cents a week.

Mr. Petrillo. I don't think it would pay at all to have a machine in there for 90 cents a week. I know that if I owned a place I would not want a machine there if I only got 90 cents a week, unless I just wanted to entertain people, and that would be a cheap way to do it. Probably that is what they had in mind.

Mr. Bingham. The location owner gets $2 a week, that is, the man that owns the restaurant or the diner or the tavern; and the operator who owns the machine gets $3 a week and nets 90 cents a week out of the operation after he pays for his records, his needles, servicing, and what not.

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Mr. Bingham. Yes. I am informed that there are approximately 8,500 operators who handle approximately forty machines apiece. In other words, it is a small business, and their weekly income is approximately $40 per week, before taxes, on a $12,000 capital investment.

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Mr. Bingham. I just wanted the record to show what the scale was. In addition to the scale the contractor makes an agreement, if I am correctly informed, with the recording company whereby he gets a royalty of 2½ cents a record. Is that correct?

Mr. Petrillo. Some of them do; yes.

Mr. Bingham. By some of them you mean the name bands?

Mr. Petrillo. Yes.

Mr. Bingham. They get a 2½ cent royalty?

Mr. Petrillo. Yes.

Mr. Bingham. Do you happen to have any idea as to the number of records that a name band might sell of a particular recording?

Mr. Petrillo. No.

Mr. Bingham. It might well run into thousands or hundreds of thousands?

Mr. Petrillo. I suppose it could. Do you mean the name band or the leader receives the 2½ cents?

Mr. Bingham. I understand that the leader gets 2½ cents, and the band members do not participate in that royalty.

Mr. Petrillo. They get scale, and that is all.

Mr. Bingham. They get the scale and whatever the leader happens to pay them by reason of their exceptional ability with a particular instrument?

Mr. Petrillo. That is right.

Mr. Bingham. So far as the records are concerned, there is a 2½-cent royalty to the leader, and he can make anywhere from $5,000 to $25,000 out of a particular recording, depending on the number of records sold?

Mr. Petrillo. I think it is very rare that he makes $25,000.

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Senator Clark of Idaho. I may be wrong, but at this time, in any event, you are not complaining about the scale for musicians, are you?

Mr. Petrillo. No. That comes later.

Senator Clark of Idaho. You mean, when you renegotiate your contract?

Mr. Petrillo. Yes, sir.

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Mr. Bingham. I have heard any number of broadcasts which closed with the credit line that "The music has come to you through the courtesy of James C. Petrillo."

Mr. Steeper. "With the cooperation of James C. Petrillo."

Mr. Petrillo. We try to combat some of the publicity. In other words, we want to get a little credit. Everybody has been after us, and we thought, now we are doing a good thing we might as well be given credit for it. Those are mostly bands that put on a program of one hour every Sunday. The entire band plays in the studio free. They go into the studios and entertain soldiers.

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Mr. Bingham. I have in my hand page 16 of "P. M." of Monday, December 14, 1942, an article by Edward Angly, who has just returned from Australia, and in his closing paragraph he states (reading):

> "The men at battle stations in the Pacific have little entertainment other than what they create themselves. The canned entertainment that is shipped to them could, I think, be a bit fresher."

That is dated December 14, 1942. Have you had any advice from any member of the armed forces as to the effect of your ban in the far flung battle stations that we are now attempting to man in our fight with the Axis?

Mr. Petrillo. No; I have not.

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Mr. Petrillo. I started (negotiations for the Boston Symphony) with the leader, and then I finished up with the treasurer, the fellow with the money, and he showed me a lot of figures.

Senator Tobey. They looked good to you, did they not?

Mr. Petrillo. Those figures were not so good. They were about $180,000 short that year. So I told him that if he joined the union he could make it up. So he did. He joined up with the Blue Network and made a nice piece of change out of that. The deficit will be wiped out. So we did some good to some people.

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Senator Clark of Idaho. How about the moving picture industry?

Mr. Petrillo. The moving picture industry too. There we have specific figures; there we can point to a specific number of men we have lost.

Senator Clark of Idaho. It occurs to me that the radio industry as an industry has really created opportunities for musicians, if you look at the overall picture. But the moving picture industry apparently has displaced them without creating any particular work for them. Would not that be about right?

Mr. Petrillo. That is correct, because they started out with a lot of musicians, brought a lot of musicians in the field, and then overnight they were all put out of a job.

Senator Clark of Idaho. Would it be a fair question to ask you why you have not banned sound track recording for the moving picture industry?

Mr. Petrillo. You cannot be fighting on too many fronts. If we started a battle with the moving picture industry at this time I don't know what would happen to us.

Senator Tobey. Is this present method of yours an illustration of the old dogma that coming events cast their shadows before them?

Mr. Petrillo. That is poetry. I don't understand poetry.

Mr. Bingham. Pursuing further that line of thought, Mr. Petrillo, the impact of the moving picture industry was felt by you in 1929, or shortly after that—say, 1930—and that has been something that has been in the back of your mind for some 12 years. The radio industry was not even in existence when the talkies came in.

Mr. Petrillo. Just slightly.

Mr. Bingham. But you moved against the recording industry, the radio industry, and the transcription industry first. Do you care to discuss the reasons for making that selection?

Mr. Petrillo. No. I don't think we have any reasons. We probably should have gone after the moving picture industry first, but we did not.

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Senator Clark of Idaho. I want to break in on this. I have been told by people who should know that there are a great many cities in the United States today, including Washington, where live musicians are very difficult to obtain, particularly at night time; that good live musicians sometimes can be obtained for one or two hours during the day, but that most of them, under present circumstances, have other positions and usually accept dance engagements and things of that kind at night. I have inquired about that since this came up. I wanted to get all the information I could and have it either verified or disputed in these hearings. Is that statement correct?

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Mr. Petrillo. Maybe the caliber of men they want are men who are working four or five nights a week, and possibly the radio station is only ready to offer these boys one or two sessions a week. So, if they are already making $40 to $50 a week they can't quit the jobs they have in order to go to a station and make $10 or $12 or $14 or $16 a week. You might find that condition. But as to a shortage of musicians that work in radio stations, we can supply all the men they want. They might say they are no good. They are not all Stokowskis and Toscaninnis and Petrillos, but they are all right.

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Mr. Petrillo. I would say to you, Senator, that today we can furnish all the musicians that are needed in radio stations, but I doubt, if the war goes on for four or five months, whether we will be able to do that job. That is a fair statement, because the way they are taking them in, I think our total membership now represents about 15 or 20 per cent in the Army.

Mr. Steeper. About 18 per cent.

Mr. Petrillo. About 18 per cent of our membership are in the Army or Navy, 25,000 men.

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Senator Clark of Idaho. Do you think it would improve the quality of your union if you had certain standards of musical excellence before membership would be granted?

Mr. Petrillo. We are in a very peculiar position. When I was a kid we went out and played weddings and picnics, and the union was after us all the time. The union was not so strong in those days. Unless we take them all in—I dare say if we stopped taking musicians in unless they are first class, in a period of three years we would have another union start, because you have either got to take those boys in or they are going to scab on the job. They are either going to live or they are going to fight. So we feel that they are better off in the organization. If they are qualified they will make a better living. If they are not qualified they will probably lose engagements they already have.

Senator Clark of Idaho. And pay dues for nothing?

Mr. Petrillo. Yes.

Mr. Bingham. I am going to attempt to summarize, if I may, Mr. Petrillo. So far as the radio is concerned, radio has actually made work for musicians, has it not?

Mr. Petrillo. There is no question about it.

Mr. Bingham. The phonograph was invented before the American Federation of Musicians held its first annual convention, was it not?

Mr. Petrillo. Yes.

Mr. Bingham. So far as the recording companies and the transcription companies are concerned, the musicians have made more money than they ever made before; that is correct, is it not?

Mr. Petrillo. It is only partly correct. Where does the recording go after it is made? Does it go for home consumption? Does it go into a place of business where there would not be any music if the record was not played there, or does it go, like the Ringling Brothers Circus, where they have taken a job away from forty men? That is the question.

Mr. Bingham. I think you will admit that the vast majority of records go into the home.

Mr. Petrillo. The finer records, the symphonic records.

Mr. Bingham. Practically all of the symphonic records?

Mr. Petrillo. Ninety-eight percent, I would say.

Mr. Bingham. And so far as the other records are concerned, I think you will admit that about 70 or 75 percent go into the home?

Mr. Petrillo. And they go elsewhere.

Mr. Bingham. I will come to the rest of them in a minute. But about 75 percent go into the home?

Mr. Petrillo. I would say so.

Mr. Bingham. And as to the balance, there are about 30,000,000 records sold to operators of coin-operated phonographs? And I think you will admit that most of the places where you will find the coin-operated phonographs could not employ a musician if they wanted to. I think you will admit that. That is, the roadside diner, the tavern, the hamburg joint—they could not employ musicians?

Mr. Petrillo. Places like that, no.

Mr. Bingham. Very very few of the 300,000-odd locations could employ a live musician?

Mr. Petrillo. I would not say, very few. You might split that in half.

Mr. Bingham. How many would you say?

Mr. Petrillo. About 50 percent.

Mr. Bingham. You would think, half of them?

Mr. Petrillo. Yes. Not an orchestra.

Mr. Bingham. A live musician, at least one live musician.

Mr. Petrillo. Fifty percent could not afford to put on any musicians. We will push that aside. There are fifty percent that could. Out of the fifty percent that could there are probably 25 percent that would only employ a piano player, anyway. There are 25 percent left. There are about 16 percent that could employ a piano and a violin player, and maybe 15 percent that could employ a four or five-piece orchestra.

Mr. Bingham. That would be 45,000 establishments. Fifteen percent of 300,000 would be 45,000 establishments that could employ a four or five-piece orchestra, that now have a coin-operated phonograph.

Mr. Petrillo. If that is so.

Mr. Bingham. That is on your figures.

Mr. Petrillo. Even according to my figures we could not supply the men, because we do not have that many musicians. There are only 138,000.

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Mr. Bingham. So far as the radio broadcasting industry itself is concerned, that has furnished an opportunity for musicians to work, has it not?

Mr. Petrillo. Right.

Mr. Bingham. And since radio has come into existence your membership has grown. Since, we will say, 1934, except in the depression years, your membership has grown until today it approaches the highest figure in its history. Is that correct?

Mr. Petrillo. That is not correct, according to our figures. We probably had 158,000 at one time.

Mr. Bingham. When would you say radio broadcasting came into the big business class?

Mr. Petrillo. About 12 years ago.

Mr. Bingham. About 1930?

Mr. Petrillo. Yes.

Mr. Bingham. And since that time the membership of your union has grown and more musicians have been employed by radio broadcasting companies each year, except I believe Judge Padway said last year there were less employed than in previous years.

Mr. Padway. Yes. In 1939, 1940 and 1942.

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Senator Clark of Idaho. I want to clear up this matter that we were on this morning, because I think that maybe we are getting some place; I do not know. Will you do this, Mr. Petrillo? As soon as reasonably possible will you get your executive committee together and formulate a program? I really think that you ought to formulate it in writing; otherwise we are going to get nowhere. This committee is busy and you are busy, and we are perfectly willing to spend such time as is necessary. It may be that we will not have to continue this investigation indefinitely, and that will help everybody. Will you get your executive committee together and formulate a program? It does not have to be an iron-clad program, but some kind of a program as to the basis upon which, from your standpoint, you think this controversy with the industry—and I use that as an overall term—can be settled, and then furnish this committee with a copy of it so that we can get something to start on. Will you do that?

Mr. Petrillo. I certainly will. I happen to have a board meeting beginning February 1. We will be in session two weeks. On account of this investigation I postponed it until February 1, because I didn't know how long I would be here. The board members come from coast to coast. We have one in Los Angeles, one in Texas, one in Des Moines, Iowa, and so on. We will be in session beginning the first of February, and I will promise you that on the first day we will go right into it. We are going to show this committee that we are in good faith in everything I have told you.

Senator Clark of Idaho. If I were you I would give it to the public. But that is up to you. We cannot compel you to do anything. We are going to rely on your formulating something that can be presented to the industry. Please furnish this committee with a copy of it, and I think you will get somewhere.

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Mr. Petrillo. Matters that I cannot handle myself I lay over for the board meeting.

Senator Tobey. Has there ever been a case where they did not meet your views in the last analysis?

Mr. Petrillo. Once in a while they get balky, but they come around all right. That is because I try to be reasonable.

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Mr. Petrillo. Mr. Chairman, may I at this time thank you and the rest of the committee for the courtesy shown me while I have been here for two days. Also the attorney has been very fair. You have all been very fair. I know that the Board will appreciate it when I tell them at the convention that this committee did nothing but try to be helpful. I am sure that something is going to come out of it. I hope so, anyway.

Testimony of Mr. Padway

Mr. Padway. The refusal of the American Federation of Musicians to make records and transcriptions is part of the fight to maintain the basic rights of labor.

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In the present instance workers are engaging in a simple refusal to work—that is all the action of the American

Federation of Musicians amounts to—because the musicians feel that it would be nothing short of suicide to continue, themselves to make the instruments which put them out of jobs.

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The attitude of the musicians has been—and is—and that was stated by Mr. Petrillo, too—one of "live and let live." But that is hardly the approach of the corporations that have grown powerful and wealthy on "canned music." Instead of recognizing their debt to the live musician they have completely ignored his plight and have shirked their plain responsibility to the human and economic problem of unemployment in their own industry.

They have preferred, rather, to add the power of the press and of various government agencies to their own great strength and to confuse the simple issue by an expensive—or should I say cheap—campaign composed of personal abuse and false issues.

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Mr. Padway. Except this, Senator. You have been wondering why we have not gotten together. You have also been wondering why we have taken the position as explained by President Petrillo. There are two ways of getting together. You get together with people who are reasonable and who formulate an intention of good faith collective bargaining. This indicates that there was no such disposition on the part of the National Association of Broadcasters, or some of its members, not all.

I should, in fairness, say that the officials of the Radio Corporation of America have not been unfair. Usually we disagree with them or they with us. But they have certainly not engaged in any abuse or vilification. The same is true of the president of the Blue Network. We must say that. And that is what Mr. Petrillo meant when he said there is some justice to their side. These people have unofficially made known the injustice of their side.

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Senator Clark of Idaho. If we complained about anything we complained about calling a strike or putting on a ban prior to presenting any proposals for negotiation. I do not know what the National Association of Broadcasters have done, but I am wondering if they did anything prior to the time this ban was placed.

Mr. Padway. No, they did not, that I know of; at least not publicly.

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Regardless of what the National Association of Broadcasters has done, public resentment has arisen. Look at this file (exhibiting). These are just letters from all over the country, from people who never heard of the National Association of Broadcasters. I do not think Elmer Davis' testimony was predicated upon anything that the National Association of Broadcasters said.

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The public got up in arms against a ban which it thought was unjust. The National Association of Broadcasters may be guilty of many sins, but I really think this tremendous building up editorially, if you please, by the press, and these letters from the federations of women's clubs, high school bands, and all of those things, were not controlled by the National Association of Broadcasters, to my way of thinking. But perhaps we could argue on that until doomsday.

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Senator McFarland. I am more interested in this offer of Mr. Petrillo to try to get together and settle this matter. That is the thing that I am interested in.

Mr. Padway. I thought Mr. Petrillo made it very clear that he is going to call his board into conference. Senator Clark put it to him by way of direct questions, and I think direct answers were received. His board will be called together on February 1. Correct me if I am not stating that correctly. At that time the board and President Petrillo will formulate demands. Those demands will be presented to the Committee, and he is ready, upon the presentation of those demands, he and his associates, to sit down and confer with whatever representatives the industry chooses to see if they cannot settle this controversy.

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Senator Clark of Idaho. Does the American Federation of Labor have a publicity department?

Mr. Padway. It does.

Senator Clark of Idaho. How large is it?

Mr. Padway. It has got a nice active department. It has a director and several assistants, I think.

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Mr. Padway. Time and again our members have been called upon to offer their services for benefits for the armed forces, the Red Cross, Allied Relief, and war bond sales; and time and again they have responded generously, giving their talents without charge and often at considerable financial sacrifice.

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Senator McFarland. Here is the point that comes to us or, at least, the question comes to me. Let us just assume for the moment that you are entirely right in your controversy with these other people. Here is a ban that was placed in operation in the middle of the war. It at least did this: it caused a lot of confusion among the people, and it came at a time, you see, that you, as I pointed out yesterday, wanted more money and you wanted more employment, and it came at a time when the whole war program called for more employees. People have been forced to quit their jobs that they formerly held.

Take the automobile salesman. He just had to close down. It has been a great hardship. And he has had to go into other lines of work.

Now, the question is whether the musician was justified in having placed himself in this position, in the middle of a conflict, or whether he should have waited until the conflict was over, because there is plenty of work for everyone. There is plenty of work for everyone. Now, maybe that is not in his chosen profession, but take the automobile dealer, he is not able to work in his chosen profession, as well as a lot of others. We have had to inconvenience ourselves on account of the war.

Now, that is the question that is before me. Assuming you are right, you have picked out an inopportune time to place this ban in operation. The question is as to whether it would not have been better for you and been better for the nation, had you waited until the war was over.

Mr. Padway. Senator McFarland, there is certainly much logic and reasonableness in your exposition of the time when the ban was placed. But let me say this to you, sir, that in spite of all the war may do and in spite of all that the manufacturers may absorb, there will be thousands of musicians unemployed.

Now, many of our members are older members. The younger members are being taken away, and that is why some of these bands are being dissolved; not because they can't get musicians, but they can't get the young and attractive musician, the musician that is wanted in a dance hall like, we will say, the blue room of the Shoreham Hotel. Probably you have been there; I don't know. They want young musicians, attractive ones. I suppose, with the glamour of the dance and the sentiment of the song, they want to look at fine-looking young males—like you and me (laughter)—and they don't want the older ones.

Now, there are many of those that will not fit in a factory; they won't be taken, but if they take them, we will be glad to have them take jobs. We want them to take jobs. We will give the Government all the man-power it wants without any compulsion. And, after giving all the men to the draft and thousands that are in these factories, and after taking into the factories all those that are capable of work and willing to go there, still we will have thousands of musicians unemployed in this country.

Well, you say, the problem won't be acute. But, sir, we have to look out for another thing. You know what war did to the country with liquor. It brought prohibition, didn't it? These rules that are instituted as war measures, remain after the war. The principle remains. And it gives the employer of industry a hold to set up an adverse principle that cannot be removed after the war.

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Senator McFarland. But, here is one phase of the matter, regardless of what you do for the Army, that you are not doing now, and I do not know how it can be done without the records. There are people out on the little farms and out on the ranges that are producing the meat for the nation, if you please, and other important commodities, that depend entirely, because of their locations, upon the small radio stations.

Now, the city has become attractive to them. Their work is very important in the war program. And, we must try to see to it that they, at least, have all the conveniences that they have had in the past, but this ban is depriving those people of one of the conveniences that they have had, and that is, up-to-date music.

Now, these records, as you said yesterday, or Mr. Petrillo said, become old. Now, as they become older, why people will become more dissatisfied and will say, "Well, I can get out of this little old farm, I can get out of this ranch, I can go to the centers of population, and there I can get good wages and leave this thing and go to work, and I will have the conveniences of life." Now, those people, as Mr. Petrillo admitted, he did not take into consideration when the ban was placed on.

Now, it is things like that, in placing bans and in starting things now and then in the midst of a conflict that just adds to the problems which we already have and that our nation already has. They may seem small, but it is the small things that grow into large things sometimes that make it more difficult, and that is just one example of how this starts a demand for new and different things, in the midst of a conflict, and how it hurts us.

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Mr. Padway. I have quite a good answer to that, but it will consume too much time to state it. I put it in two subheadings.

Number one: We will not only protect the small station when we come to a settlement but I assure you there will be no money demand or any demand made on the smaller stations to hire musicians or spend more money than they are spending now. Perhaps they are, as Mr. Petrillo said now, innocent victims of a greater struggle we have with some greater forces, and it is perhaps bad, but that happens in every strike. A strike of the engineers in this building would affect you Senators very much. You would not have any heat.

Senator McFarland. It is striking in the midst of a war, that is the thing we are trying to get away from; having strikes in the midst of the war.

Mr. Padway. We want to settle this strike, because we don't want to have it any longer.

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Senator Andrews. What you say in regard to the professional musicians being out of employment, does not that apply to all professions and trades? They are all in that situation.

Mr. Padway. Every one, Senator. Every one, Senator.

Senator Andrews. In other words, there is no exception.

Mr. Padway. No, except degree. Some are not affected as much as others, and then certain times others are affected more than others, but our problem has not been only acute—well, it is chronic, and it has been over a number of years, but it will get worse unless industry helps us find ways and means of solving it.

Senator Andrews. It seems to me that so long as every human being loves music and every human being tries to learn to play an instrument—I have played two or three myself.

Mr. Padway. I am not going to ask you whether you carry a card in the union.

Senator Andrews. It is a universal proposition, music is, and you can never hold it down.

Mr. Padway. We are the last ones to hold it down. We lift it up.

Senator Andrews. I know you do not, but you should not hold it down to any particular persons.

Mr. Padway. There is logic in that. This is not a one-sided affair. There are, of course, arguments on the other side.

Senator Clark of Idaho. Of course, I want to say this, Mr. Padway, and I think you will agree with me, that it has not only been the policy, but the very commendable policy, the popular policy, the stated policy of both the American Federation of Labor and the C. I. O. in their pledges to the President, to hold strikes to a minimum and, if possible, eliminate them for the duration.

Mr. Padway. That is correct. I think our pledge has been lived up to.

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Mr. Padway. Well, I think if what we had a right to expect reasonably would have resulted, this strike would not have been enforced. It would have been settled even before the ban came on. That, of course, will cause a debatable subject, whether this side is wrong or that side is wrong. In this instance we maintain, if there had been the proper attitude on the part of the other side, it would have been settled.

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Senator Tunnell. How do you keep an amateur, for instance, from making a record and having it put on the air, one who is not a member of your union?

Mr. Padway. Well, in that instance, we keep it off in this way, Senator. We say to the broadcasting company, "You employ our musicians. That amateur's record is in competition with us. Now, instead of playing that, we want you to play live music." All the records were made by our musicians and played by unions of our musicians, but as a penalty for doing so we will say, "You must have live musicians to do that." And that is very effective, and that will keep them off.

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Mr. Padway. In some instances they have even done this: They have put amateur bands on the air and said they don't want the stand-by—that is where the employer agrees to the stand-by—saying, "We will pay you just the same." We don't want that. We don't want it for two reasons. First of all, we want to render music for the pay we receive.

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Mr. Padway. What must be done in the amateur situation is this: to approach or meet a happy medium. How can we give this talent free sway and opportunity to play and opportunity to cultivate their musical culture and the like, and at the same time not make economic inroads on any professional musician?

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Senator Tunnell. I ask you these questions, Mr. Padway, because on the first page of this paper you say:

> "In the present instance workers are engaging in a simple refusal to work—that is all the action of the American Federation of Musicians amounts to."

Well, the resentment that I see reflected in my correspondence is not so much the refusal to work as it is the threat that you will refuse to work if the other fellow works.

Mr. Padway. At the present time that is correct. That is what we say.

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Well, I have not Mr. Petrillo's authority or the Board's authority, but from what I know, from general experience in talking to Mr. Friedman, Mr. Cluesmann, and others, who know the specific industry better than I do, I know they neither intend to do that or will do that. I know that amateur bands will be given a fair play on the air. Now, whether it should be twelve played by Interlochen or four or six, we will come to a happy understanding as to the medium, and will approach it with a spirit of liberality, with a spirit of at least giving these youngsters, call them that, a fair opportunity to present their talent by the best mechanical means now available.

Senator Tunnell. In each instance the thing complained about is the threat that you will not permit the union members to work, provided either the record in one instance or the school band in the other, is used, as I understand the complaint.

Mr. Padway. Well, you can take this statement that I now make and excerpt it and send it to your constituents and tell them that you have it under oath. We will not place an absolute ban on amateur music. We will endeavor to reach an agreement with the broadcasting companies, reasonable in its form and extent, to permit amateur broadcasts within fair limitations.

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Mr. Bingham. Is it a fact that the musicians who now play in Command Performance have a special grade rate which is paid for by the Government?

Mr. Steeper. No. The American Federation of Musicians hasn't given a special rate. They have given gratis. If a local, in its own interpretation of the law, feels that some of their men are entitled to a remuneration, then it is up to the local, and the local gives authority to work out some problem.

Mr. Bingham. Just so long as this record is straight, as it now stands, there is an unequivocal statement in the record that the musicians are contributing gratis in the rendition of Command Performance.

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Mr. Bingham. It may be possible that locals are imposing a charge upon the Government for the Command Performance?

Mr. Steeper. That might be so. That I couldn't say, authoritatively, but as far as we are concerned, we give permission for those musicians to play these performances gratis.

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Mr. Steeper. On the Government programs 95 per cent of the music is donated. The name bands are donating their services. Where they are making transcriptions for the Department of Agriculture or Department of the Treasury, where they use an organ for bridge work, over a period of time, for transcriptions, then the organist, as I understand it, receives a remuneration, pay, some scale that is provided for, or in the local's jurisdiction, where he is making these transcriptions. But, that is only in a few instances and it only applies to one man.

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Mr. Bingham. I am informed that you have given permission to the musicians in all locals to render their performances gratis.

Mr. Steeper. No, that is not so. That is not so. We cannot step into a local jurisdiction and tell them what they must do in their jurisdiction.

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Mr. Bingham. Now, if I may ask Mr. Padway a question. It is your philosophy, as I understand it, as well as the philosophy of the American Federation of Musicians that everyone who becomes a member of the American Federation of Musicians has a right to earn his living as a musician, regardless of his musical ability.

Mr. Padway. No, that is not our philosophy.

Mr. Bingham. Will you please tell me why, then, you say that you have 138,000 members, and you point to the number of unemployed in each one of your locals and say that you must get employment for this number of musicians, whatever the number happens to be, in each particular local?

Mr. Padway. I don't understand that that is even said, that you must give employment for 138,000 musicians. You understand we said a large number of these unemployed are professional musicians who wish to play their professional instruments and earn their living from the profession and don't have employment. And, we add—

Mr. Bingham. Do not have employment as musicians.

Mr. Padway. Do not have employment as musicians. And we add to that, do not have employment at all, many of them, and many of them have other employment.

Mr. Bingham. Let us stick to that point a minute.

Mr. Padway. Yes.

Mr. Bingham. You say they do not have employment at all?

Mr. Padway. Yes, sir.

Mr. Bingham. But yet the American Federation of Musicians has made no survey and has no idea as to the number of musicians who are gainfully employed, at least, part-time, and most of them full-time in some other occupation, other than as musicians.

Mr. Padway. Well, the American Federation of Musicians is not without knowledge on that. The American Federation of Musicians is with this knowledge. First of all, during the W. P. A. period, we could have supplied 50,000 musicians to the W. P. A. He couldn't take that many and wouldn't take that many. They did help us out with 15,000 at times. I think it amounted to 17,000 at one time, or 16,000. Anyway, they helped us out with them. But there were certain regulations concerning which they wouldn't do anything.

Now, the next thing is this: We have had musicians that lived during that time, who were not on W. P. A., on ten or twelve dollars a week. They played here and there at odd jobs. There wasn't any other job to be done or to be had for them.

We have now men—except for the war, which provides general industry for some of them—who could not get a job, because the moment they came to apply for a job and told the truth that they had been musicians for 15 years or 18 years, they would say, "We don't want you," if there is another man who had not been a musician who is eligible for the job. In other words, the very fact that he was a musician made him secondary and third and fourth on the list of being employed as a clerk in a department store or furniture salesman or truck driver, and others were given the job if there were others applying for it.

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Mr. Padway. There are, I think, 138,000. A few thousand, probably 10,000, who carry cards and who play sometimes. They are no problem. Cast out about 25,000 of them, we will say, and then we come down to 110,000 or 112,000, and of the 112,000 thousands are only employed part-time and can't get any other work of any kind.

Mr. Bingham. Mr. Padway, you are making statements of fact, and as I understand it, the American Federation of Musicians has made no survey as to how many of their musicians are unemployed at any gainful occupation; not as musicians, but at any gainful occupation.

Mr. Padway. Now, I will tell you why that is. The men are in the office. These men that are sitting around here are so well informed of the truth of this contention that they have not thought it convenient or even necessary to make the survey.

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Mr. Bingham. I am further informed that there is not a man available of sufficient competence for engagement in a radio station in Washington, D. C., and, furthermore, that all men who are employed as musicians by radio stations in Washington, D. C., hold more than one job.

Mr. Padway. The radio industry is very technical about the employment of musicians.

Mr. Bingham. What do you mean by "technical"?

Mr. Padway. Well, technical in the sense—probably I should say "particular"; that would be a better word. Thousands of musicians will not be employed by the radio stations, even if they apply. They won't take them. They feel they want the cream and the best. Now, the fact that the radio station won't take them, doesn't mean anything, because the radio industry I don't think employs 2,000 or better all over the country. You mean to say that only 2,000 musicians are competent for the industry? There are 8, 10, 12, 15, 40 thousand that can be selected, and yet they won't take them. They won't take them. I will venture to say—and I don't know much about this, this is only a guess—I will venture to say I can bring any radio station here in the city of Washington 100 musicians that live in Washington or the adjoining territory today, and the radio company will probably turn down 95 percent of them.

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Mr. Bingham. All laws, no matter what they may be, shall be referred to a convention committee consisting of the executive board, A. F. of M., and chairmen of all committees, who may sanction or veto same. And the president may annul, set aside the constitution. He may make a new constitution if he so desires, so long as it does not affect finances. That is the only restriction. Do you call that democratic?

Mr. Padway. If you wish to take that standing alone and base your question as you have based it, it is not democratic. There is no use equivocating about it.

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Mr. Padway. I do not know of a single instance, and have asked that question and no one was able to point to a single instance where a president of the organization has set aside any fundamental, substantive constitutional provision.

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But the fact that the membership have not found that to be a hindrance and it has not been withdrawn would, I think, indicate that it has not interfered with the democracy of the constitution. If they will take my advice about it they will remove it at the next convention.

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Therefore I say, you really cannot find in that situation a lack of democracy, certainly not other than it appears in writing and therefore is an undemocratic provision. And in that interpretation, and that interpretation only, I might go along with you. But as to any exercise of it, and the practical effect of it, I say it is in most democratic form because it is not availed of.

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Mr. Padway. Technological displacement and unemployment are problems with which trade unions have had to cope for a long period of time. The efforts of trade unions to meet these problems constitute a proper and appropriate field of collective bargaining. To contend that the problem of the introduction and use of machines which displaced labor does not constitute a proper field for collective bargaining and has no relation to the "terms or conditions of employment" is to close one's eyes to the history of the American labor movement for the past one hundred years. The trade union seeks to protect its members against technological displacement.

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Mr. Bingham. While we are in the realm of philosophy let me say that admittedly the radio broadcasting industry displaced no musicians when it came into existence. Furthermore, as the radio broadcasting industry grew it employed more and more musicians until I believe in 1939 you said, and since 1939, fewer musicians have been employed. I take it to be your position that the radio broadcasting industry should support all who desire to become musicians, at least in some part, because in the course of their business they use records made by musicians. Is that your contention?

Mr. Padway. No. But I want to say that the factual premises upon which you base your conclusion are wrong, and your conclusion is certainly wrong. Let me tell you this: It is one thing to say that the radio broadcasting industry has not displaced musicians.

Mr. Bingham. Is that right or wrong? Am I wrong in that premise?

Mr. Padway. It is right if you put a period there, but is wrong if you put a semicolon there and continue on. That is the difference. Here is why it is wrong: When there was no radio industry there were no musicians engaged in the radio business. Then along comes the radio business and employs 400 and 600 and up to 2,000. And that is for nights. But here is what happens to us: The musician who would have found work one year after the radio industry came into being, ten years thereafter or twenty years thereafter—or probably it does not go back for a 20-year period—would have continued to have work except for the fact that the radio industry prevents it.

Mr. Bingham. How?

Mr. Padway. I will give you an illustration that parallels the radio industry. Certainly new restaurants and night clubs are opening up right now. There is the Del Rio and the Normandy and so on, and such other organizations as have sprung up as our population increased, and as they get into business they must have music, and would want musicians to play for them. If you take all of the new night clubs that have opened up, outside of the immediate downtown district where they make good money and want an orchestra, other means are employed. You take out-of-town places and instead of employing live musicians they employ wired music or something on that order.

Mr. Bingham. But I am speaking of radio stations.

Mr. Padway. That applies to radio stations.

Mr. Bingham. Do you mean that a radio station pipes music into restaurants downtown?

Mr. Padway. Oh my Lord, yes. If you will spend an evening with me—and I would enjoy nothing better than to spend one with you—I will take you to plenty of dance halls on the outskirts of Washington where soldiers and civilians go and dance around, and where there are large crowds. There are plenty of places where the music is all piped in through radio. And when the radio does not come across with the kind of music they want—and there is plenty of music on the radio—they pipe it in through a record played on a juke box or victrola and they dance.

Mr. Bingham. I have had the experience of seeing the coin-operated phonograph, but do not believe I have ever been in a place where they dance to music on the radio, except in a private home.

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Mr. Bingham. That is why I asked you the question as to radio broadcasting, because so far as I know, radio broadcasting, as an industry, has made work for musicians and has not thrown them out of work.

Mr. Padway. We are at issue, as you know, on that. In our experience we find that that is not just the fact. You may be right and I may be wrong. When I say "I," I mean the American Federation of Musicians.

Mr. Bingham. But you spoke from personal experience?

Mr. Padway. Talking about the proof of the pudding, we know it to be a fact from actual experience, and you probably believe it to be otherwise.

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Displacement of live musicians by "canned" music started fifteen years ago with the arrival of the sound motion picture, and since then the situation has grown steadily worse. In 1928 and 1929—the first two years of the rapid growth of sound pictures—approximately 10,000 theater musicians lost their jobs.

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Mr. Padway. The conditions created by this development were aggravated by the closing of many vaudeville houses and legitimate theaters throughout the country. As a result, instead of the 22,000 musicians employed in theaters in 1927 there are only 4,000 so employed today. Thus, the employment of a few hundred musicians out in Hollywood making mechanized music throws 18,000 other musicians out of work.

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Mr. Bingham. There are letters that have come to Senator Clark to the effect that locals make it tough on the traveling band that comes through to the small house, because the small house cannot, they claim, afford to employ an orchestra full time. They can bring in a traveling band that comes through with a radio show, we will say; but if they do that they also have to employ an equal number of local musicians. That is our old friend the "stand-by." They cannot pay for both, so they have neither.

Mr. Padway. All right, Mr. Bingham. I do not want to renege or shirk that question of the stand-by, but I justify the stand-by under certain circumstances and in certain instances. In other instances I think it is unjust. I think the stand-by in the building crafts ought to be abolished. I know Mr. Green feels the same as I do.

We think it is unjust and improper. It is improper in certain places where it is indulged in by the American Federation of Musicians locals.

Mr. Bingham. Have you any control over this?

Mr. Padway. Yes; we do have, and we do control them in certain instances. The control is limited, but there is some control. Where the stand-by is unjust and complaint is made, as was stated yesterday by Mr. Petrillo, and it has been brought to his attention, he passes upon it. He will disallow it and the executive board will disallow it. But in many cases it is just. But I want to say this to you, which may surprise you gentlemen, and I suppose the opponents can either dispute it or otherwise. It was originally brought into play by the employer, not by the unions. Suppose he has a band in a theater here, or a dance hall or a hotel. The Hotel Schraeder in Milwaukee employed a band for a long time. Barney's band has been up at the Shoreham for twelve years. It has never changed. Say Mr. Moore of the Shoreham Hotel suddenly gets a notion that he would like to put 50 cents extra or a dollar on a meal to get a large crowd. He sends for Eddie Duchin or Dorsey or Whiteman. You know what Barney is going to say. Barney will say, "Now, listen. I thought I was going to have regular employment. If you are going to go ahead and bring in Whiteman, what do you intend for me to do? I will lose my musicians. They will go elsewhere and they will play elsewhere, too." Moore says, "I can't keep this big band here and pay them $5,000 a week for 15 or 20 weeks. You stay home and I will pay you."

That is the way it originally started, because the man did not want to lose his permanent employees. We have letters, and we will produce them, showing you where establishments have asked us to enforce the stand-by so they could get substitute entertainment for a short time.

That is one instance. However, that does not answer the problem. Mr. Barney and his musicians are here in this city. They probably bought homes here. They have children and they send them to high school. They probably have insurance premiums to pay on their lives. Regardless of brotherly love and membership cards and fraternalism and all that, primarily his interest is in his family; and when he sees a band come in here from out of town, getting a high price, he resents it in his heart and he complains about it. He says, "I am paying local taxes to the District of Columbia. I am a permanent resident, and here come these fellows." Just as the storekeeper resents the peddler on the street, the pushcart selling oranges and apples, he resents someone coming in and displacing him. As a result of that the stand-by came into existence in its various modifications and ramifications. It was really to make it expensive, just like time and a half under the Wage and Hour law after 40 hours. It is done to make it expensive, to place a penalty and to reduce as much as possible the influx of out-of-town musicians competing with the musicians in town. Yet, in spite of the imposition of this penalty and in spite of everything else, the American Federation of Musicians would like to see less traveling bands and more work go to the local fellow. He is a citizen. He promotes the community welfare. In spite of all that, the establishment wants these traveling bands, and they pass the cost of the traveling band on to the consuming public.

That is the story. There is a keen justification for the stand-by in certain instances. I will admit that it can be abused, and I am not going to sit here and say that some of our locals do not at times abuse it. One abuse reflects itself upon all of our musicians and we are condemned en masse because of the sins of omission and commission by some locals.

I would say that the time is now here for the employers and the American Federation of Musicians to review the whole stand-by question. I would like to see it eliminated in its present form entirely if the employer will consent to it and substitute something on a more equitable basis.

Mr. Bingham. Does that go also for the amateur band?

Mr. Padway. Surely. We want the amateur band to also, as I will soon show you, have some method of control.

Mr. Bingham. There is a standing resolution that the Federation has passed to use its political and economic strength to prevent the encroachment of amateur organizations.

Mr. Padway. That resolution probably was worded by the one who introduced it. Resolutions usually, even though they are adopted, do not express a permanent policy. I have seen some of the resolutions passed by Congress, and that would be true as to them. The truth of the matter is that resolutions do not express our policy by the mere adoption of them, unless they are acted on by the executive board and put into force and effect.

Mr. Bingham. The resolution relating to amateurs has been put into effect by Mr. Petrillo, so far as radio broadcasting is concerned.

Mr. Padway. What is meant by encroachment? Probably the person that used that word meant regulation. I think President Petrillo made it clear yesterday that the elimination of amateur bands is not the objective of the American Federation of Musicians. Control is. Regulation is. I think that if it were left to President Petrillo to say what he would do with the amateur band he would give the educational institutions a much more liberal and better break on the amateur band than even the employers themselves would in certain instances. I am sure of that.

* * * * *

One of the biggest factors responsible for the displacement of live musicians has been the "juke box" industry. We do not contend that all places that operate the 500,000 juke boxes in the United States and Canada could afford to hire musicians, but it is an absolute misstatement to say, as some have said, that the employment taken away by the juke boxes is insignificant.

* * * * *

In thousands of restaurants, taverns and small dance halls which formerly employed live talent the musicians were thrown out of jobs when the juke boxes came in.

We estimate that approximately 15,000 of our members have lost jobs because of the juke boxes. This has become a tremendous industry, bringing in huge profits for the manufacturers and distributors and operators.

* * * * *

Senator Clark of Idaho. I am not disagreeing, but it only tells half the story. Of course the juke boxes cost money, and you have got to figure that that money is not so easily available. In addition to that, the juke box has got to be serviced, and that requires a considerable overhead, and there is depreciation. So that, although what is said is unquestionably factually correct, it has got to be balanced up against the entire operation.

Mr. Padway. I might say this. Suppose they were not making a penny, and losing money. That does not depart from the argument that we are being displaced.

* * * * *

Mr. Padway. Thousands of other musicians are put out of jobs by the use of transcriptions and records in radio broadcasting. In his statement to this Committee, Commissioner Fly pointed out that of the radio stations that had answered his questionnaire at that time more than fifty-eight per cent did not employ a single full time musician. This means more than 500 stations rely entirely on canned music. Approximately one-sixth of all the stations employ only one musician. These figures indicate that in seven hundred of the nine hundred radio stations in the country less than two hundred full time staff musicians are employed. The figures supplied to the Committee by Commissioner Fly also show that between 1939 and April 1, 1942, although there had been a large increase in the volume of business and income of broadcasters there was a decrease of 10.5% of full time musicians employed and of 32.7% part time musicians employed. Is it any wonder that the musicians feel that in continuing to make radio transcriptions and records under present conditions they would eventually destroy themselves?

Commissioner Fly, Elmer Davis, and the broadcasters have made much of the fact that many of the broadcasting stations are too small to afford the employment of a musician. This is no doubt true of some of the stations, but is equally untrue of many others. We know that many of them can afford it, and their refusal to hire musicians results in the loss of jobs to thousands.

However, the American Federation of Musicians recognized the fact that some small stations would not be in a position to employ musicians. When the plan of settlement between representatives of independent non-network stations and the American Federation of Musicians was agreed upon May 6th, 1938, it included, in addition to the general plan "for the solution of the unemployment problem of musicians," limitations so that the hiring and use of services of musicians were to apply only to stations with a gross income from the sale of time in excess of $20,000, and that the amount to be spent by the independent network stations was to be 5½ per cent of the amount of gross income from the sale of time in excess of the $15,000 gross. While mentioning the 1938 plan for the solution of the unemployment problem it might be well to direct your attention to the fact that the contracts contemplated:

a. Actual performance of work;
b. The use of competent and qualified musicians;
c. The existence of a no-strike clause;
d. Effort to obtain regular employment for the musicians; and
e. That the agreement supplemented existing local collective bargaining agreements.

* * * * *

Senator Clark of Idaho. Mr. Petrillo admitted that it was the little fellow that was getting hurt here. But I do not think there is any question, according to Mr. Fly's testimony and that of Mr. Davis, that several hundred radio stations do depend on canned music and are going out of business.

Mr. Padway. Perhaps I have drafted it in a way that would probably accentuate my point. What you have said is the fact. The small station is getting hurt; the small station is being injured.

Senator Clark of Idaho. Progressively injured?

Mr. Padway. Yes.

* * * * *

Mr. Bingham. What do you call a little fellow?

Mr. Padway. I don't know. I don't want to be facetious about it, either. I suppose it would be a fellow who grosses less than $25,000. It is just a matter of your own common sense. Senator Tunnell might think a little fellow would be one that grossed $50,000 or less. I will take $20,000. But it is the fellow who just about covers his overhead and expenses, probably makes a living for himself, not too large a living, and is really at the mercy of slight fluctuations which bring him into the black or the red.

* * * * *

Mr. Padway. What is a little fellow and what is a big fellow is hard to define; but I would like to say this, that the Federal Communications Commission is a very competent agency and gets its figures very well, and so on, but I would like a private, independent accounting system set up to look into the books of these companies and see what picture would be obtained then.

* * * * *

Mr. Padway. Pennsylvania has protected us in the creative genius and art and so on. whereas the Federal courts said no. I think it is something that this committee might look into very carefully.

* * * * *

Mr. Padway. The American Federation of Musicians is willing and anxious to cooperate in the development of amateur musicians. Indeed, many school bands and orchestras, most of which are instructed and conducted by Federation members, broadcast over the radio without any objection on the part of the Federation. The fact that the Interlochen band was on the air for twelve years shows plainly that we are not opposed to these boys and girls broadcasting.

* * * * *

However, our basic reason for raising objections to amateur performances is to prevent unreasonable competition from non-professionals. It is easy to understand that the more free music the radio receives, the less need for the professional. That was the primary reason for opposing the broadcasting of the concerts from Interlochen. It is not a question of being selfish; it is a question of protecting the very livelihood of our members.

* * * * *

Mr. Padway. The musicians do not want to fight for the sake of fighting. They have taken their action only because there was no other resource left, due to the failure of the employers to make satisfactory arrangements.

Everything that has been done has been done in a legal and orderly manner and strictly in accordance with our rights. Every contract has been lived up to. The A. F. of M. has a long and honorable record of living up to its obligations.

We are willing to sit down with any responsible group or groups representing the industry, in an effort to work out a solution that will be fair and equitable to all concerned.

* * * * *

Mr. Padway. Now, gentlemen, we can cease working, and under the Norris-LaGuardia Act, which has now abandoned the common-law doctrine of conspiracy, two or more can refuse to work for the same purpose as one. But, all they will do—and I am not saying this by way of a threat or challenge, but all their hues and cries and resolves will not make our men work when they are believing that they are subjected to improper and unjust conditions. The quicker the N. A. B. and its officers and those that compose it get out of their heads that they are going to drive us into a bargain the way they drove ASCAP into a bargain by a campaign of this type, the quicker results will be produced. The quicker they forget it, the better it will be for them. We are not even harsh enough to say that we won't forgive and forget. It has been a hard crown they have put upon us. We haven't had the millions that they have had, or the hundreds of thousands of dollars to spend to carry on that kind of a campaign, and if we had it, we wouldn't do it, because we would not be justified in using the members' money for that kind of a campaign.

* * * * *

Now, they have to live with us and we have to live with them. We are not going to call them dirty names, but they have got to quit calling us dirty names. That policy has got to stop. They are not going to get anywhere with us unless they do. When I say we won't, yes, we will settle with the industry; we will settle even with the members of the National Association of Broadcasters, but we won't be able to deal with them as an association. We regret it.

They have a right to be an association as much as we have. They are nothing more than an employer of the union, and they have a right to be an employer of the union. They have a right to have their lawyers and their presidents and their officers, just as we have, and the right to express themselves. But, they ought to do it with due courtesy and due respect for a man. The president of this organization, Mr. Petrillo, after all, is doing nothing more than what he is paid to do, what he is asked to do, what the members have commanded him to do, and doing it in the best means he knows how.

Now, involuntary servitude, we realize, could not be imposed. We will work. We will be glad to work. We will be reasonable, but it must be on the basis of a fair approach and fair dealing, and not on the basis of prejudice, insult and calumny.

* * * * *

Senator Clark. I think I can also give you reasonable assurance that no further hearings will be commenced for at least a week or ten days, and probably more than that; maybe two weeks.

Mr. Padway. I wish you would. I wish you could let it go until after February 1st.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON, D. C.

February 19, 1943 SPECIAL A. F. of M. BULLETIN No. 16

THE PETRILLO PROPOSALS

On February 11, Mr. Petrillo sent to the major phonograph record companies and to some of the companies engaged in making electrical transcriptions a set of proposals, which, together with the communication which he sent to these companies, is printed in full in this issue.

The proposals included no demands on the radio industry. At a press conference which he held on February 12, Mr. Petrillo said, "This memorandum covers the whole situation. We have no fight with radio". Mr. Petrillo's statement that he has no demands to make on the broadcasting industry will be welcomed by broadcasters who remember:

(1) Mr. Petrillo's original statements quoted in the trade papers and daily newspapers in July and August to the effect that he wanted the recording companies "to find a way to keep the records out of radio stations", and that "it is up to the recording companies to see to it that the records do not get to the stations".

(2) The statements of Mr. Petrillo and his counsel before the Senate Committee which were devoted very largely to claims against radio, including the assertion that broadcasting stations had caused unemployment and should employ many thousands more musicians than they are now doing.

(3) Mr. Padway's arguments before the Federal Court asserting that the union had a controversy with broadcasting stations that could employ musicians, and suggesting that 20,000 to 60,000 more musicians should be employed.

Mr. Petrillo's proposals include one directed to "juke boxes", but Mr. Petrillo stated at his press conference that he had not yet decided how this demand could be enforced or made workable. No representative of the "juke box" industry attended the meeting with Mr. Petrillo.

Representatives of phonograph record and transcription companies had one meeting with Mr. Petrillo and his Executive Board on February 15 and since then have had several meetings among themselves. The latter meetings were so protracted that it was found necessary to postpone to a date not yet fixed further discussions with Mr. Petrillo.

Mr. Petrillo himself stated at his press conference that his demands were entirely new and of a type never before made by a labor union. He stated at the meeting on February 15 that he would not state his dollar demands until the recording industries accepted his basic principle, namely, the making of a contribution directly by them to the union for the purpose of enabling the union to relieve unemployment, to increase cultural interest in music, to give free concerts, etc.

The complexities confronting the record and transcription companies include:

(1) The unsound public policy involved in the acceptance by any industry of an obligation to persons whom that industry does not employ, has never employed and with whom it has no relation.

(2) The unsound public policy involved in permitting any organization to levy taxes upon employers and the public for unemployment purposes instead of leaving such taxing power to the government.

(3) The problem of whether the payment of such a sum would be regarded as an evasion of wage stabilization regulations, since, under the precedent which would be created by the acceptance of the demands, any labor leader could, instead of asking for increased pay for the members of his union, ask for an equivalent amount to be paid directly to the union itself.

(4) The problems relating to income tax and other liability on any industry which made such a payment, especially since the labor union itself would be exempt from taxation on the amounts received.

(5) The conflict between the acceptance of such a principle and the desire of the War Manpower

(Continued on page 2)

THE PETRILLO PROPOSALS

(Continued from page 1)

Commission to draw all citizens not engaged in necessary work into war industry.

(6) The conflict with the anti-inflationary policies of the Office of Price Administration, which has frozen the cost of products and services at the prices charged during March 1942.

(7) The precedents which would be established with respect to other labor unions representing singers, announcers, actors, engineers, etc.

(8) Conflict with the National Labor Relations Act which forbids direct contribution by employers to unions.

(9) The problems involved in the admission, implicit in the acceptance of such a principle, that Mr. Petrillo has a genuine grievance or any real unemployment problem.

The record and transcription manufacturers are having meetings among themselves as this issue of the Bulletin goes to press, and broadcasters will be advised of further developments as information becomes available.

Another development in the situation came on February 15 when the United States Supreme Court, without opinion and without hearing argument, denied the petition of the government to review Judge Barnes' decision in the first of the government's anti-trust suits against the American Federation of Musicians. On Wednesday, however, Judge Barnes refused to grant an A. F. of M. motion to dismiss an amended complaint and gave the union 20 days to answer it. Judge Barnes' memorandum appears in this issue.

Mr. Petrillo's demands upon the recording companies apply to all records made by members of his union. Stations which purchase and use phonograph records would, therefore, be in the same position as the public with respect to phonograph records.

So far as the transcription companies are concerned, Mr. Petrillo acknowledges that no charge should be made on commercial transcriptions which are played only once, but he will not remove his ban on such transcriptions unless transcription companies accede to all his demands. He seeks from the transcription companies a percentage of the rental on library transcriptions. If his demands were acceded to, it is conceivable that the broadcasting industry might be faced with increased cost of library services.

Editorials from the "New York Times" and the "New York Herald-Tribune" are reprinted in this bulletin.

Judge Barnes Memorandum

This cause comes on to be heard on the motion of the defendants to dismiss.

The complaint herein is substantially the same as the complaint in *United States vs. American Federation of Musicians et al.* Decided by this court October 12, 1942 (57 F. Supp. 304) with the following changes, additions and subtractions:

Section 14 of the earlier complaint has been changed by the insertion of a new clause as the second clause of the section, and by the addition of a new paragraph at the end of the section, so that the first two clauses of the section read as follows:

"14. That for the purpose of restraining and destroying all interstate commerce in phonograph records and electrical transcriptions; of destroying entirely independent radio stations depending upon phonograph records or electrical transcriptions for their musical requirements;"

And so that the last paragraph of the section reads as follows:

"(1) To eliminate from the air independent radio stations which depend largely or entirely upon phonograph records or electrical transcriptions for their musical requirements, since no live musicians are available;"

Section 16 of the earlier complaint has been omitted from the new complaint.

Section 17 of the earlier complaint became section 16 of the new complaint, and has been changed to read as follows:

"16. That the effect of the activities hereinbefore described is to destroy independent radio stations which depend upon transcribed music for their musical requirements because no live musicians are available; to destroy completely competing businesses such as manufacturers, jobbers, and retailers of phonograph records and electrical transcriptions, as well as manufacturers, distributors and operators of 'juke boxes'; and of denying to amateurs the right to the air forum for artistic expression."

The prayer of the earlier complaint for a preliminary and a final injunction enjoining the defendants from entering any conspiracy to do certain acts and things, has had added to it, in the new complaint as a last paragraph, the following:

"(1) To eliminate from the air independent radio stations which depend largely or entirely upon phonograph records or electrical transcriptions for their musical requirements;"

The defendants assign three reasons for a dismissal:

(1) The court lacks jurisdiction by reason of the Norris-LaGuardia Act (47 Sta. 70), since the complaint sets forth a case involving or growing out of a labor dispute; (2) The complaint fails to state a claim against the defendants upon which relief can be granted; and (3) The issues presented have all been decided by the court in the earlier case, above referred to.

The defendants, in their arguments in support of their motion to dismiss, make the following points:

(a) The complaint sets forth a controversy involving a labor dispute within the meaning of the Norris-LaGuardia Act, which act precludes the court from granting the relief sought, even assuming that a violation of the Sherman Anti-Trust Act has been alleged;

(b) No violation of the Sherman Act is alleged because the acts complained of are included in the conduct specified in section 20 of the Clayton Act, and, as such, do not violate any law of the United States;

(c) The decision of this court in *United States* vs. *American Federation of Musicians et al*, decided October 12, 1942, is *res adjudicata;*

(d) The defense of *res adjudicata* may be raised by motion to dismiss;

(e) The complaint at bar adds no relevant fact that was not alleged in the earlier complaint, and raises no legal issue that was not raised by the earlier complaint;

(f) The complaint in the earlier case alleged a purpose on the part of defendants to destroy independent radio stations;

(g) Assuming that the allegation of a purpose to destroy independent radio stations is new, nevertheless, it cannot be disassociated from the rest of the complaint and treated as a separate isolated allegation;

(h) If the allegation of defendants' purpose to destroy independent radio stations is treated separately, the court can grant no adequate relief without reversing its judgment in the earlier case;

(i) Even if the allegation of a purpose on the part of defendants to destroy independent radio stations is new and can be isolated from the rest of the complaint, nevertheless, the complaint at bar does not state a violation of the Sherman Act.

The United States, in its argument against the motion to dismiss, in addition to the points made in the earlier case, makes the following points:

(a) Paragraph 14 of the complaint at bar alleges that it is a specific purpose of defendants "to destroy entirely independent radio stations depending upon phonograph records or electrical transcriptions for their musical requirements"; the situation alleged in the complaint at bar is not one wherein small stations are destroyed as a mere incident of achieving another purpose which is legitimate: on the contrary, destruction of such small stations is alleged to be a specific purpose of the defendants.

(b) Paragraph 16 of the complaint at bar alleges that one of the effects of the conspiracy charged will be to drive the independent radio stations out of business.

(c) The complaint at bar specifically prays that the defendants be enjoined from conspiring to achieve the result lastly above referred to.

(d) The complaint at bar raises issues not ruled upon by the court in the earlier case.

(e) The decision in the earlier case is not *res adjudicata.*

(f) The defense of *res adjudicata* cannot be raised by motion.

(g) The new allegation of purpose is only one of four purposes. Since all four purposes are supported by the same elements or means, and since the new purpose is part of a broader plan, it cannot be disassociated from the rest of the complaint and treated as a separate isolated allegation. The new allegation of purpose may make unlawful a plan which the court declared lawful in the earlier case.

Counsel on both sides of the case have indicated to the court their desire that the court dispose of the case on this motion, so that they may speedily take the case to the reviewing courts. The court would be glad to do this but for one consideration, which will hereafter be referred to.

The court is inclined to the view that the complaint at bar raises issues neither raised nor ruled upon in the earlier case.

It may be true, as the defendants substantially contend, that, even if the allegation of a purpose on the part of defendants to destroy independent radio stations is new, nevertheless, the complaint at bar does not state a violation of the Sherman Act.

But for the consideration above referred to, the court would definitely decide these two issues (neither is decided) and permit the losing side to take the case up.

The consideration which the court has now referred to twice is this,—it is not satisfied that the issues of law, which will be made by the evidence when it comes in, will be the same as the issues of law made by the motion to dismiss. In other words, the court is inclined to think that, by ruling on the pending motion and making possible an immediate appeal, it would be sending to the reviewing courts issues which will probably not be in the case after a hearing on the merits.

The court has, accordingly, decided to defer the ruling on the motion to the trial on the merits, which will be granted promptly. The court has this day rendered an order deferring the ruling on the defendants' motion to dismiss to the trial on the merits, and ruling the defendants to answer the complaint within 20 days from this date.

(SIGNED) BARNES, Judge.

February 17, 1943.

Petrillo Proposals

February 11, 1943.

Gentlemen:

Enclosed is a copy of the proposals of the American Federation of Musicians for settlement of the controversy with various branches of the music industry.

We invite you to meet with the Executive Board of the American Federation of Musicians, Monday, February 15th, for the purpose of negotiating respecting these proposals.

The meeting will be held at the offices of the Federation, 1450 Broadway, New York City, at two P. M.

Very truly yours,

JAMES C. PETRILLO.

It is a matter of common knowledge based upon years of experience that the accomplished musician becomes such only after many years of study and training, which study and training he must continue uninterruptedly thereafter in order to maintain the technique necessary for the accomplished musician. He is therefore required for that purpose, to maintain his standard and technique, which of necessity are lost by suspending the period of study and training or by devoting any time to any other field or industry.

It is also a matter of common knowledge that practically none of the symphony orchestras composed of accomplished musicians are self-sustaining and in the past have depended upon voluntary contributions and subsidies, which, because of other current conditions and obligations are continually becoming less and less, thus threatening even the continuance of symphonic and other recognized activities of orchestras necessary for the maintenance of musical culture.

The problem of technological unemployment caused by "canned" music has been with us for many years, resulting in recognized decrease in employment of musicians and their displacement by "canned" music in such places as theatres, hotels, restaurants, dance halls, musical halls and many others of like nature.

The inroads upon employment of musicians by such "canned" music have been ever-increasing with no abatement at any time and no evidence of any abatement, but rather continual increase for the future. Experience has also shown that in the employment of members, preference is always given to the younger musicians, thus making the unemployment situation aggravated for those men who have devoted years in acquiring their talent and skill and who are no longer in a position if they were inclined, to become part of or train for any other field of endeavor. This has resulted in the employment exchanges of the different locals of the Federation being continually filled to overflowing by musicians looking for employment opportunities, many of which were taken away and displaced by "canned" music. Continuance of this situation must of necessity destroy the incentive for the study of music and eventually would destroy the entire music industry and music culture. Therefore, it becomes necessary for the preservation and maintenance of music culture and to alleviate the unemployment situation that means be created for the continued dissemination of music and maintenance of musical culture by employing musicians and furnishing music gratis throughout the United States and Canada, including localities which have not the means financially to provide the advantages of current live music by the use of such fund created for that purpose. Symphony orchestras, bands and other instrumental combinations would be employed and used to furnish live music throughout the United States and Canada for all classes and all communities.

PROPOSALS

A fund shall be created by the payment of a fixed fee to be agreed upon, for each reproduction of records, transcriptions, mechanical devices, and library service, the master of which was made by members of the American Federation of Musicians. This fund shall be used by the Federation for the purposes of reducing unemployment which has been created in the main by the use of the above mentioned mechanical devices, and for fostering and maintaining musical talent and culture and music appreciation; and for furnishing free, live music to the public by means of symphony orchestras, bands and other instrumental musical combinations.

Canned music includes among other things the following branches of the music industry:

1. Records
2. Transcriptions
3. Library Service
4. Wired Music
5. Juke Boxes
   - (a) Common juke box
   - (b) Telephone Music Box
     (Patron through telephone device chooses selection)
   - (c) Soundies
     (Music box with picture accompaniment)

RECORINGS: The Federation shall receive from the manufacturer of recordings a fixed fee for each side of musical recordings made by members of the American Federation of Musicians, such fee to be agreed upon by negotiation.

TRANSCRIPTIONS AND LIBRARY SERVICE OF TRANSCRIPTIONS: Members of the Federation will make commercial or sustaining transcriptions without additional fee to the Federation providing they are played one time only. (The number of copies made of transcriptions to be determined by agreement.) With respect to other transcriptions used on a rental basis, the Federation shall receive from the company engaged in the business of renting-out transcriptions a percentage of the rental charge, such percentage to be agreed upon by negotiation.

WIRED MUSIC: The Federation shall receive from the company engaged in the business of selling wired music a percentage of the price charged, such percentage to be agreed upon by negotiation.

JUKE BOXES: The Federation shall receive annually for each juke box used, a fixed fee, such fee to be agreed upon by negotiation.

Editorial Comment

(*N. Y. Times, Feb.* 16)

Mr. Petrillo's New Demands

Mr. Petrillo is distinguished from his fellow labor leaders by greater audacity and imagination. He realizes clearly the enormous powers of private dictatorship that the present state of the law, the beneficent attitude of the Administration, and the timorousness and vacillation of Congress have placed in his hands.

He has now put forward the demand that the operators of juke boxes, the companies that send music over the wires, the makers of phonograph records and the great radio companies pay a monetary tribute directly to his union for the privilege of doing business. All he asks is a cut-in on every record and every phonograph sold. These fees will be paid into the union treasury. The money will be used, according to Mr. Petrillo, to reduce unemployment, to subsidize symphony orchestras and "to foster and maintain musical talent and culture and musical appreciation."

What Mr. Petrillo is proposing, in brief, is that the recording companies—which must ultimately mean the public that pays for the records—must submit to a private tax so that he can set up his own private system of unemployment relief. What he is proposing is that the members of his own union must submit to a private income tax—in the form of that part of their fees which would, in effect, go to the union instead of to themselves—in order to support this private system of unemployment relief. What he is proposing is that, at a time when war demands have made the shortage of manpower more acute than ever, he shall have the power of levying private tribute in order to create unnecessary jobs for men and women as musicians.

Mr. Petrillo no doubt looks at these matters from so disinterested a standpoint that he has not considered what abuses might develop if this device were also adopted by other unions less single-mindedly devoted to the public weal than his. These unions could insist that every employer pay a special fee to them for the privilege of employing a member of their union. These unions could make themselves rich beyond the dreams of avarice. In one or two cases, no doubt, they might even be tempted to increase the salaries and other emoluments of their officials. For, as Mr. Petrillo knows, nothing but his own high conscience would prevent him from using these enormous fees in ways that did not directly promote the public welfare. There is no law which forces unions to make an accounting of their funds or even to publish financial statements. And though the Wagner Act forces employers to recognize unions, it contains not a word which compels these unions to be in any way responsible.

Mr. Petrillo, in short, can lay down the law to the phonograph companies, the recording companies, the radio companies, and to the members of his own union; but nobody can lay down the law to Mr. Petrillo. The Supreme Court emphasized this fact yesterday by affirming the Chicago Federal court ruling that the Government could not prosecute the American Federation of Musicians under the anti-trust laws because it will not permit new records to be made for juke box and radio reproduction.

As long as Congress acquiesces in the Supreme Court's decision that labor unions enjoy sweeping immunity from the anti-trust acts and from the Federal anti-racketeering act; as long as Congress forces employers to recognize and deal with unions, but does nothing whatever to compel these unions to conduct their affairs democratically or responsibly; as long as Congress retains a law which forces an individual to join a union, whether he wants to or not, because his source of livelihood would otherwise be cut off by boycott of himself or his employer, or by other means—as long as Congress tolerates all this, we shall continue to have private dictators like Petrillo; and they will continue to find further means for enriching their treasuries and extending their powers.

(*N. Y. Times, Feb.* 17)

Why Mr. Petrillo Rules

James Caesar Petrillo has the power to force practically every musician in the country to join his union. He has the power to tell these musicians when and how and whether or not they can make recordings. He has the private arbitrary power to tell the American people what music they can and cannot hear. This has just been confirmed by a decision of the highest court in the land. The Administration must be perfectly satisfied with this condition of affairs, as it has never proposed any revision in the law to change it. Congress must acquiesce in this arrangement, because it has never passed, nor is it now considering, any law to end it.

(*N. Y. Herald Tribune, Feb.* 14)

"Something Absolutely New"

Mr. James Caesar Petrillo, worming his way through the complexities of his battle with mechanical music, has turned up with "something absolutely new." It is not precisely a penalty upon producers of mechanical music in order to find work for Mr. Petrillo's unemployed. Nor is it a change from a flat fee basis of payment for recordings and transcriptions to a royalty system. In fact, it has nothing to do with relations between employer and employed. It is simply a tax, levied by the American Federation of Musicians, to be expended for purposes which Mr. Petrillo believes desirable.

This is, indeed, something absolutely new. James Caesar evolved it in response to a curt request from

Congressional leaders that he produce some concrete statement of the union's desires in the long-drawn-out conflict over recordings and transcriptions. No one expected that Mr. Petrillo would pop up with a super-checkoff. Some have indeed accused the union head of attempting to set up a "private W. P. A." but Mr. Petrillo is following the pattern of government far more closely than any one could have realized. He proposes to collect his taxes and then reduce unemployment among union members by "furnishing free, 'live' music to the public by means of symphony orchestras, bands and other instrumental musical combinations."

Obviously Mr. Petrillo's scheme is inadmissible. The principle of the fees he proposes to collect would set a most injurious precedent, even if the organization collecting them were impeccable and the safeguards over disbursements absolutely perfect. When it is James Caesar Petrillo, the dictatorial, who suggests such a scheme; when the public control over the financial operations of unions and the union control over their leadership is so slight, the whole thing becomes ridiculous. Mr. Petrillo must find another solution for his problem and find it speedily. The country is in no mood for further impertinences.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON, D. C.

March 5, 1943 **SPECIAL A. F. of M. BULLETIN** No. 17

A. F. M. Board To Meet

James C. Petrillo, president of the American Federation of Musicians, has advised the recording companies that his executive board will meet March 16 in Chicago to draft an answer to the recording companies' reply to the A. F. of M. "demands."

Here is the text of the recording companies' reply which Mr. Petrillo referred to:

New York, February 23, 1943.

Mr. James C. Petrillo, President,
American Federation of Musicians
1450 Broadway
New York, N. Y.

Dear Mr. Petrillo:

After meeting with you on February 15th, the undersigned companies engaged in various phases of the recording and transcription business met to consider the proposals which you had distributed on February 12th. Considerable time has been spent by us in an effort to find a response which would result in your permitting the re-employment of your members. Any such response must be viewed in relation to these prior facts:

On June 25, 1942, without previous notice or demands, you announced that you would not allow any of your musicians to perform for recordings after July 31st. This meant a complete cessation of recording because we had been operating under a license from you which imposed on us a "closed shop" for your union. Under this license, we had been paying your members at rates which are among the highest for skilled service in any industry. In addition substantial royalties for each phonograph record manufactured and sold have been paid to the musicians or orchestras who made them. Although hours and other working conditions were beyond criticism, you nevertheless called a strike, without previous notice or demands.

While you allege wholesale unemployment of your members (a claim we deny), you have continued this strike and the resulting unemployment for a period of almost seven months, to date. In doing so, you disregarded pleas of Elmer Davis of the O.W.I. on behalf of both military and civil officials, that the strike was harmful to the War effort. During those seven months you at no time offered to return your members to work or even to state the conditions upon which you would do so. This continued until a Senate Committee under the Chairmanship of Senator D. Worth Clark of Idaho insisted that you make some proposal. Even now your proposal is a proposal in form only.

You propose that the recording companies pay an additional sum directly to the union over and above their payments to the musicians employed. You further propose that this sum be accumulated or disbursed in the union's uncontrolled discretion *for the benefit of union members who render no service whatsoever to the recording companies.* The destructive and dangerous fallacy of your proposal is that it assumes that a specific industry owes a special obligation to persons not employed by it,—an obligation based only on such persons' membership in a union. In addition to the inherent unsoundness of such a proposal, the following objections are at once apparent:

(a) *Obstructs Technical Progress*

We are alarmed at the damage which might be done to the whole field of technical and technological improvement if the manufacturer of any new device, of proven value to the people as a whole, were to be saddled with the costs of special industry unemployment relief in addition to the already heavy costs of pioneering research and development, and subsequent promotion.

(b) *Subsidizes Non-Employees*

We do not believe that our companies, who before your ban were employing the maximum number of musicians at the highest wages in the history of the music industry, should be asked to assume responsibility for unemployment, even if such unemployment exists, of such of your union members who are not and cannot be employed by us.

(c) *Penalizes Employment and Use*

We cannot approve a proposal which imposes a private tax upon every phonograph record manufactured and sold when it is obvious that the records used in the home, far from creating unemployment, have been the source of much profitable employment to your members. This

(Continued on page 2)

A. F. M. BOARD TO MEET

(Continued from page 1)

has been publicly and officially proclaimed on more than one occasion at your own union's conventions. Such records used in the home constitute at least eighty percent of the total phonograph record output, and thus, under your proposal, eighty percent of your tax would ultimately fall squarely on the public which buys records for home use and is in no way responsible for whatever unemployment you may claim exists.

(d) *Duplicates Government Relief*

The Government has provided taxes for unemployment relief. A second tax for a new private system aimed at the same relief seems wholly unjustified. Similar proposals could, with no more excuse, be made by singers, engineers and others contributing to the high quality of our products. Any such private and isolated system of unemployment relief within an industry is not only contrary to public policy but would be in direct conflict with the various plans under discussion in Government circles for the expansion of uniform and nation-wide social security measures. No private and limited scheme for the benefit of a few within an industry can be pyramided on top of Federal and State social security plans without creating serious inequities. Certainly mere membership in a union should not entitle a member to special privileges from an industry which does not employ him but happens to employ some of his fellow members.

We recognize that because a social philosophy is new it is not necessarily wrong. What you have proposed is a startling new kind of social philosophy for both industry and labor. While we believe that it is wholly wrong in principle, we doubt that either a single union or a single industry is qualified to be the final judge. Only the people of the United States are qualified to decide whether multiple systems of unemployment relief administered by a variety of private as well as governmental agencies shall now be created. Authority for the application of such basically new social theory should therefore come from the people's representatives in the Congress. Such sanction would necessarily be accompanied by rules and regulations defining the limits, requirements and approved objectives of such union relief funds, and subjecting the union and its administration of such funds to Governmental control and supervision. As in the case of pension and retirement plans created by corporations for the benefit of their employees, the Treasury Department would unquestionably desire to participate in such regulation and supervision.

This is not rhetoric but plain statement of fact because only the Congress should be called upon to answer such fundamental questions as the following:

(a) Would not such a payment directly to a union offer an easy means of evading the "wage freeze" regulations; or, on the other hand, would it not be deemed an indirect increase in compensation to the members employed and, as such, in violation of the regulations?

(b) If, on the other hand, it were ultimately determined that the additional payment directly to the Federation were not additional compensation, direct or indirect, to the employees, would not such a payment be merely a gratuity, and therefore a waste of a company's assets which would subject the company's management to liability under the law?

(c) Would not your proposal be in violation of Section 8 of the National Labor Relations Act which provides that it shall be an unfair labor practice for an employer to "contribute financial or other support" to any labor organization?

(d) What would the Treasury think of your proposal if it resulted in diverting taxable income in the hands of the employer to non-taxable receipts in the hands of your union?

(e) If on the other hand the Treasury Department refused to allow such payments as a deductible expense of the employer, would not the employer be compelled to pay not only the contribution to your fund but also an income tax on the amount of that contribution?

(f) Would not any plan for creating artificial employment for unemployed members of the Federation be contrary to the policy of the Manpower Commission, which is seeking to draw into War industries at least those persons not presently employed?

(g) Would not such a payment as you propose subject both you and us to the charge of a conspiracy to maintain or to increase prices,—and a resulting prosecution by the Government or civil suit by an injured consumer.

Only if you procure Congressional authority for the creation of a fund in accordance with your proposal could such a proposal become operative without raising many presently unanswerable questions.

Pending such Congressional authority for a plan which you yourself have termed "absolutely new", we suggest that you permit your members to return to work immediately and produce phonograph records and transcriptions which are sorely needed for both civilian and military morale.

You know of course, that we stand ready to meet with you at all reasonable times when you have anything further to submit. We want you also to know that the views expressed represent our individual as well as our joint decisions.

Very truly yours,

Electrical Transcription Companies
Associated Music Publishers, Inc.
By JOHN R. ANDRUS, Vice President.
Empire Broadcasting Corporation
By GERALD A. KELLEHER, President.
Lang-Worth Feature Programs, Inc.
By C. O. LANGLOIS, President.
Muzak Corporation
By C. M. FINNEY, President.
Radio Recording Division
National Broadcasting Company, Inc.
By C. LLOYD EGNER, Vice President
Standard Radio
By GERALD KING, Partner.
World-Broadcasting System, Inc.
By A. J. KENDRICK, Vice-President.
C. P. MACGREGOR
Phonograph Record Companies
Columbia Recording Corporation
By EDWARD WALLERSTEIN, President.
Decca Records, Inc.
By JACK KAPP, President.
RCA-Victor Division
Radio Corporation of America
By LAWRENCE B. MORRIS, Director of Personnel Contract Relations.
Soundies
Soundies Distributing Corp. of America, Inc.
By SAMUEL OLIPHANT, Attorney.

National Association of Broadcasters

1760 N STREET, N. W. * * * * * * * WASHINGTON, D. C.

March 26, 1943 SPECIAL A. F. of M. BULLETIN No. 18

Petrillo Developments

This week's Bulletin contains a letter sent by Mr. Petrillo to members of the recording industry on March 17 and a telegram which members of the recording industry sent to Mr. Petrillo in reply on March 19. Mr. Petrillo's letter charged bad faith on the part of the recording industry, and emphasized the fact that he was seeking compensation from the recording industry not on behalf of persons who are, were or might be employed therein, but for persons who, in his view, have been "displaced" because the phonograph was invented. The recording industry's reply invited Mr. Petrillo to meet with members of the industry in New York on March 24, for the limited purpose of discussing wages, hours and working conditions of the persons actually employed in recording. Mr. Petrillo's answer to this invitation, made by telephone, was a suggestion that representatives of the recording industry should meet with him in Boston on April 12. Neither the American Federation of Musicians nor Mr. Petrillo, nor any recording company which extended the invitation has offices in Boston. The recording industry rejected the idea of meeting at this inconvenient place at so distant a date. Mr. Petrillo's rejoinder was a suggestion that a meeting be held in New York on April 15, three weeks from now. As yet the recording industry has not replied to this most recent suggestion on Mr. Petrillo's part. Also included in this Bulletin are a few of the recent editorials and news items which have appeared in the press concerning Mr. Petrillo's activities.

A. F. of M. Letter to Recording Companies

The A. F. of M. Executive Board, at its Chicago meeting, sent the following letter to the recording companies, dated March 17:

"Gentlemen: The Executive Board of the American Federation of Musicians met to consider your answer to its proposals submitted to you. The members of the Board cannot escape the conclusion that you have failed to consider these proposals in good faith. No other conclusion can be deduced from the many specious arguments presented by you. In short, you have failed to measure up to the test of good faith collective bargaining which requires submission of counter proposals.

"Your letter contains many incorrect assumptions and many misstatements of fact. You incorrectly assume that our proposal is founded on a claim that there is an obligation in any industry to persons belonging to a given union. To begin with, we are dealing with a particular kind of industry, namely, one that has been built up exclusively by a mechanical invention that displaces human labor. In the second place, we are dealing with workers who are not employed in their craft precisely because of the creation, development and expansion of such an industry. We say simply that all those who benefit from the displacement of human labor should share the burden of the cost to the displaced workers. These workers are entitled to relief not because they happened to be members of a union but solely because they happened to be victimized by the same things which benefited others. Their membership in the union does not give them the right, it merely provides for them the means whereby they seek to enforce that elemental right. This *(Continued on page 2)*

A. F. OF M. LETTER TO RECORDING COMPANIES

(Continued from page 1)

principle is recognized by many outstanding economists, among them Dr. Isadore Lubin, U. S. Labor Commissioner, and Professor Sumner Schichter of the Harvard School of Public Administration.

"You state that the proposal is unjustified because it duplicates government relief. The plain fact remains that the many musicians who have been put out of work by canned music are not presently eligible for government relief, and such relief as is accorded under present government plans is wholly inadequate.

"You state further that the proposal we have submitted is one that can only properly come from the 'people of the United States' through the people's representatives in the Congress, and then you say that only Congress should answer certain stated questions. We refuse to accept the suggestion that the time has been reached when any constructive advance in our social devices must be initiated by the government. That suggestion is wholly foreign to our ideals and certainly is completely at odds with history.

"It is an axiomatic historical principle that legislation is never created in a vacuum, but is merely the culmination of the acquired experience of private individuals and private groups, and in labor relations through the process of collective bargaining. It will be a sorry day indeed when and if changes and advances in our social patterns must await governmental initiative and action.

"We are advised by our counsel that a payment directly to the union would not constitute an evasion of the 'wage freeze' regulations. Nor would it constitute a violation of the National Labor Relations Act, whose main objective is encouragement of collective bargaining.

"We are satisfied that the Treasury would not and could not prevent the diversion of this money to the unemployment relief fund contemplated in our proposal, any more so than pensions, insurance, medication or health plans for workers and their families in private industry. The acceptance of our proposal would in no manner contravene the policy of the Manpower Commission. It is unthinkable that anyone of our unemployed members would prefer whatever benefits would flow from the acceptance of our proposal to a job required of him by his government in times of war. Nor is it thinkable that the union would grant to any such person any of the benefits contemplated by our proposal. We are further advised that our proposal does not violate the anti-trust laws. The mere fact that collective bargaining does or may result in an increased price never had been considered a violation of any law.

"There is ample justification in the practices of business itself for the union proposal. Business men customarily set aside funds for depreciation of machinery and equipment, depletion of natural resources, and for obsolescence. All these funds are considered legal charges against the cost of production.

"Especially applicable is the obsolescence fund which compensates the business for the untimely displacement of machinery or equipment, as the result of the introduction of new methods, new machinery and new equipment. The philosophy behind insuring the worker against industrial hazards by funds that would be charged against the cost of production is by no means novel. Under the old judicial precepts of 'assumption of risk,' 'fellow servant,' and 'contributory negligence,' the worker used to bear the full cost of industrial accidents.

"These harsh rules were replaced by more humane doctrines, and now workmen are insured against industrial accidents by workmen's compensation funds which are added to the cost of production and thus spread among all who benefit from the production.

"The same principle lies behind our social security laws in both the funds for payment of unemployment compensation and old age benefits.

"Your suggestion that the American Federation of Musicians permit its members to return to work immediately and produce phonograph records and transcriptions, particularly in view of your failure to make or contribute a single constructive suggestion towards a settlement of this dispute, is as arbitrary as it is audacious. If any of your concerns engaged in this industry was producing a product that was slowly but surely putting you out of business, you would not continue to produce that product, and actuated by the same motives, the members of the American Federation of Musicians will not continue to make a product that is slowly and surely putting them out of jobs.

"There is nothing further we can present until you are prepared to submit in good faith constructive proposals for the solution of this tragic problem."

The letter was signed "The Executive Board, American Federation of Musicians, James C. Petrillo, President."

THE RECORDING COMPANIES' REPLY

The following is a telegram dated March 19 addressed to Mr. Petrillo from the recording industry:

> "In your reply of March 17 to our letter of February 23, you complained that we have failed to measure up to the test of good faith collective bargaining. That complaint is unjustified, since it was you who terminated all prior arrangements without previous complaints or demands. Individually and collectively we have always been and continue to be ready to confer and bargain with you on the question of wages, hours and working conditions which, under both the National Labor Relations Act and universal practice, are the appropriate subjects for collective bargaining, and to enter into a written agreement for a definite term which will provide for the immediate resumption of recording. As tangible evidence of our good faith, we now invite you to meet with us for such purpose at the Hotel Ambassador in New York on Wednesday, March 24th, at 2:30 P. M. Please reply by telegram to Mr. Lawrence Morris, c/o of RCA Victor, Camden, New Jersey."

Signed:

Associated Music Publishers, Inc.
Columbia Recording Corporation
Decca Records, Inc.
Empire Broadcasting Corporation
Lang-Worth Feature Programs, Inc.
Musak Corporation
RCA Division, Radio Corporation of America
Radio Recording Division, National Broadcasting Company, Inc.
Standard Radio
Soundies Distributing Corporation of America, Inc.
World Broadcasting System, Inc.

Editorial Comment

PETRILLO'S ARM IN FLORIDA

Interesting editorial report by The Miami Herald of March 18:

The Kiwanis Club of Delray Beach has felt the long arm of Music Czar James Petrillo. The club has been sponsoring USO dances Saturday nights for service men stationed at Boca Raton Field.

The good folks of Delray Beach did not reckon with Czar Petrillo's brand of patriotism and the stranglehold he has on Washington. Following complaints by the musicians' union, the Adjutant General's Office at Washington ordered the proper Army officials at Boca Raton to stop service men from playing for the weekly dances.

Delray Beach has no professional music organization. The soldiers were not competing with the union. They were playing for service men and their partners only. So to satisfy Petrillo there won't be any more Saturday night hops for the boys. You can't dance without music. The Kiwanis Club has protested to Washington. They'll get a nice letter of acknowledgment. But Jimmy Petrillo will prevail and the armed services be hanged. Who are they, anyway? Sure, it's awful, un-American and cowardly ingratitude to American boys prepared to die for Czar Petrillo and his ilk.

—*New York Times,* 3-24.

"C FOR CAESAR"

James C. (for Caesar) Petrillo did pretty well by himself yesterday. He vanquished the army and navy in the same day.

An army band from Gilroy agreed to play for a dance at San Jose State College. Petrillo wrote a letter to Washington. The band will not play and the kids will dance to phonograph records.

The navy planned to use a naval band at a reception in Chicago in honor of Maj. Gen. Alexander A. Vandegrift, hero of the marine corps forces which stormed Guadalcanal. Petrillo wrote a letter. The navy band did not play.

There are not many men in the world who could push the American army and navy around in the same day and get away with it. Perhaps we ought to put Petrillo in charge of our war with the axis.

In the great mass of cases you can't blame Petrillo for getting all the work he can for his union. However, it seems a little harsh to block the use of a navy band at a reception for the hero of Guadalcanal. Likewise the thing which gripes you about his blacklisting of the college is the utter wrongness of his position and the fact that he is upholding what amounted to a steal. The students say Paul Pendarvis, whom Petrillo upholds, ran in a substitute band instead of his own and did not himself appear until the dance was practically over.

—*San Jose (Calif.) News,* 2-19.

A DANGEROUS PHILOSOPHY

The continuing argument between James Petrillo, czar of the union musicians, and the recording companies brings out a dangerous philosophy set forth by Petrillo.

One of his proposals is that the recording companies pay an additional sum, over and above the salaries of musicians employed by them, directly to the union. This sum would be disbursed by the union at its own discretion for the benefit of union members who render no service whatsoever to the recording companies. Petrillo's plan assumes that an industry owes an obligation to persons not employed by it, simply because they belong to a certain union.

This "second tax" for unemployment relief would set up a system which would not be wrong simply because it was a new social philosophy, but because of its ultimate conflicts and widespread inequities. It is a dangerous philosophy for the union, for business and the public.

—*Tucson Star,* 3-13.

RECORD MAKERS RIGHTLY REJECT PETRILLO SCHEME

James Petrillo, the $46,000 a year czar of the musicians' union, recently offered to rescind his ukase on recorded music—provided the manufacturers paid him a price.

And what a price!

It was to the effect that on every record or transcription made, in addition to paying the musicians employed their full time wages, the manufacturers should donate a specified sum to his treasury.

This sum was to be absolutely under Petrillo's control, although ostensibly for the benefit of unemployed musicians, even though those might be hundreds and thousands of miles away from the place where the records were made.

Such a proposal in others days would have been called blackmail by some, extortion by others.

But autocrats, whether of the pinfeather or the full blown variety, all have this in common:

They thoroughly believe in their divine right to exploit the rest of the human race.

The manufacturers of records, however, did have the backbone to reject so preposterous a proposal.

When has any industry been expected to furnish unemployment relief for persons who never have been and never will be on its payroll?

Further, such an agreement probably would run afoul of the anti trust law so far as the manufacturers are concerned.

So the making of much needed records has become subject to further postponement.

And the wonder grows if this is the land of the free after all.

—*Modesto (Calif.) Bee,* 3-10.

PETRILLO'S WORK RELIEF

Having been in the untenable position of striking for six months without stating his demands, James C. Petrillo now comes forth with a questionable plan under which members of the American Federation of Musicians may again make records.

The plan, which Mr. Petrillo somewhat naively insists is legal because unprecedented, simply provides that recording companies, juke box operators, and others engaged in various departments of the recording industry, pay a stipulated fee, the amount to be arrived at by negotiation, to Mr. Petrillo's union. The Union, in turn, will operate a sort of super WPA, giving work relief to members unemployed presumably because of the general substitution of loud speakers for live musicians.

This is a novel proposal. While one's sympathy must be extended to those individuals whose talent, training and experience is affected by the changes that invention has brought to the musical sphere, it is necessary to remark that this circumstance is not unique. Trades and professions have a high rate of obsolescence and change. Progress is inexorable.

While Mr. Petrillo may be entirely within his proper sphere in insisting that society should provide cushions for the shock, his plan for licenses and fees would only seek to support indefinitely an old system of work at the expense of a new. That is unrealistic for the signs of the moment indicate that while the total number of musicians professionally employed may become fewer, the opportunities for the very highly skilled will be greater and vastly more rewarding financially. The trend is away from quantity and toward quality.

Furthermore, the question will inevitably arise whether this Caesar of music has shown marked capacity for administering such a broad social relief program as he has proposed.

—*Christian Science Monitor,* 2-15.

There is no question that records and radio have created far more jobs—even for musicians—than they have destroyed. Yet James C. Petrillo claims that thousands of members of the American Federation of Musicians are unemployed because of "canned" music; and he has demanded, as a condition of his lifting the present ban on recording, that these unemployed members be provided for by means of a fund to be created by payment to the union of a fixed fee for each reproduction of records, transcriptions, mechanical devices, and library service of which the master record was made by members of the American Federation of Musicians. The recording and transcription companies, needless to say, have turned down Mr. Petrillo's proposal. The companies contend, with logic it seems to us, that such an arrangement would put a penalty on technological improvement, duplicate government relief, and probably be found to violate half a dozen laws, including the National Labor Relations Act. The companies maintain, further, that when Petrillo says a large number of his members are unemployed, he can only mean that they are unemployed as musicians, for a great many of them earn their living otherwise; and Petrillo has practically admitted that union membership is open to anyone who *wants* to earn his living as a musician. Thus a man who works in a factory and also plays the cornet can presumably join the A. F. of M. and qualify as one of the unemployed musicians in whose name Petrillo has prevented recording. Petrillo has done a good job in raising the wages and standards of musicians; but when he attempts to enforce his demand by taking a step which affects the public interest as gravely as the ban on recording he is performing a service, not for his members or for "music culture" in the United States, but only for the enemies of labor unions.

—*The Nation,* 3-20.

USO OPERA IS BARRED

Musician Union Opposes Heavy Camp Schedule

Philadelphia, March 18.—The Philadelphia Opera Company today cancelled performances at Fort Meade and Indiantown Gap and tentatively cancelled a third at the New Cumberland Reception Center, charging the American Federation of Musicians had refused to permit orchestra members to participate in the shows without pay.

The company presented Johann Strauss' "The Bat" before an audience of 1,000 soldiers at Fort Dix last night with only a piano accompaniment. Personnel Manager Max Zehr said the union a few hours earlier stopped the musicians from accompanying the show, saying that a precedent might be set.

Zehr said the men themselves were eager to play and had sent a delegation to union headquarters requesting permission.

"It isn't finally settled yet," Zehr said, "and I believe a hearing will be held on the matter in a day or two. I think part of the trouble arises from the fact that some USO shows now giving performances have paid performers."

C. David Hocker, manager and producer of the company, said the orchestra had accompanied the singers to three other posts during the past two weeks and that the musicians were willing to continue donating their services.

"Nine musicians spent three hours arguing unsuccessfully with officials of the musicians' union yesterday," Hocker said. A spokesman for the union said that "it is not that the musicians are not patriotic but the opera company went ahead and scheduled nine successive performances without consulting the union. It put us in the middle."

"Our men have been playing for all kinds of benefits for the military services and we have donated time worth thousands and thousands of dollars," he added.

—*N. Y. Telegraph,* 3-19.

The Associated Press carried the following story under a Fort Dix date-line:

The Philadelphia Opera Company gave a performance for more than 1,000 soldiers at an Army theater last night with only a piano for accompaniment.

At the start of the program, David Hocker, the producer, announced that union officials in Philadelphia had prohibited the musicians of the company from contributing their services.

Mr. Hocker said the orchestra had gone with the company to three other Army posts during the past two weeks, but union officials ruled yesterday that they did not want to set a precedent by permitting the musicians to perform gratis.

As a result, Mr. Hocker added, he had cancelled a tour of several other Army and Navy stations.

In Philadelphia, Frank Liuzzi, president of the musicians' local, refused to comment, but said that he might have something to say about it later.

The authorities at Fort George G. Meade, Md., said that the opera company had cancelled a performance scheduled there Sunday.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

July 15, 1943 SPECIAL A. F. of M. BULLETIN No. 19

Petrillo Defies WLB

James C. Petrillo last week joined John L. Lewis in defiance of the National War Labor Board.

He advised the Board that he would refuse to abide by any order of the Board that musicians should end their year-old strike against radio transcription manufacturers.

Speaking at a Board hearing on the question of whether the Board should take jurisdiction in the strike (and order the Union to call it off), Petrillo's lawyer, Joseph Padway, said "Labor cannot stultify itself to permit any tribunal to violate the Constitution of the United States and impose upon us involuntary servitude. That is where we would have to part ways . . . to maintain the freedom, the democratic rights given to us under the Constitution".

Padway took the amazing position that the controversy between the Union and the A. F. of M. was not a "labor dispute", hence the War Labor Board should keep hands off. Just six months ago Padway was contending for all he was worth that the controversy was a "labor dispute" within the meaning of the Norris-LaGuardia act and hence the Union could not be prosecuted under the Anti-Trust laws.

Walter Socolow, Counsel for the Transcription companies told the Board that the "dispute was a common garden variety strike" and if Petrillo and Padway got away with this fast one every Labor Union in the country could strike as it please and duck the Board merely by contending that it had abandoned jurisdiction.

Below are printed excerpts from the testimony. The Board took the case under advisement. A decision is expected during the week of July 19.

Padway and Petrillo

For the Union

* * *

Mr. Padway: Mr. Chairman and members of the Board.

The position the American Federation of Musicians takes in this controversy, if we can call it that, is that this Board is without jurisdiction to make a decision in this matter, and that is founded on the premise that you do not have here a labor dispute. We take the position that no employment relationship exists and none is sought, and on that premise it is our contention that there is nothing here for this Board to determine.

Until the radio came into existence there was little objection to the making of the record, little objection to the creation and the continuance of this mechanical device. But when the radio came into existence it was apparent to enterprising persons that to synchronize the radio with the use of the disk might create a new business, and a very profitable business. And with the use of the radio and with the use of disks on the radio, this music—and it may have been disks that were not music, but the disk, or whatever was recorded upon it, was transmitted to various areas in the country and, if they so desired, through networks to the entire nation.

That created a problem for the American Federation of Musicians. It created this very simple problem, and I would like you to take cognizance of this. The American Federation of Musicians were confronted with the making of an instrument, or contributing to the making and manufacture of that instrument which destroyed their employment opportunities. Instead of creating work for them, it destroyed work; and instead of increasing their number or maintaining those who were employed, it would, if followed to its logical conclusion, put them out of business.

* * *

The problem became acute when sound pictures came into existence. There were some 22,000 musicians employed in these theatres at the time sound came into existence, and in a little better than a year there were left but 3,000 or 4,000 and 18,000 musicians went out of the theatres, displaced by the use of sound and by a mechanical device.

* * *

Now, that problem became more and more acute when the radio came into existence. The ability to distribute over networks and over stations music to wide areas made a less and less demand for music; musicians were unemployed.

* * *

So then we had an issue between a mechanical device and human labor. The American Federation of Musicians had to solve that problem or attempt to solve it. It conferred with the industry. As a result of that conference the industry recognized that it ought to at least make good some portion of the loss, and after very, very long and arduous conferences and negotiations it agreed to spend three million dollars in addition to what it was then spending on live music.

I think that was in 1937 or 1938. That was just a drop in the bucket, but for the moment it was accepted for the time being by the American Federation of Musicians as at least the establishment of a principle which might go toward the solution of this unemployment problem created by the mechanical device.

Well then, pretty soon the Anti-trust Division, under Thurman Arnold, got busy and he threatened the employers or the industry that if they continued with that contract or renewed it he would prosecute them under the Anti-trust laws. And while this may not be admitted by the industry, it is our opinion, based on some very strong and definite evidence, that the industry was only too happy to have Mr. Thurman Arnold make that rule. And while some of the industry continued to keep faith with the agreement, a large portion of the industry did not.

The fact is that the income on that particular arrangement, after Mr. Arnold's threat, was reduced by 60 percent or better than 50 percent. So that was no longer a solution to the problem.

* * *

In 1942 at Dallas it was definitely decided to cease making the records. We contend, whether it be disputed or not, that the industry showed no warmth or receptiveness to anything that had been discussed before. It made no efforts at cooperation to solve the problem. It was as much their problem as it was ours but they sat by, satisfied in the fact that we will have to continue to furnish that music regardless of the fact that we are dying as a result of the furnishing of these disks and this mechanical music.

To emphasize the fact that there was an absolute cessation of an employment relationship, I want to direct your attention to this significant aspect of history. If these employers recognized us as continuing employees, such as results, perhaps, from strike situations, why did they not call upon us to explain why this notice was sent to them? Perhaps they will say they knew, and I think they did. Why did they not approach us and say "We want to know on what basis you will work for us."?

I make this as a positive statement of fact, that no official communication, no official approach was made by the industry to the American Federation of Musicians from the time this notice was sent to the present day. Let me explain that.

For seven months there wasn't a peep out of them to the American Federation of Musicians.

* * *

We went to the Senate and we told the simple story in probably more elaborate form than I have related it to you at the outset of this argument. We made a simple statement. We cannot live any longer under the conditions that exist now, and as a basis of self preservation, as a basis of creating and remaining in employment instead of destroying it, we had to simply cease to make these records and we have severed the employment relationship; we severed it.

Then, at the suggestion of the Chairman of the Senate—he said, "Will you meet with them?" He said, "Meet with them and see what you can work out."

Now I want to make this very emphatic. The mere fact that we responded to the request of the Chairman of the Senate Committee to meet with them was not an acknowledgment that we still were in their employ; it was not an acknowledgment that a strike existed; it was not an acknowledgment that there was a hiatus or an establishment or a continual relationship. We went there to listen to them as we were asked to do, to see if there was anything they had to offer; and they didn't ask us to meet with them, it was the Chairman of the Senate Committee that asked us to meet with them. They were too proud and haughty, they relied upon their infamous campaign.

We went, sat down, and met with them. We even deigned, if you please, to make certain proposals. We took the initiative, although we were seeking no employment. We severed the relationship; we didn't want to work. They wanted us to come to work for them; it was their duty to say they wanted us to come to work, to state the basis on which they wanted us to come to work. Did they? They did the old employer's trick—now I don't mean all employers, but some of them, those who are responsible for the bringing about of the National Labor Relations Act—of listening and smoking and accepting us very nicely and very amicably, but not a peep out of them about what they would do.

We made them a proposal. They wanted our employment and we didn't want to work for them at all, we had severed relationships. All we got back in response to the proposal that we made was, "Your economic views are entirely contrary to our own. We cannot accept the basis of your philosophy," which was to create some scheme whereby this unemployment might be absorbed. All they said was "This is no good," and "That is no good," and "That is contrary to this," and "This is contrary to that," and bingo, it was shut off.

That should have terminated at least the relationship, if there was any, that existed, and it was through.

* * *

Now then, we are not permanent employees of these recording companies. It is sporadic employment. We have jobs; we have employers, fine jobs, fine employers. Every musician involved in the transcription business as distinguished from the recording business, and that is the only business before you, has a fine job, has never been without work.

* * *

What is this transcription business? I am coming now to one phase that will dwell upon the law. This transcription business as distinguished from recording—if the recorders make an argument that it may interfere with war morale or have something to do with war morale, we can meet that, but as far as we are concerned, all their business of the major, greater portion of it, is just general advertising: "Pepsi-Cola hits the spot," "Use Kreml; it will make bald heads grow hair," "Jergen's Lotion—any woman that uses it will get a beau overnight if she hasn't one."

Now, Mr. Chairman, that is all right, but what contribution is that to the war effort? These are commercial transcriptions if you please, and I cannot see what connection there is between the commercial transcriptions and the war effort.

* * *

Mr. Chairman and members of the Board, I have stated that you have not here a labor dispute, and the first thing that ought to occur to me as a lawyer, having handled this case all the time, is: What about that case in Chicago? What about the Supreme Court? Didn't they hold that it was a labor dispute?

* * *

The entire face or our picture of it when you have a case before the court on the Norris-LaGuardia Act is entirely different than we have in meeting the definition in connection with your jurisdiction.

* * *

And we here have no wages to ask you or to consider or determine. In our controversy we ask nothing of you respecting hours. We have no employment conditions in controversy as to sanitation or health, and we do not seek representation because we do not seek to establish the relationship of employer and employee.

We don't want to work for those employers. Much as they want to stay in business, much as they want our work, much as they want our employees, we want to exercise the constitutional right of refusing to work for them either arbitrarily or for reasons that are best known to ourselves, although I have stated to you the reasons.

* * *

If this business wants to continue, come to us and talk to us about it, we can consider one proposition, one proposition only, and that is this: We will work for them in the flesh. If they want to get "Pepsi-Cola hits the spot," we will give them the dingaling's and all of it, but it will have to be a live one. We are not going to produce a master disc and have them, with that canned music, circulate it all over the world.

It doesn't affect the controversy. I am making a statement to you so that you may know our position of good faith, but I say this, we don't thereby establish the relationship. I am simply telling you, Mr. Chairman, that any time these employers sitting around in this industry want live musicians to fill in these programs anywhere in the United States, we have got the men, we have got the music, and we will give it to them.

* * *

What substantial interference with the war effort is there here? Is there substantial interference if Kreml or Pepsi-Cola or Jergens Lotion isn't advertised through transcriptions? They are not talking about records now.

* * *

There is nothing you can settle for us by collective bargaining because there is nothing we want. We don't want to bargain with them at all. We are not employed by them and we don't want to be employed by them. We haven't a dispute that comes within the terms of collective bargaining. We haven't got to the point of employer-employee relationship to want to collectively bargain with them. However, you must have something here that can be covered or come within the terms of the collective bargaining process in order to have jurisdiction.

* * *

Now I come to the crux of this case, and that is this, Mr. Chairman: Labor will not defy this Board, the President of the United States or any Government agency, but on one thing it will have to differ with the Board, regardless of what your order may be, and this is not said definitely. Labor cannot stultify itself to permit any tribunal to violate the Constitution of the United States and impose upon us involuntary servitude. That is where we would have to part ways, not to compel you to take any certain action, not by way of disrespect, not by way of defiance, but on the contrary, merely to maintain the freedom, the democratic rights given to us under the Constitution. We would not be worthy of existence. Labor unions would have to disintegrate or ought to if they won't stand and protect their members against the imposition of involuntary servitude.

* * *

MR. DAVIS: Mr. Padway, can I ask you a question or two?

MR. PADWAY: Yes, sir.

MR. DAVIS: In the hearings before the Senate Committee, Senator Tobey said, "The interests of all the people have to be taken care of." Mr. Petrillo replied, "We understand that, and the American Federation of Musicians is going to do nothing to take away music from the public."

Later on, in the Senate discussions, I think Senator Wheeler was speaking. I have it here (referring to document). It was Senator Clark; and Senator Clark said, "Mr. Petrillo, all we are able and have been able to elicit from you is that you have not made any demands known either to this Committee or to the public or to the industry up to this time, and when pressed, your response is that you want more work. Now, there are only three people—three groups—that can give you more work.

One is the recording companies. Do you want more musicians hired by the recording companies?".

Mr. Petrillo said, "I will answer your question in this way. We are ready now to make demands if that will clarify the situation, and to go into negotiations and settle this thing as fast as possible."

And again Mr. Petrillo said, "But I am in hopes we will get somewhere if we sit down. I am satisfied now during the investigation here and the court procedures, that these men will finally get down to their level and finally will talk about the matter in a manner that I think the time has come that we have got to do business with these boys because there is a problem to be solved, and they have some justice on their side."

And you in your testimony before the Committee, said: "Well, I think if what we had a right to expect reasonably, would have resulted, this strike would not have been enforced. It would have been settled even before the ban came on. That, of course, will cause a debatable subject whether this side is wrong or that side is wrong."

And you said in another place where Senator McFarland said, "It is striking in the midst of war. That is the thing we are trying to get away from, having strikes in the midst of war;" and you said, "We want to settle this strike because we don't want to have it any longer."

Now, my question is, Has the position of the musicians changed since that time? Are they still desirous of settling the controversy, and are they still desirous of or willing to make suggestions for settlement, and to sit down and work it out?

Mr. Padway: Mr. Chairman and Members of the Board: This is the situation as I understand it—and when I state this, I am responding to your question; if I am incorrect, then I want Mr. Petrillo to answer if he disagrees with what I say, because I am not going to bind him to what I am stating now.

Mr. Davis: What don't you let him answer?

Mr. Padway: Well, I want to answer it this way because of the testimony. I recall the testimony and here is the testimony:

First of all, the use of the word "strike" like my use here of the words "going back to work" every once in a while—"strike" is a colloquial expression. (Laughter.) We use it in the sense that we were employed by somebody, we had an argument with them, and we have quit. That is all—we have quit. Whether we have quit definitely and permanently because we think the employer is a no-good so-and-so, and don't want—we struck and we went. In utilizing that language, we never intended to say that we are recognizing a strike in such a way that we have any rights as workers that we can compel employment or get strike benefits, or get employment compensation benefits, and the like. We voluntarily severed the relationship.

Now, then, with respect to sitting down with them—or rather, that we don't want to prevent music. We don't want to prevent music. We want to give the public all the music it wants, and we will give the public all the music it wants; but we won't give it to them through the can.

* * *

Now, you will say that puts us out of business. Well, as between them going out of business and we going out of business, we say that they should go out of business, that is all. If it is a matter that they shall die or we shall die, we say—not with any Oriental curse—but "Die!" (Laughter.)

* * *

Mr. Davis: Just a minute. You really haven't answered my question.

Mr. Petrillo: What is it? I tried to give you more, perhaps. Go ahead.

Mr. Davis: If you will listen to the question and give me a direct answer, I would appreciate it.

The public interest that was under discussion in the Senate Committee was the public's interest in canned music. The people that were under discussion were—shall I call them the "canners"?

Mr. Padway: Yes.

Mr. Davis: And at that time Mr. Petrillo said that he was willing to enter into negotiations, that he hoped to arrive at a settlement, and he proposed to submit terms and conditions.

Mr. Padway: We did.

Mr. Davis: All right. My question was, Is Mr. Petrillo or the Musicians still of the same mind about these canners, or have they changed their position since the Senate hearing?

Mr. Padway: Whether this is a change of position or not—I contend it isn't a change of position but you may construe it that way—definitely now we do not want, will not sit down to make recordings or transcriptions. We are through. Am I right?

Mr. Petrillo: Yes.

Mr. Padway: I would like Mr. Petrillo to answer.

Mr. Davis: I wish he would.

Mr. Padway: Go ahead, Jimmy, you can do a better job than I can.

Mr. Petrillo: Mr. Chairman and Members of the Board; I am speaking now to transcriptions. The only possible chance for a settlement in this situation is the question as to whether or not these people are willing to recognize that there is a problem here of unemployment for the man who makes the instrument and says, "Here, Mr. Radio Station, now you can sell this instrument to Mr. Lucky Strike; and you can play this, Mr. Radio Station, for six or eight months. But you, Mr. Paul Whiteman, and Kay Kyser, you stay home until such time as we are ready to send for you again."

What we have in the back of our heads if it is at all possible—and we are not ducking any issue—it is either a question of not making the instrument any more or placing musicians with the can in the station. In other words, if Whiteman makes a transcription with 25 men and it is sent out to a station, then we say, "Mr. Station, you must employ 25 men when you play this transcription."

Now, of course, these gentlemen won't listen to anything like that.

Or, you can have Mr. Whiteman in the flesh. You can hire Mr. Whiteman on a chain and Mr. Whiteman while he is playing the Lucky Strike program will deliver that orchestra to a hundred and forty stations in the United States and also in Canada—and also in South America.

Now, that is about the size of the entire picture. We are interested in giving the public the canned music that goes into the home, where primarily and originally it was made for. In the old days canned music was only made for the home and not for commercial purposes; but as it went on, as the radio stations opened up, we found that we were making an instrument that was putting us out of business.

* * *

Mr. Padway: I want to supplement Mr. Petrillo's answer. This clause (from the recording license) just read by Mr. Petrillo was drafted before the court handed down the Paul Whiteman decision. We thought that we could get some control over the record for home use and not prohibit others.

Mr. Davis: If you had consulted me, Mr. Padway, I could have told you that you couldn't.

(Laughter.)

Mr. Padway: If we had done so, it would have been a very fine thing. They spent a lot of money on lawyers, and the like. I am sorry I wasn't one of those lawyers. I would have liked to have gotten some of that money.

But the court in the Whiteman decision, which you in your practice are quite familiar with, held we could have no property right in the creative art of the record and once it went out it could be used by the world.

So, that feature you find there is wholly inapplicable. It was made years ago, and the Whiteman decision has rendered it inoperative.

Mr. Davis: That is precisely what I had in mind, Mr. Padway, and the real question seems to be whether you can substitute for that provision some adequate protection of the musicians in some other form.

Mr. Padway: The best proof we can't is this, that no employer has been willing to even make a suggestion or repeat as to how to do it. That is why we are not employed by them, won't be employed by them, and can't be employed by them.

Socolow

For the Transcription Companies

* * *

Mr. Chairman and members of the Board, I came here this morning prepared to limit myself to the question of jurisdiction, to discuss the question of jurisdiction of this Board.

I didn't think that Mr. Padway would concern himself with the merits of the dispute. I felt, and still feel, that there should be hearing on the merits of the dispute. As far as I am concerned, the hearing of this Board of this labor dispute is transparently clear.

* * *

The connection with the war effort which these products have, it has been established clearly, continuously, since this strike by the officers of our Government who are in charge is with the system of communications of this country and with the maintenance of national morale. It is no laughing matter to say if a radio station in a small town in Iowa, for example, is unable to obtain a program service, unable to obtain live musicians, if you please—and I contend there is an actual shortage of musicians, as Mr. Petrillo has himself admitted—that that station will go out of business and will be unable to serve the people in its community not only for the advertising of commercial shows, not only for general programming, but also for the transmission of messages which our Government must transmit to the public.

I refer you to the testimony of Mr. Elmer Davis and Chairman Fly of the Federal Communications Commission given before the Senate. I refer you to quotations from that testimony appearing in the statement of fact submitted to the Conciliator.

* * *

No contract we have ever had with this Union has obligated any musician to work for us. I say to you gentlemen that the right of an individual worker to refuse to work for a given employer continues. I am not questioning that right.

I say to you that the right of a union to prevent a worker from continuing his employment is an entirely different matter. I say to you that an employer individually may decide to go out of business. Nobody can stop him. But if a group of employers should band together and decide, "We are going to go out of business until we get a lower wage scale for our industry," that is illegal and unconstitutional. By the same token, the union as a group of men cannot band together for the purpose of destroying our business.

* * *

Unfortunately, this industry is not an organized industry. They are competitors in the true sense of the word. They have never dealt with the Union, Mr. Padway says, officially as a group. Each one of these men, to my knowledge, have gone to the union officers, talked to Mr. Petrillo or his assistants in his absence, and discussed the problems of their business. It is normal, and you can expect that we did that.

* * *

The objectives of the Union are—and I contend they are objectives. They have been reiterated this morning by Mr. Padway and his client—getting of more money and creating of more work opportunities for their members. There is no question about that.

This is a technological problem. The War Labor Board has dealt with technological problems before, and the Department of Labor has concerned itself for many years with technological advances which displace or affect employment in all industries.

Mr. Petrillo says everybody else doesn't make the machine which destroys them. I think the machinists make lathes, and you can go down the line with a number of articles which are designed for reproductive purposes and which are made by the people who work at it.

The technological problems are always the proper subject of collective bargaining. I defy anybody to say it is not a working condition which is the subject of discussion between employer and employee.

Mr. Petrillo this morning in answer to a question said, "We didn't want to destroy this business. You asked me if I want to destroy this business. I have a proposition now."

He made a proposition. I am not going to discuss the merits of the proposal, but it definitely indicates and confirms that they are willing to go back and work for us if certain advantages can be obtained by them, and that by its very structure is a labor dispute.

Every strike is a cessation of work. Where will this Board be and where will all labor disputes be if every time a strike is called the Union adopts a new tactic and says, "We don't want to work any more. Nobody can compel us to work. It is involuntary servitude."

That is good negotiations. That is a technique which has been adopted in recent years to gain objectives through coercion, through force, and that is what is being done here.

The history of this strike—and it is a strike. As a matter of fact, Mr. Padway himself had a report to his clients printed in the official journal of the American Federation of Musicians commenting on the decision in the Chicago case which went to the Supreme Court. He says, if I may sum up this decision in a few words, that the right to strike is inviolate.

* * *

When the union sent this letter announcing its termination of employment to the industry, no demand was made by the union. I can tell you of my own knowledge that each and every one of the employers involved called on the union from August 1 and right up to last week in an attempt to negotiate and find a solution to the restoration of the men to work. But no demand was made whatsoever. We were in fact exactly in the same position on August 1 as we are today. Mr. Petrillo himself said that last week. We are right back to August 1.

Sometime in August of 1942 the Department of Justice instituted this action in Chicago in the Federal Court for an injunction under the Anti-Trust Act. The record in that case clearly showed that no demands were made. It was a cessation of work. That Court squarely held that it was a labor dispute. The Supreme Court of the United States affirmed it.

Mr. Padway, in appearing for his clients in that case, argued that this entire controversy grows on a labor dispute. The Court upheld his contention and an injunction was denied. The Court deciding the case made reference to the labor dispute under the Norris-LaGuardia Act, which is the same definition as found in the War Labor Disputes Act.

Mr. Padway stated that the union in fact desired the radio stations to hire more employees—then this entire dispute will be resolved by accession to the demands for greater employment. In other words he did not stick to the letter of the complaint but he acknowledged the truth of those allegations and said it is the truth, not only for purposes of discussion and purposes of a court action, but he admitted the truth of them.

Now, in August of last year and during the entire time this case was pending, although no demands were made by the union, it was acknowledged that their demand was one for greater employment. No specific demands were made, true, but the ostensible, announced purpose of this strike was to get more money and more work. During the entire pendency of this action by the Department of Justice in Chicago and in the United States Supreme Court, and until it was decided, no demands were made by the union, which is exactly the position we are in today.

In January before the Senate Committee, Mr. Petrillo said he would make certain demands upon us. Then he made the demands and when he made them he announced in his official journal that these demands were made voluntarily, not through any pressure or coercion on the part of any Government agency.

In his demands on us originally he stated we should pay him an unspecified percentage of our gross receipts—the amount to be negotiated—pay that to the union treasury, in addition to the regular compensation which we were paying the men. He said he didn't want any more money for the men. We said "no" to that with a lot of reasons. I don't want to go into those now.

But we did come back with a counter proposal. Mr. Padway said we didn't make any at all. We made a counter proposal to increase the rate of pay for the men who work for us. I recall very clearly it was in Mr. Petrillo's office late one Saturday afternoon. Mr. Weber, the ex-president of this union said that he and everybody else were overjoyed and elated at the attitude that we manifested in our proposal to pay more money. He thought we were getting somewhere.

Then he asked for certain figures. He wanted to know what kind of business we were doing, what we were making, so he could see how much this formula would yield to them. When he got those figures he said, "You fellows are small peanuts—not just peanuts, but small peanuts. You only take in $4,000,000 a year, and you make only a quarter of a million in net profits. I want $35,000,000 a year. My board wants me to take $10,000,000 or $12,000,000. Your entire gross income wouldn't be enough for me."

He said, "I'll tell you what. I'll make you a proposal. You give me what I call contract control. You agree not to deliver your products to your customers if I declare some of these customers to be unfair at any time." I asked him how many stations were unfair at that time. "Not many," he said, "one or two. But it is only fair to inform you that if you sign this contract there may be 500 or more declared unfair the day after the contract is signed."

You can't be in a business like ours, making transcriptions, without knowing what your market will be. You can't afford to spend money making transcriptions and not know whether you can sell them and get your money back.

We were obliged to refuse to accept that demand, on practical grounds as well as on legal grounds. We thought of it as a secondary boycott.

We spent the time from February 11 to May 13 in negotiations, when we broke up. We spent many hours in very friendly conversation, telling our problems; pointing out conditions in our business, which he learned about for the first time; telling him how we operate. We disclosed everything and concealed nothing.

The result of those negotiations was that he said it was unfortunate but there isn't anything in this business that attracts him and would solve the problem in terms of large sums of money, so we were obliged to call in a conciliator. I won't go through the steps we took in that, but conciliation was a failure.

The Secretary has certified to this Board, and you have the certification before you, that this is a labor dispute; it could not be conciliated; and that this has a direct effect upon the war effort and comes within your jurisdiction.

I submit to you that under Section 7(a)(1) of the War Labor Disputes Act you have the power and also the duty to exercise your jurisdiction in this case whenever the Secretary certifies to you the statement of facts that you have on your desk at this moment.

You have here, gentlemen, a garden variety strike—nothing else. Maybe the personalities are a little more colorful; maybe the products are a little more interesting and appealing, but this is a strike in every sense of the word. The union has termed it to be a strike and we say it is a strike. It is a strike against our business. We cannot engage in our business if the flow of manpower is being withheld from us by union order.

I am not asking you to take jurisdiction here and order that an individual musician go back to work for us. I don't expect you to do that, but I can ask you—you have done it in every case that you have had before you—to order the union to remove its restraint upon the men so that the proper interplay of labor and employer can be maintained.

There is not a question in my mind of your having jurisdiction. The whole hearing is predicated upon the exercising of that jurisdiction, and I say to you that if this Board does not exercise its jurisdiction in this case you are letting the door wide open for every union to come in and say, "Your order means involuntary servitude. You can't compel us to go to work."

You have done it before and there is no reason why you shouldn't do it now. You are not compelling the individual; you are affecting the union.

* * *

Mr. Padway says that is different from going back to work, but that is all we can ask this Board to do. That is all we can expect from you. These men don't have to work for us if they don't like the conditions. Individually they can refrain from making recordings or anything else.

A musician, if you please, renders his services in a peculiar manner. It is not comparable to that of other industries in most places. A musician derives his livelihood from an aggregate of compensation for part-time jobs. He plays on the radio; in restaurants, cafes, hotels. He also comes into our studios and makes recordings. Some of them also go into the studios of phonograph companies and make their recordings.

* * *

In connection with the proof that this controversy has an effect on the war effort, I would like to read to you brief quotations from Chairman Fly, Federal Communication Commission in the testimony before the Senate Committee in Interstate Commerce. Mr. Fly said, "Wherever emergency messages, news of the world, war information, much propaganda, if you will, cannot reach the people or any great portion of the people a nation at war is seriously handicapped. May I therefore offer this suggestion. Electrical transcriptions are essential. We must have them. There is no alternative."

Mr. Davis, the Director of the Office of War Information in the same hearing said as follows: "Since several hundred small stations, which cooperated whole-heartedly with the Government on the war effort, depend for their major sustenance on electrical transcriptions Mr. Petrillo may well force them out of business and thus seriously interfere with the communication of war information and messages vital to the public security."

Mr. Davis also said—he was making this statement on behalf of the War Department, the Navy Department, the Marine Corps, the Coast Guard, Treasury Department, the Office of Civilian Supply, and the Office of War Information and that his communication to Mr. Petrillo was made and sent only with the consent, after a joint meeting, of their representatives.

Mr. Padway this morning made the statement that the members of the Musicians Union were working free for the war agencies. I want to say to you that that statement is incorrect. I doubt whether Mr. Padway has the facts. The facts are that the Musicians are being paid for their work on behalf of the Government agencies. Certain union rules are held not applicable to the Government agencies, but whenever a musician goes into a studio and makes electrical transcriptions for a Government agency he is paid the scale for that service. That applies to the Army, Navy, the Treasury Department, and your office if you make transcriptions. You check your records. You will find that to be true. The statement that these recordings are made free is incorrect, and when the broadcast appears over the network the union musicians are employed and they are paid at prevailing broadcast wage scales for their services, even if the sponsor is the United States Government.

* * *

The action of this union has had all the characteristics of a strike. Not only have the men ceased to work for my clients, but these tactics, which the Union has employed, are shifted from time to time to suit the opportunities that existed at each moment.

When the Union made its demand in February they said it was done voluntarily. Later on they changed their tactics. They said it was done because of senatorial pressure.

Mr. Petrillo was asked before the Senate Committee by Senator Whitten, I believe, on January 12 of this year, whether he did not have in mind not making records at all any more. He said, "No." He agreed that the American public would not stand the stopping of the manufacture of these products. When he made his demand in February he said, "Those are my total claims. I have no complaints against the broadcasters at all." In July he said, "I am through and I am not going to make transcriptions. I am trying to get at the other fellow, the broadcasters."

In this strike which has been a strike of instrumental musicians only, he has taken action against his own men and has also exercised pressure upon members of other unions—musical recordings using the services of vocalists as well as instrumentalists—singers, members of another union.

Mr. Petrillo in the last few weeks called in and notified various vocal artists that he would consider it uncooperative, if not unfair to them, to render their services for vocal recordings without any musical accompaniment.

Of course, the pressure which he has to bring to bear upon those individuals is very serious. It can make it difficult for them to work on the radio and other engagements with the musicians. They have given that cooperation to Mr. Petrillo. He has effectively cut off other sources of supply for the business; namely, vocalists.

He has told the arrangers and copyists some of whom are members of his union that he would consider it a violation of his union regulations if they make arrangements of purely vocal music.

He has referred to records made in Mexico, I understand, phonograph records in this instance, not transcriptions, as being scab records because they interfere with the strike which he has called.

Music publishers, incidentally, have had a very serious aftermath of this strike. Very few popular tunes have been classified in the hit standing since this strike went on. The exploitation of music through the medium of transcriptions—the medium of mechanized music is essential for the development of that industry.

All of the characteristics which I have just described, all of the concomitants of this strike, indicate without question that this is a labor dispute, and every step taken by this Union is in furtherance of the attainment of the objective they want; mainly, more money and more work for everybody somehow.

* * *

Mr. Padway made some references to constitutional rights against involuntary servitude. I think the rest of the American public has some constitutional rights too—the right of free enterprise. We as business men have a right to conduct our businesses consistent with public welfare and rights of labor in a legitimate fashion.

* * *

I think it is high time we found out what the no strike pledge means. The Union has called this strike. They have said, No, it is not a strike. It is a different type of cessation of work. If it is abandonment, let us know. If it is a strike, let them face the music, such as we have. (Laughter)

* * *

I want to close with the statement that the tactics of the Union are those of a transparent evasion of whatever jurisdicion the Government seeks to exert in order to end this strike.

They have argued no jurisdiction under the Norris-LaGuardia Act. They say this Board has no power. By that they are undermining the very structure of the work and frustrating everything you have been doing on this today.

Questions From the Board

* * *

Mr. Roth: May I at this time complete the record on the decision of the Court you read from by reading the following paragraph:

"The Norris-LaGuardia Act provides 'the term labor dispute' includes any controversy concerning terms or conditions of employment, etc. The Government says that the activities complained of in the case at bar do not involve 'terms or conditions of employment' and that, accordingly, the Norris-LaGuardia Act is not applicable. It has been observed that the union and its members here contend, in a sense, for a 'closed shop' so far as phonograph records, electrical transcriptions and amateur musicians are concerned. The question then is: Is this contention one in respect of a 'term or condition of employment'? Congress itself answered this question quite definitely in the National Labor Relations Act when it said: '. . . to require as a condition of employment membership therein.' Here Congress itself speaks of an agreement for a closed shop as a 'condition of employment.'

"The court is satisfied that the union and its members and the employers of the latter are disputing in respect of a 'condition of employment' and that, accordingly, the dispute involved in this case is a 'labor dispute' within the meaning of the Norris-LaGuardia Act."

I understand, Mr. Padway, that your whole case is predicated on the fact that no employment relationships exist. I think these are your exact words, ". . . and none is sought."

That being true, would your client raise any objection to employment of musicians who are not members of your Union for production of these records?

Mr. Padway: Certainly, we would raise every objection in the world, and it doesn't change our position.

Mr. Roth: You would take whatever measures you could to prevent—

Mr. Padway: We would absolutely expel any member who went ahead and made records. We would, by all peaceful and lawful means, endeavor to get those who are not members not to make records, for the same reason we don't want to make them; namely, it kills our opportunities.

* * *

Mr. Roth: Now, your statement that you had no objection to them (radio stations) playing transcriptions by Paul Whiteman as long as they had—how many, 23 musicians standing by?

Mr. Petrillo: The number of men employed to make that transcription, the same number of men to be employed when the transcription is played.

Mr. Roth: What would they be doing while Paul Whiteman's records are being played?

Mr. Petrillo: Listen to the music.

Mr. Roth: Have you ever heard of the Government's problem of manpower shortage in this country?

Mr. Petrillo: Did I ever hear of it?

Mr. Roth: Ever heard of the problem and what the Government is trying to do? How do you square that with the present situation on manpower?

Mr. Petrillo: They are taking our musicians and they say, "Either work or fight," and our boys are going to the factories, and they are making bullets and dropping their instruments.

Mr. Roth: They can't make bullets while they are listening to Paul Whiteman's records.

Mr. Petrillo: That's all right, but he's got to live. He ain't going to live if he don't stand by his own records. In other words, we are not going to play our own funeral any more. That's what it amounts to. We listen to it being played while we stay home, you see.

* * *

Mr. Roth: One question. If the tables were turned—let us assume this were a stevedoring company which was seeking to use lift trucks, which are a labor saving device. The contract had expired; the parties had contested those provisions in their contract, not come to an agreement. The employer said, "As far as I am concerned, I can find plenty of people who will use lift trucks. I am not concerned any more with hiring you boys." And he proceeded to hire other people and refused to go on with negotiations. Do you consider that would be a breach of the no-strike, no lock-out pledge on the part of the employer?

MR. PADWAY: Well, it all depends whether that would be a breach of the no-strike, no lockout pledge. On the facts and circumstances you have related, the no-strike and no-lockout pledge is ended. You know why? He's got other employees, and he can go out and get them, and he says he can. Consequently, there is nothing further for us to seek. He terminates our employment. He has a right to.

MR. ROTH: The Board took the San Francisco Hotel cases where the strike has not succeeded and the hotels are running, and they held it was a labor dispute.

MR. PADWAY: I don't know what the Board held in that case. I will say this: Where an employer is not willing to pay the price his employees want and he has refilled his establishment with competent employees, or even incompetent employees, and production is at normal the courts have held the strike is over. Now, I can give you many decisions to that effect, where there is a strike called, the employees are out, and then other employees are brought in to replace them and production is at normal, the strike has ended. Except in that strike there the former employees are seeking work. Here we are not seeking to work any longer.

MR. ROTH: But my employer wasn't seeking the services either.

MR. PADWAY: If he has refilled his establishment and wasn't seeking the work—but if the employer threw out all manual labor, or put in all physical labor, and the employees wanted those physical jobs, that is a different situation.

MR. PETRILLO: May I clarify one point, Mr. Chairman?

First of all, there are no non-Union professional musicians. These gentlemen know that any man that don't carry a card of the AFM they couldn't use. They wouldn't want them around. I am sure they would substantiate what I said.

Second, all the musicians in England have pledged through a letter to their organizations that they will not make any such transcriptions or recordings as long as this controversy is on. That also goes for the South American musicians.

MR. DAVIS: Mr. Padway, before we break up I'd like to get back to the question I asked you this morning as to whether the position of the Union had changed since the Senate hearing, at which time it was the position of the Union that they were prepared to negotiate with these people.

Now, you have made it quite clear—I want to be sure I understand it—that the position of the Union now is that they will not make these mechanical recordings or electrical recordings at all. In other words, your purpose is—you say that they will supply live musicians. Of course they supply live musicians, or did, to these recording companies; so that the purpose of the Union is to put these people out of business, isn't it?

MR. PADWAY: That may be the result. Our purpose is to compel any form of music used in connection with electrical transcriptions to be live music and no more mechanical instruments to be used. That is our purpose. If their business depends entirely or to any extent upon mechanical recordings, we are not going to furnish that music. The result will be they will go out of business.

I want to state quite definitely in my parting sentence that the American Federation of Musicians now states that regardless of what negotiations went on after it quit it has not re-established employment relations.

It is in the same position as the NLRA—when the Board rules that when a person even is on strike, but having quit the strike and obtained substantial and equivalent employment elsewhere his employment is terminated. We have substantial, equivalent, and better employment elsewhere. We are all employed so far as this end of the business is concerned. We don't want other employers. We are through.

If they'd like to have us and it's extra time and they want live musicians we will probably give them live musicians. As far as mechanical transcriptions are concerned we are here to say to this Board now: We are never going to make another mechanical transcription.

The National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

August 13, 1943 SPECIAL A. F. of M. BULLETIN No. 20

Late Developments in the Petrillo Fight

1. The War Labor Board has appointed a panel to hear and report on the merits of the controversy between the transcription companies and the A. F. of M. This panel consists of the following:

Representative of Labor

Max Zaritsky, President of United Hatters Cap and Millinery Workers

Representative of Employer

Henry S. Woodbridge, Assistant to the President of American Optical Co.

Representative of the Public

Arthur Meyer, Chairman of the New York Mediation Board

Public hearings have tentatively been set to begin in New York City the first week in September. The function of the panel is to report to the War Labor Board what action, if any, should be taken. The War Labor Board denied "at this time" the plea of the transcription companies that the union be ordered to terminate its strike at once, but the form of the order leaves it open for such action to be taken in the future at the recommendation of the panel.

2. Station WSAY in Rochester, which was cut off the Mutual Network as a result of a threat by Petrillo to deprive the entire Mutual Network of all of the services of musicians, has commenced an action for an injunction against James C. Petrillo, individually and as President of the American Federation of Musicians, and Leonard Campbell, individually and as President of Rochester Musicians Protective Association, Local #66, American Federation of Musicians.

The theory of the action is that it constitutes an unlawful labor objective for the union to demand that the station hire five musicians whose services the station does not need and that it constitutes an unlawful method for the union to conspire to put pressure on Mutual to deprive the station of network musicals programs unless the station does the union's bidding. The case is brought in the Supreme Court of the State of New York and will be heard in Rochester. The motion for an injunction is scheduled to be heard on Thursday, August 12th.

Diamond Calls Meeting

3. On August 5th Mr. Milton Diamond, counsel for Decca Records, Inc. and for the World Broadcasting System, Inc. which was recently purchased by Decca, called a meeting in New York City to which R. C. A. Victor,

Columbia Recording, NBC, Blue Network Company, CBS and the NAB were invited. At this meeting Mr. Diamond reported, without recommendation, the result of several months discussions with Mr. Petrillo and his Board which Mr. Diamond had carried on solely on behalf of Decca and not on behalf of any other interests.

Mr. Diamond reported that Mr. Petrillo and his Board would be willing to return the musicians to work in the phonograph record field in consideration of a payment of eighteen million dollars net over the next five years. Such payment would be made to musicians employed by the recording companies, with the understanding that the union would tax the money away from these men and put it in its own coffers. The eighteen million dollars was to be paid by "public users" of records which, after negotiations, boiled down to the broadcasting industry since it was admitted that there was no prospect of receiving any part of the contribution from juke boxes unless and until a new copyright law was passed.

Transcriptions were not specifically mentioned in this connection, but it was Mr. Diamond's understanding that the men would also return to work in the making of transcriptions.

It was part of Mr. Petrillo's proposal, however, that all industries should cooperate in the passage of a new law which would require broadcasters and other users of records to make payment for the use of records, and for the benefit of the union, for all times in the future and at such rate as might be fixed in the future. It was no part of the proposal that any part of the money be paid by the motion picture industry.

Price Goes Up

Discussion brought out the fact that while Mr. Petrillo said that what he wanted for his union was eighteen million dollars net, the discussions were predicated on the fact that there also would be moneys for the recording companies and for the artists who actually made the records. It was suggested that the record companies might receive, in addition to the moneys paid to Petrillo, another eighteen million dollars, which would raise the amount involved to thirty-six million dollars. It was also pointed out that some money would be needed for the collection and administration of funds and that this would amount, perhaps, to another four million dollars. The total amount involved for the first five-year period, therefore, would be from eighteen to forty million dollars, with no limitation placed on what it might be in future periods.

What was involved in the proposal, therefore, was an agreement by the broadcasting industry to pay from eighteen to forty million dollars over the period of five years, and at the same time to agitate for the passage of a new law which would permit the collection of similar or greater amounts in the future.

Broadcasters Not Interested

The NAB was asked its opinion as to whether the broadcasting industry was interested in discussing such a plan. The NAB made it clear that the broadcasting industry would not be. It was pointed out that such plan involved the acceptance of a totally false principle, the imposing of unjustified and crushing charges, and the adoption of a technique of lobbying for new legislation by means of a strike, which was actually a strike against the American people and the Congress, until new legislation was passed.

4. James C. Petrillo announced to the press that the union, as a means of encouraging symphonic music, had appropriated $500,000 for the giving of 570 free concerts by the leading symphony orchestras in smaller communities. The following statement was issued by Neville Miller, President of the NAB, and was widely printed:

Petrillo Symphonic Music Gesture Exposed as Hypocrisy by NAB

"James Caesar Petrillo's announcement that his union intends to give 570 symphonic concerts in small towns is unequalled for hypocrisy. Mr. Petrillo has done more to prevent symphonic music in the United States than any other man in the history of our country.

"Before Mr. Petrillo prevented the making of all recordings of symphonic music last August, the great orchestras could reach all of our people in all parts of the country through the phonograph record. The recordings so made were available for the home, schools, broadcasting stations and for all of our citizens wherever situated and whenever they wanted to hear symphonic music, not merely once each in 570 communities hand-picked by the union. The very orchestras which Mr. Petrillo now wants to bring to the people, are those which, for one full year, have been prevented from making phonograph records. If Mr. Petrillo were sincerely interested in the welfare of symphonic music, he could, by lifting his ban, permit the equivalent, not of 570, but of hundreds of thousands of times 570 concerts.

"All of the symphony organizations are nonprofit institutions. A substantial part of their revenue, in some cases as much as one-third, was derived from royalties on phonograph records, 98 per cent of which, according to Mr. Petrillo's own testimony before the United States Senate, went into the American home and formed a permanent contribution to musical education. Moreover, the musician in the symphony orchestras has been deprived by Mr. Petrillo of the substantial revenue which he previously received from his recording activity. The musicians in symphony orchestras received, in addition to the royalty obtained by the orchestra itself, a minimum fee of $28 per man for no more than 80 minutes playing time.

"Mr. Petrillo has, therefore, stifled the major source of income for the symphonic orchestras, deprived the symphonic musicians of normal compensation and withdrawn from the American people the benefits of recorded symphonic music.

"It should be noted that in making this transparent gesture, Mr. Petrillo drops the last vestige of justification for his ban on recordings. He has contended that records commercially used in the smaller cities deprived local musicians of employment opportunities. Yet, when the union sets aside $500,000 to bring some music to the American people it does not employ local

> musicians, but instead spends it on bringing into the communities the performances of the fully employed musicians who had always made recordings.
>
> "The good faith of Mr. Petrillo's proposal may be attacked not only on these grounds, but on the basis of his own figures. His announcement says that the men in the orchestras will be paid for their services, and he sets the normal personnel of a symphony orchestra at 90 men, although in travelling, the services of baggage men, librarians, etc. are also required. At his own figures, Mr. Petrillo is allotting less than $10 a man per concert to cover salary, railroad fares, hotels, meals, baggage car for instruments, cartage of instruments and music stands to place of performance, and incidental expenses. When a non-profit symphony society wishes to give a concert out of town today, it must pay, in addition to the high union scale, $7.50 a man per day for mere maintenance, and the lowest union scale of symphony concert tours is $100 a week a man, exclusive of the obligation of the orchestra to furnish first-class transportation, including sleepers. It is obvious, therefore, that Mr. Petrillo proposes to pay the men no compensation or only nominal compensation.
>
> "The essence of Mr. Petrillo's gesture, therefore, is that he is going to compel some of his members to render free services and the orchestral societies to lend their names and reputations to his enterprise so that he may take unto himself the credit for their services."

The accuracy of Mr. Miller's figures was later proved when Mr. Petrillo, in a later statement, announced that $250,000 was to be used in order to give 115 concerts, thereby cutting, in more than half the number of concerts, within a week after the first announcement.

On August 7th, Marshall Field, president of the board of directors of the Philharmonic Symphony Society, asked Mr. Petrillo to lift "immediately" his ban on the recording of symphonic music. Mr. Field's appeal has been approved by eleven symphony orchestras, including: the Los Angeles Philharmonic, Rochester Philharmonic, Indianapolis Symphony, Cleveland Orchestra, National Symphony and the Minneapolis Symphony.

Also an estimated 700 members of N. Y. Local 802 signed petitions demanding that Mr. Petrillo execute his project by giving work to totally or partially unemployed musicians rather than to symphony instrumentalists who already were earning high wages.

Details of Marshall Field's appeals and the protest of the 700 members of N. Y. Local 802, A. F. of M., are given in articles from the New York *Times* reprinted below. Also we are printing an editorial from the New York *Times* of August 10:

(N. Y. Times, Aug. 10)

Field Asks Petrillo to Lift Ban On Recordings by Philharmonic

James C. Petrillo, president of the American Federation of Musicians, has been asked by Marshall Field, president of the board of directors of the Philharmonic-Symphony Society, to lift "immediately" his ban on the recording of symphonic music, it was disclosed yesterday.

The society "desires, in fact requires" royalties from its recordings in order that the Philharmonic may continue, and other major symphony orchestras are "similarly situated," Mr. Field told Mr. Petrillo in a letter dated Aug. 6, which sets forth the conditions under which the society will permit the use of its name in the series of free concerts that the union proposes to give in the smaller cities with the union musicians of leading symphonic organizations.

After outlining the conditions—that the society shall approve the cities played, the programs given and the conductors who conduct the orchestra, and that the performances shall neither involve the society in any expense nor be broadcast or recorded—Mr. Field's letter continues:

"I have spoken informally to a number of members of our board and I believe that if these conditions are complied with, you will receive the society's cooperation to your project. They have expressed the hope, in which I join, that if the society cooperates, you will see the importance, for the same ends to which your proposed performances are aimed, to lift the ban which you have placed on recordings by our orchestra."

Acknowledging Mr. Petrillo's professed desire to bring "symphonic music to persons who might not otherwise have the opportunity to hear it," Mr. Field informed the union leader that "the recording of the great symphonic orchestras of this country under their famous conductors is also a means of bringing that symphonic music to persons who might not otherwise hear it."

Mr. Field was "frank to admit," he said, "that the society desires, in fact requires, the royalties from its recordings in order to insure the continuance of the orchestra which you are proposing to borrow. The other great symphonic orchestras of this country are similarly situated. Their very existence is threatened by the loss of recording royalties."

Accordingly, the letter continued, "my plea to you, and I am sure it will be the plea of the management of every symphonic orchestra in America, is that you will immediately lift your ban on the recording of symphonic music and by doing so contribute to the availability of symphonic music throughout this country in a manner that not even your proposed concerts can accomplish. In addition, we have the word of Army and Navy officers, as well as civilian officials in Washington, that the continuance of recording is necessary for the maintenance of military and civilian morale, one of the primary purposes stated by you for your own concerts."

A statement from the Philharmonic-Symphony Society office said that copies of the letter had been sent to other major symphonic organizations, and that by the time the letter was mailed to Mr. Petrillo telegrams "approving Mr. Field's position" had been received from the Philadelphia Orchestra Association, the Chicago Symphony, the Boston Symphony, the Cleveland Orchestra, the National Symphony of Washington, D. C., and the Cincinnati, San Francisco and Minneapolis Symphonies.

Mr. Petrillo announced his free concert plan on July 27, at which time he said that the union had authorized an expenditure up to $500,000 for an estimated total of 570 concerts. The plan was first suggested to him, he declared, by President Roosevelt. The day after its announcement, the proposal was assailed by Neville Miller, president of the National Association of Broadcasters, as "unequaled for hyprocrisy." Through his ban on the making of records, Mr. Miller charged, Mr. Petrillo had "done more to prevent symphonic music in the United States than any other man in the history of our country."

Mr. Petrillo was not available yesterday for comment.

(*Continued on page* 4)

(N. Y. Times, Aug. 11)

Musicians Oppose Petrillo Concerts

Against Leader's Proposal to Give Free Performances by Symphony Orchestras

WORK FOR JOBLESS SOUGHT

Petitions Point to Fact That Those Affected by Project Already Earn High Pay

Opposition to the plan of James C. Petrillo, president of the American Federation of Musicians, to have the major symphony orchestras give free concerts in smaller cities developed yesterday within Mr. Petrillo's own union.

An estimated 700 members of Local 802 of the federation, covering the metropolitan area, signed petitions demanding that Mr. Petrillo execute his project by giving work to totally or partially unemployed musicians rather than to symphony instrumentalists who already were earning high wages.

The petitions were delivered late yesterday afternoon to Mr. Petrillo's office at 570 Lexington Avenue, where they were accepted by Harry Steeper, assistant to the union leader. Mr. Petrillo was said to be in Chicago.

Circulation of the petitions was done by the faction within Local 802 known as the "Unity Group." The group in recent months has offered increasing strong opposition to the present local administration, headed by Jacob Rosenberg, president, and William Feinberg, secretary.

Mr. Rosenberg declined to comment on the petitions.

Not Fighting Recording Ban

While the petitions represented the first intra-union opposition to Mr. Petrillo since he started his fight against "canned music," Billy Vann of the "Unity Group" emphasized that the signers were not fighting the federation's ban on recordings.

In a letter accompanying their petitions, however, a committee of the "Unity Group" noted that Mr. Petrillo had declared repeatedly that the purpose of the recording ban was to aid needy musicians.

"Last week, in an apparent desire to gain the public good will, the federation announced that it would spend $500,000 on a program designed to bring good music to small communities," the letter continued. "Are the musicians who are to be so used unemployed? No! Famous symphony orchestras have been designated to do this work."

The letter added that the plan as announced by Mr. Petrillo had the effect of "proclaiming that we have no competent unemployed musicians on whom the funds of the organization should be expended."

Suggestion From Committee

The committee suggested that, if the federation were to subsidize music, "new orchestral units be formed using those musicians who are not already fully employed at high wages."

Mr. Vann said that twenty members of the New York Philharmonic-Symphony had signed the petitions but he declined to make public their names.

He reported that some members of the symphony were opposed to working for $10 a concert, the fee proposed by Mr. Petrillo, Committee members said that the commercial scale was $16.

The committee members signing the letter were Nicholas F. Vitalo, recording secretary of the group; Alfred Manuti, Calmen Fleisig, Maurice Benavente, Jack Cohen, Raymond Parker, Frank Morse, Charles Sanchik, Benjamin Berkowitz, Hyman Grossman, Benjamin Margulis and Albert Stanley.

The Philharmonic-Symphony Society of New York meanwhile announced that a total of eleven symphony orchestras in the country had voiced approval of the position of Marshall Field, the society's president, in asking for lifting of the ban on records. The latest adherents were the Los Angeles and Rochester Philharmonic Orchestras.

(N. Y. Times, Aug. 10)

BEGGING MR. PETRILLO

Marshall Field, as president of the board of directors of the Philharmonic-Symphony Society, has asked James C. Petrillo, president of the American Federation of Musicians, to lift immediately his ban on the recording of symphonic music.

Mr. Field is "frank to admit," he declares, "that the Society desires, in fact requires, royalties from its recordings in order to insure the continuance of the orchestra which you are proposing to borrow. The other great symphonic orchestras of this country are similarly situated. Their very existence is threatened by the loss of recording royalties."

"Accordingly," Mr. Field continues, "my plea to you, and I am sure it will be the plea of the management of every symphonic orchestra in America, is that you will immediately lift your ban on recording of symphonic music and by doing so contribute to the availability of symphonic music throughout this country in a manner that not even your proposed concerts can accomplish."

This plea has the merits of understatement. Mr. Petrillo, through the use of irresponsible private power, is denying music to millions by his ban on recording, while he ostentatiously offers "free concerts" as a special favor to a few thousand. Why should the country be placed in the position of pleading with Mr. Petrillo to remove a ban that he ought never to have had the power to impose? Mr. Petrillo has this power only because Congress and the Administration have in effect delegated such power to him. If they will revise our ill-considered labor laws, which give Mr. Petrillo the power to impose ruinous boycotts against individual musicians as well as concert halls, theatres, restaurants, transcription companies and radio stations, nobody will have to appeal to Mr. Petrillo not to abuse his powers. They will no longer be his to abuse.

The National Association of Broadcasters
1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.
September 11, 1943 SPECIAL A. F. of M. BULLETIN No. 21

The A. F. of M. Hearings Before The War Labor Board

Hearings with respect to the strike by the A. F. of M. against the transcription companies were held on Tuesday and Wednesday of this week and are continuing as this bulletin is written. These hearings were held before Arthur Meyer, Chairman, and Gilbert Fuller and Max Zaritsky, constituting the Panel appointed by the War Labor Board.

The hearings thus far have been devoted to arguments made by Walter Socolow, counsel for the transcription companies, Henry Friedman and Joseph A. Padway, counsel for the Union, and to a statement by James C. Petrillo. The portion of the presentation which has excited the greatest interest in the press has been Mr. Petrillo's statement.

Mr. Petrillo charged government agencies with having allowed themselves to be used by the industries involved to "crush the A. F. of M." He defied anyone to show him "where there isn't enough music in this country." He said of the industries involved:

> "They have got us on the floor, they have got us punch drunk and I don't mind telling you they have got us punch drunk; they have taken us to every agency and they are not stopping yet and I don't suppose they ever will, but as sure as there is a God and just as sure as there is justice we are right in our fight in principle and we will live in that righteous cause or we won't live."

Mr. Petrillo accused the transcription companies of "pulling millions and millions of dollars out of the pockets of the musicians in the United States." He referred to the "large profits" of the broadcasting and recording industries. He also said:

> "Don't forget, gentlemen, that up until this moment the men who make these transcriptions and recordings have lost in the neighborhood of seven million dollars in wages."

Mr. Petrillo said that the matter would have come to a successful conclusion if it had not been for government interference. He was challenged on this point by Mr. Meyer, the Chairman of the Panel, who said:

> "When you make a remark of that kind it seems to me that it suggests that there must be in mind something which represents that possible settlement. You would be very helpful to the panel, you would be very helpful in this entire proceedings if you would make clear what that 'something' in your mind is."

Mr. Petrillo spoke at some length, and was interrupted by the Chairman who said:

> "When a question is asked it should first have an immediate answer, afterwards you can make any extension of it you please. I would prefer, if you would be so kind as to say what it is you had in mind when you stated that this matter would have been settled had it not been for the interference of government agencies. I am asking what type of settlement you had in mind because there must have been one, otherwise that statement of yours would scarcely have made the amount of sense I feel there must be in it."

Mr. Petrillo continued and the Chairman again said that Mr. Petrillo's speech "doesn't answer what I have in mind and I know you would like to give me that answer."

At that point Mr. Petrillo said:

> "I don't think I can make myself any more clear than I have on this."

In short, Mr. Petrillo just never did answer the question.

The hearings will probably continue for the remainder of this week. Meanwhile, Mr. Petrillo has agreed to call a meeting of his International Executive Board next week and to report to Mr. Meyer its present disposition to advance a proposal looking to a settlement of the dispute. Some time next week, presumably on the basis of the Union's position then, the panel will decide on the future course of the hearings.

It will not be possible to summarize the actual proceedings until they are concluded, at which time members will receive a report. There is appended hereto, however, a statement submitted by Mr. Socolow on behalf of the transcription companies which will act as a good digest of the argument submitted by him.

Statement on Behalf of Electrical Transcription Manufacturers

In repudiation of labor's wartime no-strike pledge, the American Federation of Musicians, on August 1st, 1942, went on an unjustified strike against the seven electrical transcription companies which are parties to this proceeding. The strike is still in effect. No electrical transcriptions have been made for these companies by members of the Union for more than thirteen months.

For six and one-half months the Union made no demands upon the employers. Indeed, even after the labor dispute had endured for more than five months, Mr. Petrillo was unable to state clearly to a Senate Committee what he wanted from whom as a condition for permitting Union musicians to resume the making of transcriptions.

Since February 11th, 1943, a series of proposals have successively been advanced by the Union. These are as follows:

> 1. "Members of the Federation will make commercial or sustaining transcriptions, without additional fee to the Federation, provided they are played one time only (the number of copies made of transcriptions to be determined by agreement). With respect to other transcriptions on a rental basis, the Federation shall receive from the company engaged in the business of renting out transcriptions a percentage of the rental charge, such percentage to be agreed upon by negotiation. . . . This fund shall be used by the Federation for the purpose of reducing unemployment which has been created, in the main, by the use of the above mentioned mechanical device and for fostering and maintaining musical talent and culture and music appreciation and for furnishing free live music to the public by means of symphony orchestras, bands and other instrumental musical combinations."

The employers pointed out that the commercial program type of transcription is used only once on a broadcasting station; but they rejected the remainder of the proposal in advising the Union that "the destructive and dangerous fallacy of your proposal is that it assumes that a specific industry owes a special obligation to persons not employed by it—obligations based only on such persons' membership in a union."

Other objections were that the proposal would destroy technical progress, subsidize non-employees, penalize the use of an invention and contravene established governmental policies.

Since there appeared to be no issue with respect to commercial program transcriptions, the employers attempted to end the strike by offering to pay the musicians employed by them for library transcriptions additional compensation in an amount to be negotiated.

Mr. Petrillo, after studying the figures submitted to him, withdrew his original proposal because no increase in wages was sought, and observed that his Union would not terminate the strike even if it received the industry's entire gross receipts, which he characterized as "small peanuts."

> 2. The Union thereupon demanded "that the transcription companies agree with the Union that they would not permit transcriptions made by them to be used by any radio station which may be placed on a national unfair list by the American Federation of Musicians, such demand to apply both to commercial advertising and to library transcriptions." Mr. Petrillo stated that the Union would determine, in its sole discretion, which stations were or were not unfair in accordance with its views from time to time. He gave the transcription companies notice that upon their acceptance of his proposal, the Union might well put 500 broadcasting stations on its unfair list. The Union made it clear that its criterion of fairness would be the willingness of broadcasting stations to maintain a quota of forced employment of Union musicians satisfactory to the Union.

This proposal was rejected not only as to principle but also because:

(a) As a practical matter, the operation of the transcription business would be impossible if the companies attempted to control the use of transcriptions by advertisers or broadcasting stations since such attempted control would destroy the access of the employers to their market; and

(b) The proposal of the Union would involve illegal boycotts, rendering employers liable to money damages as well as for penalties prescribed by law.

> 3. The Union's latest proposal, embodied in an informal suggestion made by Mr. Petrillo while testifying before the War Labor Board, was that a broadcasting station using an electrical transcription should be compelled by the manufacturer of the transcription to employ local Union members in a number equal to those musicians who performed in the making of the transcription. He declared that the function of these stand-bys would be to listen to the music on the transcription and to get paid.

This proposal is merely an implementation of the second.

All of these demands appear to imply that all the members of the Musicians' Union should be guaranteed a permanent livelihood in the field of music.

The transcription companies do not recognize any obligation to the members of the Union whom they do not employ. They do not concede that a person who chooses a calling can divest himself of the economic risks of his occupation.

In this connection, Sir William Beveridge, in his report 'Social Insurance and Allied Services," significantly notes:

> "Men and women in receipt of unemployment benefits cannot be allowed to hold out indefinitely for work of the type to which they are used or in their present place of residence, if there is work which they could do available at the standard of wage for that work."

And his recommendation is equally revealing. He says:

> "Men and women who have been unemployed for a certain period should be required, as a condition of continued benefit, to attend a work or training center, such attendance being designed both as a means of preventing habitation to idleness and as a means of improving capacity for earning."

The theory of the Union, when analyzed, is applicable, if it be accepted at all, to all industry and to all employers. The Union asserts that the manufacturer of an invention should either go out of business or, in the alternative, agree that every person who uses the invention should hire, or preferably pay the Union for, the same number of men as would be used if the invention did not exist. In other words, the Union would exploit the success of an invention which created a market that could not otherwise have existed.

The industrial progress of this country has been achieved through the increasing and successful use of technology. The proposal advanced by the Union, if accepted, would destroy established industries and thwart new technology. The Union's proposal is the more astounding because recording was invented before any living member of the American Federation of Musicians embarked on his career, and hence he is confronted by no conditions with which he was not familiar when choosing his occupation.

The principle implicit in the Union's demand cannot be accepted by industry generally, and by the electrical transcription industry in particular. Electrical transcriptions utilize not only the service of instrumental musicians, but also that of singers, engineers, actors, announcers, sound effects men, and others. If the position of the American Federation of Musicians be upheld, these other unionized crafts would appear to be equally justified in making similar demands. The manufacturer of electrical transcriptions would then be under the necessity of policing every broadcasting station which used its product in order to insure the employment by the station of members of all of these unions in numbers satisfactory to them. This would be a perversion of the economic function of the transcription industry.

The concept embodied in the position of the Union must be repudiated, even if, in fact, there were broad displacement of workers, serious unemployment and a threatened destruction of the workers' union. However, none of these phenomena exists here; indeed, the precise opposite is true.

There can be no question in this case as to whether the work should be done by transcriptions or by the individual. Either the work will be done by transcriptions or, for the most part, it will not be done at all.

Commercial radio stations are located throughout the United States and in communities of every size. Geographical distribution is one of the factors which governs the Federal Communications Commission in the issuance of licenses. In order to serve the public interest, convenience and necessity, stations are required to be on the air for many hours each day, the average for the country being in excess of sixteen hours. It is impossible for most of these stations to survive by the use of local talent alone, even if it were available. Approximately one-fifth of the stations of the United States are located in cities in which there is no musicians' union. In many communities, there is an insufficient number of capable musicians to make up an orchestra.

Radio itself and all of the inventions in the field of music, motion pictures and network broadcasting, serve the useful social purpose of bringing entertainment from the performer to a widespread audience. The principle espoused by the Union seeks to reverse this process. The musical taste of the public has been developed to a high degree because it has, for years, enjoyed the best music performed by the best singers and instrumentalists. The public will not be satisfied with, nor can it be compelled, by any fiat, to accept, any standard of performance other than that to which it has become accustomed. If the Union succeeds in abolishing the electrical transcription industry, many broadcasting stations will die with it because they could not maintain the program standards required by the public.

Statistics of the Union and of the industry should reveal whether electrical transcriptions interfere with the employment of musicians at broadcasting stations. All of these statistics conclusively demonstrate that there has been no such interference. On the contrary, during the period of the development of electrical transcriptions, the membership of the Union has steadily grown. The wage scale of the musician in broadcasting has steadily increased. The amount spent in the broadcasting industry for the employment of musicians has likewise steadily increased.

In his testimony before the Senate Sub-Committee, Mr. Petrillo cited a list of twenty-nine cities which he said constituted his major unemployment problem. There are 143 commercial broadcasting stations in these twenty-nine cities. All but eight of these stations employ Union musicians on terms and conditions satisfactory to the Musicians' Union. Of the eight stations which do not employ musicians, only one is affiliated with a national network. All eight are on local or regional frequencies; three have only 100 watts power (the lowest power granted by the Federal Communications Commission); two have 250 watts and three have 1,000 watts. It will be remembered that key stations on networks have a power of 50,000 watts.

Mr. Petrillo has himself conceded that the smaller stations cannot be expected to employ Union musicians. If it were true that electrical transcriptions created unemployment of musicians, the evidence should be found in these twenty-nine cities.

Mr. Petrillo also stated, at the Senate hearing, that there are 201 network affiliated stations which do not employ Union musicians. A survey discloses that only 83 such stations did not employ musicians during the past year. Of these, 64 have 250 watts power or less. Four are located in cities which have no local union and over which no local union has claimed jurisdiction. Hence, only 15 network-affiliated broadcasting stations of more than 250 watts power, in all of the cities of the United States having local unions, do not employ Union musicians.

According to the best estimates, Union musicians receive for their services in radio broadcasting not less than $30,000,000.00 a year. The Federal Communications Commission's latest figures show that staff musicians now receive from broadcasting stations and national networks more than $8,000,000.00 a year—the highest amount ever shown by the Commission's statistics. Mr. Petrillo has estimated that broadcasters pay another $5,000,000.00 annually for casual employment of musicians. For services in commercial national network broadcasting alone, musicians receive an additional $12,000,000.00 annually. Finally, a sum of more than $5,000,000.00 yearly is paid to them for services on commercial programs broadcast over individual stations and regional networks. The earnings of musicians from radio broadcasting are greater than those of any other group of radio employees, including engineers and executives. Moreover, the average salary paid by broadcasting stations and networks for staff musicians, the highest in its history, is $67.90 for an average work-week of 18.2 hours. And all of these earnings come from relatively new employment opportunities created by invention.

The facts fail to support any claim which is based on displacement of, or interference with, the employment of Union musicians. Instead, Mr. Petrillo, at the National War Labor Board hearing on jurisdiction, said:

> "Now gentlemen when I say out of business I don't mean that we are starving to death, I don't mean that we are really going to go hungry, but the organization is growing with the population of the country. We had a membership of 18,000, today a membership of 138,000 and when the war is over we will probably have 200,000. . . ."

On January 13th, 1943, in answer to a question by the Senate Committee as to whether the Union could fill the needs of broadcasting stations for musicians, Mr. Petrillo testified:

> "I would say to you, Senator, that today we can furnish all the musicians that are needed in radio stations but I doubt, if the war goes on for four or five months, whether we will be able to do that job."

Not four or five months, but eight months, have passed, and that statement has proved abundantly true. Therefore, if for no other reason, it is absurd to compel the transcription manufacturers to go out of business for failing to force on broadcasters quotas of musicians who are unobtainable.

Other evidence demonstrates also that the Union does not have an unemployment problem. The membership of the New York City Local, the largest in the country, has recently repealed a three percent unemployment tax. The Philadelphia Local has announced that free services cannot be furnished to entertain service men because insufficient musicians are available to fill paid jobs. The San Francisco Local has sought permission to use musicians who are now in the armed forces because it cannot assemble, from civilian life, adequate personnel for bands.

The Union's claims of unemployment are based on a tortuous definition of the word. Joseph N. Weber, upon his retirement as President of the Union in 1940, said:

> "Our membership consists of fully one-half of non-professionals who are not entirely dependent on music for a livelihood."

Recent studies indicate that this estimate was over-conservative, because actually only one-third of the membership consists of professional musicians. A comparison of Union rosters with city directories in 112 cities and covering over one-quarter of the Union's membership, discloses that only 34.8% of the members whose names were found in the directories listed themselves as musicians or music teachers. The remaining two-thirds listed themselves as being engaged in more than 250 occupations having nothing to do with music.

A recent personal interview survey made in four characteristic cities by an independent research agency revealed that there was no unemployment whatsoever among members of the Musicians' Union in those cities. Only 33.8% of those members are employed in the field of music, with the remainder in other gainful occupations.

Yet the strike of the Union has curtailed commercial transcriptions which are the principal avenue to national advertising for non-network broadcasting stations. This source of revenue has become even more important with the scarcity in consumer goods, because local advertisers have less need for product advertising and little inclination towards institutional advertising. Many of these stations operate at a loss even under normal conditions.

These independent stations have been described by Chairman Fly of the Federal Communications Commission as being hardest hit by the musicians' strike. Only recently he said that the effect of the strike on these stations has been that of a "creeping paralysis."

As to library transcriptions, these afford the only means whereby independent stations receive a balanced program service for local use, including the latest music, which is designed especially for radio and created by outstanding writers, singers, instrumentalists and directors. The unavailability of such service increases the discrepancy between network and local programs and weans away from the smaller stations the listeners, upon whom depends the well-being of every station.

That this strike interferes with the war effort has been testified to by the leading officials of the Government who are responsible for morale and communications, certified by the Secretary of Labor, and found to be a fact by the National War Labor Board. The war effort is being hampered and an established industry is faced with destruction.

At the National War Labor Board hearing on jurisdiction, Mr. Petrillo cast aside his original pretext for calling the strike. Mr. Almon Roth had asked:

> "Are there musicians out of work at this time?"

And Mr. Petrillo replied:

> "There are not as many musicians out of work as when the fight started. We are doing what the government is doing and everybody else—we are preparing the way for the boys when they come back so they will have a job."

The Union has thus acknowledged the non-existence of any current valid basis for its strike against the transcription companies. By this admission, the immediate termination of this strike can cause no conceivable hurt to the Union or its membership during the pendency of the war, with which period this Board is solely concerned.

Therefore, the National War Labor Board must, on the merits, order the American Federation of Musicians immediately to terminate its strike against the employers who are parties to this proceeding.

Respectfully submitted,

By A. Walter Socolow,

Attorney for

Associated Music Publishers, Inc.,
Empire Broadcasting Corporation,
Lang-Worth Feature Programs, Inc.,
C. P. MacGregor,
Radio Recording Division, National Broadcasting Company, Inc.,
Standard Radio.

580 Fifth Avenue,
New York 19, N. Y.

The National Association of Broadcasters

1760 N STREET, N. W. * * * * * * * WASHINGTON 6, D. C.

October 1, 1943 **SPECIAL A. F. of M. BULLETIN** No. 22

Contract Between Decca and World With The American Federation of Musicians

A contract, which has been signed by Decca Records and World Transcription with the American Federation of Musicians, forms part of this bulletin. This contract does not call for the making of any payment by broadcasters and Decca and World have already formally announced that they will not attempt to pass on to the consumer any part of their cost. The contract does, however, include a recognition of "the principle of a continued interest which all of the members of the Federation have in the use of records containing instrumental music," and which provides for direct payment by the record and transcription companies to the Union.

This is contrary to the declaration of principle in which all record and transcription companies joined in their rejection of the Union's demands on February 23, 1943. This declaration of principle, it will be remembered, received the commendation of the NAB Convention. Decca and World are recording under this contract. None of the other transcription companies which are parties to the War Labor Board proceedings have as yet assented to the agreement; neither have Victor and Columbia which on September 28 became parties to the War Labor Board hearings.

On its face the agreement is not clear as to whether it is a firm agreement for a fixed period at a stated wage scale or whether the Union reserves the right to strike at any time. Presumably, this question will be clarified when the War Labor Board hearings resume on Monday, October 4. Mr. Petrillo, in urging the other companies to sign the agreement, said that it would end the controversy with respect to records and transcriptions. He said that he did not expect any substantial revenue from the agreement during the war, but expressed the belief that the agreement might yield three to four million dollars a year to the Union after the war was over. This estimate would appear to be predicated on an anticipated sale of ten times as many records as have ever before been sold in the history of the recording industry. The contract follows:

Contract Text

September , 1943, as of September 20, 1943

Decca Records, Inc.
50 East 57th Street
New York, New York

Gentlemen:

This is to advise you that during the term of this contract you and your subsidiary companies may employ members of the American Federation of Musicians upon the following terms and conditions:

1) You shall use only members in good standing of the American Federation of Musicians for the performance of all instrumental music in recording phonograph records and electrical transcriptions (Hereinafter sometimes referred to as "recordings"), and when employing persons who are eligible for membership in the American Federation of Musicians you shall employ only such persons as shall be members thereof in good standing;

2) We shall exercise full authority in order that our locals and members of the Federation engaged in or pertaining to such recording activities shall do nothing in derogation of the terms and intent of this agreement;

3) Immediately upon the making of any recording and prior to its release, you shall advise the Federation of such recording, of the serial or other number thereof, and any additional information in connection with any such recording which we may reasonably require. Upon demand by the Federation you shall promptly furnish to it a copy of any such recording including those made or pressed by you in Canada;

4) Upon the execution of this agreement you shall promptly furnish to the Federation a copy of your current catalogue or recordings, and thereafter from time to time as and when issued, you shall supply a copy of all supplements thereto;

5) You shall not require, request, induce, or in any manner attempt to influence any member of the Federation to play, or perform for recordings, or render services pertaining thereto, except as permitted by this agreement;

6) You shall not dub, re-record, or re-transcribe any recordings except upon previous written notice of any such intention to be given to the member through whom the performers were originally employed, as well as to the Federation; and upon payment to the said member of the full scale for all performers applicable to such new use;

7) You shall not require members of the Federation to make phonograph records containing commercial advertisement or any recordings to

be used by or for actors as accompaniment for or in connection with their performances;

8) No changes in our Constitution and By-Laws will be made during the term of this agreement which shall contravene any of the provisions herein;

9) All laws, rules and regulations of the American Federation of Musicians (a copy of which is herewith submitted) are made part of this agreement;

10) You shall pay our members for the services rendered by them in the making of recordings such sums as you may agree upon with them, but which in no event shall be less than scale;

11) All contracts for recordings between you and members of the Federation shall contain the following provisions:

> "As the musicians engaged under the stipulations of this contract are members of the American Federation of Musicians, nothing in this contract shall ever be construed as to interfere with any obligation which they owe to the American Federation of Musicians as members thereof."

Said contract shall also contain the following paragraph which is part of a resolution adopted by the American Federation of Musicians:

> "That members of the American Federation of Musicians are authorized to accept employment for the purpose of making phonograph records and electrical transcriptions by such phonograph and electrical transcription companies as shall have entered into an agreement with the American Federation of Musicians permitting the employment of its members upon the terms and conditions contained in the standard form of agreement promulgated by the American Federation of Musicians to its members on September —, 1943."

12) In order to give effect to the principle of a continuing interest which all the members of the Federation have in the use of recordings containing instrumental music, you shall pay to the American Federation of Musicians the following:

a) For phonograph records manufactured or produced by you or others from masters hereafter recorded by you containing performances by members of the Federation, and which phonograph records are sold by you or by the lessees of your masters to others a payment equal to the following:

¼-cent for each record, the manufacturer's suggested retail price of which does not exceed 35 cents:

½-cent for each record, the manufacturer's suggested retail price of which is not more than 35 cents but does not exceed 50 cents:

¾-cent for each record, the manufacturer's suggested retail price of which is more than 50 cents but does not exceed 75 cents:

1 cent for each record, the manufacturer's suggested retail price of which is more than 75 cents but does not exceed $1.00:

2½-cents for each record, the manufacturer's suggested retail price of which is more than $1.00 but does not exceed $1.50:

5 cents for each record, the manufacturer's suggested retail price of which is more than $1.50 but does not exceed $2.00:

2½% of the sale price of each record, the manufacturer's suggested retail price of which exceeds $2.00.

You have advised us that the manufacturers' suggested retail prices as referred to in the foregoing schedule are published in your catalogue of records.

b) For electrical transcriptions, manufactured from masters hereafter recorded by you containing performances by members of the Federation, and which are intended for more than one use by your customers, lessees or licensees as part of your library service or otherwise, a payment equal to 3% of the gross revenues derived by you from the sale, lease, license or other disposition thereof.

For spot announcement transcriptions commonly known as "jingles," a like payment of 3% of the gross revenues shall be made.

c) For commercial electrical transcriptions manufactured for commercial broadcasting, intended for a single use and only so used, there shall be no payment pursuant to the terms of this paragraph 12.

d) All payments stipulated in this paragraph 12 shall be made to the Federation pursuant to the resolution referred to in the 11th paragraph hereof within 45 days following each calendar half-year and shall be accompanied by a statement certifying all payments required to be made pursuant hereto.

e) The Federation at its option shall have access and right of examination of your books and records relating to this subject at all reasonable times.

f) It is understood that your obligation to make the payments pursuant to this paragraph 12 hereof shall continue after the expiration of this agreement.

13) You shall not interfere, assign or attempt to interfere or assign your rights pursuant to this agreement.

14) During the term hereof, we will not enter into any agreement with any phonograph rec-

ord or transcription companies upon terms more favorable than those contained in this agreement. In the event, however, that we shall make any agreement with any other phonograph record or transcription company upon any terms more favorable or different from those contained in this agreement, you shall have the right at your option to cause your agreement to be conformed therewith.

15) You shall not make, or permit the use of your facilities for making, or otherwise give aid or assistance in the making of any phonograph recording or transcription which shall utilize instrumental music, for or on account of any other persons engaged in the phonograph recording or transcription business unless authorized in writing by the Federation.

16) You agree not to make recordings or transcriptions of any radio program broadcast from a studio or off the air, without written permission first obtained from the Federation, however, since it has been the practice of the Federation in the past to grant such permission, it is agreed that permission will not be unreasonably withheld and that when granted it shall be upon the payment of transcription scale.

17) The term of this agreement shall be for the period commencing as of September 20, 1943, and terminating December 31, 1947.

— — — — — —

Your signature in the space provided below will constitute this a binding agreement between you, your subsidiaries and ourselves.

Yours very truly,

____
President

Decca Records

____
by Executive Vice President

Attest: ____________
Secretary

The National Association of Broadcasters
1760 N STREET, N. W. * * * * * * * WASHINGTON 6, D. C.
October 29, 1943 SPECIAL A. F. of M. BULLETIN No. 23

The Petrillo Situation To Date

(This bulletin contains the NAB Steering Committee Statement of October 23, 1943; a report by Neville Miller, Steering Committee Chairman, to the broadcasting industry; the latest contract signed by four recording companies with A. F. of M.; the February 23, 1943, letter from the transcription companies to Mr. Petrillo, and recent editorials from the newspapers on the Petrillo situation.)

NAB STEERING COMMITTEE CONDEMNS PAY PRINCIPLE IN AFM RECORDING DEALS

The full statement follows:

"With the signing of contracts with James C. Petrillo by four more transcription companies, it becomes apparent that Mr. Petrillo has established in the recording field a most vicious principle. By the terms of the contract, Mr. Petrillo levies a tax on the companies for the privilege of hiring members of his union, which tax is paid direct to the union. Although an attempt is made to gain public approval of administration of the fund by the appointment as 'advisors' of public representatives, who have no vote, such procedure in no way mitigates the evils of the principle.

"This principle has been condemned as setting up a private system of unemployment relief. In our view its significance is even more appalling. We regard the principle as being as economically and socially unsound as extortion is immoral and illegal. We believe that its widespread application in this country, which has depended for its growth on the development and use of invention, will impair our future prosperity. We hold that its perpetuation will thwart democracy within the labor movement itself, and be destructive of good relations between all labor and all industry. For these, as well as for other cogent reasons, we are certain that most American citizens will join us in condemning and in rejecting this principle.

"The panel which was appointed by the National War Labor Board to hold hearings and report on the merits of the dispute departed from the task assigned to it to assume a mediatory role, and in this capacity its members participated in bringing about the contract which embodies this principle.

Three Continue Opposition

"Columbia Recording Corporation, RCA-Victor, and NBC-Thesaurus, with courage which should call forth the commendation of the entire broadcasting industry, have continued their opposition to the principle of direct payment to the union. These companies now find themselves, however, in an obviously unfortunate position. The merits of the principle which they oppose may now be adjudicated by the very panel which as mediator brought about the making of the contract which embodies the principle the panel is now supposed dispassionately to evaluate.

"Although Mr. Petrillo was the originator of the idea of a direct levy upon the companies, he had made little headway in the hearings before the National War Labor Board panel until Decca Records and its subsidiary, World, deserted the principles set forth in a joint letter which they, with the other recording companies, had addressed to the Union on February 23, 1943. Such action by Decca and World placed four of the other companies under such competitive pressure that they felt obliged to accept the principle, despite the fact that it was thoroughly repugnant to all of them.

"The Committee deplores the making of the contracts which embody the principle of direct payment to the union. It regards the payment of moneys directly to a union as equally destructive of the rights of employers and union members. For unions to collect direct tribute as compensation for permitting their members to render services is not a forward step in unionism, but rather a reversion to a philosophy which regards these members as chattels to be disposed of at the union's option.

"There is no economic or social theory which supports such an exaction. There are no facts which justify its application in the present case. The members of the American Federation of Musicians have profited through the invention of recording, and the union has no unemployment problem."

Members of the Steering Committee are: Neville Miller, chairman; Mark Ethridge, WHAS, Louisville; John J. Gillin, Jr., WOW, Omaha; Kolin Hager, WGY, Schenectady; Harry Le Poidevin, WRJN, Racine; Paul W.

Morency, WTIC, Hartford, and G. Richard Shafto, WIS, Columbia, S. C.

October 27, 1943.

To The Broadcasting Industry:

Fifteen months ago the Board of Directors of the National Association of Broadcasters appointed a Steering Committee in connection with the strike of the American Federation of Musicians against recordings. The recording of phonograph records and electrical transcriptions has been partially resumed upon a basis concerning which the Steering Committee has expressed itself in the public statement which is printed in this bulletin.

When James C. Petrillo announced his strike, he stated that the purpose of the strike was to exact payment from the broadcasting industry. Indeed, in August of this year counsel for Decca Records informed representatives of the industry that the lowest figure which Mr. Petrillo would consider was $18,000,000, to be paid directly to the Union by broadcasters over a five year period. Previously, Mr. Petrillo's counsel had set $15,000,000 a year as his anticipation of the industry's payment, in his testimony before the Senate Committee. In the light of the initial objectives of the Union, the fact that phonograph records, commercial transcriptions and library transcriptions are again being manufactured at no additional cost to the broadcasting industry might be viewed as a victory for broadcasters.

Thoughtful consideration of the implications of the contract which the American Federation of Musicians has signed with a number of companies must, however, temper this judgment.

Payments to Union Called For

The contract calls for direct payments to the union from employers in return for the privilege of permitting the employer to give work to the union's members at mutually satisfactory terms and conditions. The general acceptance of this principle would, it is obvious, be prejudicial to the national interest as well as to our own. The amount all of the transcription companies which have signed the contract will pay during the first year of the contract will probably not be in excess of $10,000 nor will it apparently exceed $30,000 during any year of the contract. The amount which Mr. Petrillo's union would have received if all of the record companies had signed his agreement would be, in addition, several hundred thousand dollars a year. These amounts are not large when viewed in the light of Mr. Petrillo's statement that the members of his Union have lost $7,000,000 in consequence of the strike. A precedent has, however, been established whereby Mr. Petrillo may implement whatever future demands he may wish to assert.

With commendable courage in the face of severe competitive handicaps, three companies, Columbia Recording Corporation, RCA Victor, and NBC Thesaurus, have refused to sign the contract with the Union, and have asked the panel of the National War Labor Board to resume hearings on the merits of the case. The recording situation has not, therefore, been resolved, and it will not be until the panel renders its decision accepting or rejecting the principle of direct payment to the Union.

Broadcasters may be interested in a brief review of the events leading up to the present situation. Mr. Petrillo refused to formulate his demands until, under pressure from the Senate Committee headed by Senator D. Worth Clark, he transmitted them to the recording companies on February 11, 1943. These demands incorporated the principle of direct payment to the Union. The demands were rejected in a letter dated February 23rd, which sets forth the reasons for the rejection so admirably that it is reprinted as a part of this bulletin. It will be noted that Decca and World, which subsequently voluntarily accepted the principle of direct payment, were among the signers of this communication.

WLB Gets Dispute

When independent negotiations between the transcription companies and the Union failed, and when the United States Conciliation Service of the Department of Labor was equally unsuccessful in bringing about agreement between the parties, the dispute was certified to the National War Labor Board. The Board accepted jurisdiction but did not follow its customary procedure of ordering the Union to terminate the strike, despite the fact that Mr. Petrillo had announced his defiance of the Board by stating at the outset of the hearing that he would not obey such an order.

The Board appointed a panel to hear the issues, and the hearings were progressing satisfactorily when, on September 20th, Decca and World signed a contract with the Union. Counsel for the other companies which were parties to the proceeding then asked the panel to issue an order returning the men to work pending a decision in the case, but the motion was denied. Negotiations were then begun, with the panel assuming a mediatory role, and on October 20th Associated Music Publishers, Inc., Lang-Worth Feature Programs, Inc., Standard Radio and C. P. MacGregor signed a contract with the Union. This contract, perforce, contains the objectionable principle, though in other respects it marks an advance over the agreement signed by Decca and World:

'No Strike' Clause New

(1) The Decca and World contract did not contain a "no strike" clause, and Mr. Petrillo stated that under that agreement he felt free to strike at any time. The subsequent contract includes an explicit "no strike" clause with respect to library transcriptions, although the Union remains free to strike at any time with respect to phonograph records and commercial transcriptions intended to be used only once on a broadcasting station.

(2) The Decca contract contained no clause freezing the compensation of musicians. The subsequent contract keeps in effect for two years the rate of July, 1942.

(3) The subsequent contract has a somewhat more explicit description of the use by the Union of the moneys which it will receive under the contract. The funds are to be deposited in what the Union terms an "employment fund" to be used "only for the purpose of fostering and propagating musical culture, and the employment by it (the union) of live musicians, members of the Federation for the rendering of live music." It will be noted that nowhere is there any statement that the money will be used for the benefit of otherwise unemployed members of the Union. Indeed, unemployment is nowhere mentioned in the contract.

(4) The second contract also contains a provision that two persons shall be appointed by the Chairman of the National War Labor Board to advise with respect to the disbursement of the fund, but these persons are given "no power of vote."

Petrillo Changes Position

Throughout the many phases of the recording strike, Mr. Petrillo has constantly changed his position. Most significant among these changes is the abandonment by the Union of the claim of an existing unemployment problem, and reliance, instead, as justification for the Union's actions, on nebulous post-war planning. The main reason for this shift has been the activity of the NAB in gathering information with respect to the American Federation of Musicians, and the employment of the members of that Union by the broadcasting industry. The result of the NAB's factual and legal researches have been made available to all interested parties, and have played a conspicuous role during the duration of the controversy. Indeed, the results of these researches will continue to have usefulness not only in connection with the recording conflict but in connection with any claims which the American Federation of Musicians may choose to assert against the broadcasting industry in the future.

Mr. Petrillo has further succeeded in enmeshing himself in a web of opportunistic contradictions, which the NAB has been careful to bring to public notice.

When Elmer Davis, Director of the Office of War Information, asked Mr. Petrillo to rescind his ban in the interest of the war effort, Mr. Petrillo refused; but he did concede that commercial transcriptions, played only once on a station and then destroyed, were not detrimental to his membership. Shortly, thereafter, he reaffirmed that his Union would no longer permit the making of commercial transcriptions.

When Is 'Strike' Not 'Strike'

In appearing before the Federal Court in Chicago, where the Department of Justice unsuccessfully sought a temporary injunction against Mr. Petrillo and the Union, Mr. Petrillo and counsel argued that the ban was a strike. When the strike was brought before the National War Labor Board, Mr. Petrillo suddenly discovered that no strike existed and that the ban constituted a final refusal on the part of his members to make electrical transcriptions.

When Mr. Petrillo appeared before the Senate Committee, he and his counsel disclaimed any intention permanently to bar amateur bands and orchestras from the air, but even the finest of such groups has not yet been permitted to return to broadcasting activity.

Also, when the Senators asked Mr. Petrillo if he had in mind the destruction of the basic invention of recording, he quickly disavowed any such intention. And yet he told the War Labor Board that his members had forever abandoned the making of electrical transcriptions and would seek to prevent anyone else from engaging in that field—a position from which he has, obviously, again departed.

Mr. Petrillo has vigorously criticized the NAB for its work in bringing his actions before the public. The NAB was active, and we believe effective in this respect. However, it is well to note that many thousands of news items, editorials and cartoons appeared with respect to Mr. Petrillo's activities during the month prior to the formation of the NAB's Steering Committee and before the NAB took any steps with respect to the recording ban. During this month every one of the personal attacks and characterizations to which Mr. Petrillo has so vehemently objected was published by the press on its own initiative and inspiration. It is clear, therefore, that the almost universal disapproval of Mr. Petrillo has resulted from what Mr. Petrillo himself has done. Perhaps the best tribute to the NAB's diligence in the recording matter was paid by Mr. Petrillo when, in January, he charged that the NAB had spent, in a public relations campaign alone, more than ten times what the NAB had spent in connection with the entire A. F. of M. matter.

No Let-Up by NAB

It goes without saying that the continuing problem of the American Federation of Musicians activities will receive constant consideration by the NAB and will be the subject of discussion at the forthcoming meeting of the NAB's Board of Directors. Meanwhile broadcasters will continue to point out that their industry has made a contribution to music and musicians which has been excelled by no other group or organization. Broadcasting has enormously increased the appreciation and understanding of the best music. It has increased the appeal of popular music. It has conferred upon the band leaders unparalleled earning power. Working musicians receive for their services in radio broadcasting in excess of $30,000,000 a year. Staff musicians employed by broadcasting stations receive an average wage of $67.90 per week for an average work week of less than eighteen hours. The broadcasting industry has displaced no musicians. It has, on the contrary, given employment to thousands and opened new employment opportunities to countless thousands more. An industry which has consistently met the highest standards in the treatment of all of its employees will, therefore, continue to resist exactions which are based upon both false premises and unsound principles.

NEVILLE MILLER, *Chairman.*

The 'Latest' Contract

October 20th, 1943.

Gentlemen:

This will confirm our agreement as follows:

(1) You shall use only members in good standing of the American Federation of Musicians as instrumental musicians, conductors, arrangers, and copyists, in recording phonograph records and electrical transcriptions (hereinafter sometimes jointly referred to as "recordings").

(2) We agree that throughout the term of this agreement, so long as you perform your obligations hereunder, our members shall have the right and permission to enter into and continue in your employ and you shall have the right to use their services for the purposes aforesaid upon the terms and conditions hereinafter set forth.

(3) We warrant and represent that we have the right and power to enter into this agreement and to grant you the rights and benefits set forth herein. We shall exercise full authority in order that our locals and members of the Federation engaged in or pertaining to record-

ing activities shall do nothing in derogation of this agreement.

(4) Immediately upon the making of any recording hereunder and prior to its release, you shall advise the Federation of such recording, of the serial or other number thereof, and any additional information in connection with any such recording, which we may reasonably require. Upon demand by the Federation, you shall promptly furnish to it a copy of any such recording, including those made or pressed by you in Canada.

(5) Upon execution of this agreement, you shall promptly furnish to the Federation a copy of your current catalogues of phonograph records and library transcriptions, and thereafter from time to time as and when issued, you shall supply a copy of all supplements thereto.

(6) You shall not require, request, induce, or in any manner attempt to influence any member of the Federation to play or perform for recordings, or render services pertaining thereto, except as permitted by this agreement.

(7) You shall have the right to dub, re-record, or re-transcribe any of your recordings for slide films or as a part of any manufacturing processes by which you make the recordings available for the uses for which they were originally intended. Except as herein expressly provided, you shall not dub, re-record or re-transcribe any recordings containing the services of members of the Federation except on previous written notice of any such intention to be given to the member through whom the musicians were originally employed, as well as to the Federation, and upon payment to the said member of the full scale for all musicians applicable to such new use. Nothing contained in this agreement shall in any way modify any obligation independent of this agreement which you may be under to obtain from our members such individual approval as may be necessary in connection with any dubbing, re-recording, or re-transcribing of records.

(8) You shall not require members of the Federation to make phonograph records containing commercial advertisements; or to make any recordings designed for use as accompaniment by performers for or in connection with their public performances. "Accompaniment" as used in this Paragraph shall not be construed to include signatures, bridges, background and mood music, sound effects and fanfares, incidental music in connection with scripts, etc.

(9) All laws, rules and regulations of the American Federation of Musicians (copy of which is herewith submitted) are made part of this agreement.

(10) We agree that any changes in our Constitution, By-Laws, rules or regulations, which may be made during the term of this agreement or which may conflict with any of the provisions hereof, shall not impose any conditions not herein contained or change your rights hereunder.

(11) You shall pay our members for the services rendered by them in the making of recordings such sums as you may agree upon with them but which, in no event, shall be less than the respective wage scales. We agree that the wage scales for the services of our members, which were in effect July 1942, shall be continued without change for a period of two years from October 20, 1943. Either party may give notice of its desire to change the wage scales for the period from October 20, 1945 to December 31, 1947. Such notice shall be in writing and shall be mailed not later than April 20, 1945. In the event that such notice is sent and that negotiations fail to produce an agreement regarding new wage scales within said six-month period, either you or we shall have the right to terminate this agreement for the services of our members as of October 20, 1945.

(12) All contracts for recordings between you and the members of the Federation shall contain the following provisions:

> "As the musicians engaged under the stipulations of this contract are members of the American Federation of Musicians, nothing in this contract shall ever be construed as to interfere with any obligation which they owe to the American Federation of Musicians as members thereof."

(13) In consideration of the rights, privileges, and permissions granted to you hereunder, you shall pay to the "Employment Fund" of the American Federation of Musicians the following:

(a) For phonograph records manufactured or produced by you or others from masters hereafter recorded by you during the term of this agreement, containing performances by members of the Federation, and which phonograph records are sold by you or by the lessees of your masters to others, a payment equal to the following:

¼ cent for each record, the manufacturer's suggested retail price of which does not exceed 35 cents;

½ cent for each record, the manufacturer's suggested retail price of which is more than 35¢ but does not exceed 50 cents;

¾ cent for each record, the manufacturer's suggested retail price of which is more than 50¢ but does not exceed 75 cents;

1 cent for each record, the manufacturer's suggested retail price of which is more than 75 cents but does not exceed $1.00;

2½ cents for each record, the manufacturer's suggested retail price of which is more than $1.00 but does not exceed $1.50;

5 cents for each record, the manufacturer's suggested retail price of which is more than $1.50 but does not exceed $2.00;

2½ percent of the sales price of each record, the manufacturer's suggested retail price of which exceeds $2.00.

(b) For electrical transcriptions, manufactured from masters hereafter recorded by you containing performances by members of the Federation, and which are intended by you for more than one use by your customers, lessees or licensees as part of your library service or otherwise, a payment equal to 3 percent of the gross revenues derived by you from the sale, lease, license or other disposition thereof.

In the event that at the time the calculation of the first payment due to us hereunder proves to be unduly burdensome or otherwise difficult of computation by you, then and in such an event we agree that we shall endeavor to agree with you upon a new basis of calculating an amount equivalent to the sum payable to us hereunder. If we are unable so to agree within a period of thirty (30) days from the date on which such payment shall be due hereunder, then and in such an event we agree to submit such dispute to Honorable Arthur S. Meyer or any other person designated by the Chairman of the National War Labor Board for determination.

(c) For commercial electrical transcriptions manufactured for broadcasting and intended by you for not more than a single use by any one station, there shall be no payment to us pursuant to the terms of this Paragraph 13. You agree that in connection with the sale or other distribution of the electrical transcriptions mentioned in this Paragraph 13 (c), which are manufactured from masters hereafter recorded by you during the term of this agreement, and which contain performances by members of the Federation as aforesaid, you will stipulate for the benefit of the Federation an obligation that your customers shall not use or authorize the use of such electrical transcriptions more than once on any particular station without the prior written approval of the Federation.

(d) All payments provided for in this Paragraph 13 shall be made to the Federation within forty-five days following each calendar half-year, and shall be accompanied by a statement certifying all payments required to be made pursuant hereto.

(e) The Federation at its option shall have access and right of examination of your books and records at all reasonable times relating to the payments referred to in this Paragraph 13.

(f) Your obligations to make the payments pursuant to this Paragraph 13 shall continue after the expiration or other termination of this agreement, with respect to any and all recordings from masters made hereunder during the term hereof.

(14) The American Federation of Musicians will use the "Employment Fund" described in this agreement only for the purposes of fostering and propagating musical culture and the employment by it of live musicians, members of the Federation, for the rendering of live music. This Fund will be kept separate and apart from all other funds of the Federation. No part of this Fund will be used for the payment of the salaries of any officer of the Federation, or for any other purpose than the foregoing. However, up to 5% may be used for the purpose of administering the Fund. In the event administration expenses exceed 5%, the Federation will meet such additional expenses from its own Treasury.

The Federation has in the past submitted at its Conventions a full and detailed financial statement, accounting and annual report audited by certified public accountants to be submitted to the membership of the Federation, and such reports are made public. With respect to the Employment Fund referred to herein, a similar detailed statement, financial accounting and report will also be made annually and in like manner.

In administering the Fund, the American Federation of Musicians will, with a view to best serving the public interest, consult from time to time with an Advisory Committee to be created forthwith. Such committee shall have no power of vote. The Advisory Committee will consist of two persons to be selected and appointed by the Chairman of the National War Labor Board or, in the event that the present National War Labor Board shall not be in existence throughout the term of this contract, then successor appointments shall be made by the Secretary of Labor of the United States. The necessary traveling and other expenses of the Advisory Committee will be paid by the American Federation of Musicians and charged to the Fund, but the same shall not exceed $1500. in any year.

The purpose of consulting with the Advisory Committee will be to receive advice and suggestions from the Advisory Committee concerning the administration of the fund.

(15) The rights granted to you under this agreement are hereby declared to be personal to you, and you agree not to transfer, assign or attempt to transfer or assign this agreement without our prior written consent, which consent shall not be unreasonably withheld.

(16) In the event that we shall make any agreement permitting the making of phonograph records or electrical transcriptions, during the term hereof, upon any terms or conditions more favorable than or different from those contained in this agreement, you shall have the right at your sole option automatically to cause this agreement to be conformed therewith.

(17) You shall not make or permit the use of your facilities for making or otherwise give aid and assistance in the making of any phonograph records and electrical transcriptions which contain instrumental music for or on account of other persons engaged in the phonograph record or electrical transcription business who is not signatory to an agreement with us, permitting the employment of our members, unless authorized in writing by the Federation.

(18) Except as otherwise provided in this agreement, and so long as you perform your obligations hereunder, we agree that throughout the term of this agreement we shall exercise no influence or restraint upon our members against entering or remaining in your employ, to the end that there shall be no cessation or interruption of your employment of our members hereunder in the making of recordings, in connection with your business. However, our obligation under this paragraph shall not extend to phonograph records or to that type of recording known as commercial electrical transcriptions hereinabove referred to in Paragraph 13 (c).

(19) You agree not to make recordings of any radio programs containing the services of our members, off-the-line or off-the-air, without first obtaining from the Federation written permission, except that we agree that no such permission shall be necessary in instances where

(a) Recordings are for reference or file purposes, or

(b) For the purpose of making delayed broadcast transcriptions, which have been authorized in writing by the Federation.

The Federation agrees that in all other cases it will not unreasonably withhold permission to make such off-the-air or off-the-line recordings, and that in such other instances where granted, permission shall be given on payment of transcription scale to the members of the Federation concerned. This agreement shall not in any way modify any obligation independent of this agreement which you may be under to obtain from our members such individual approvals as may be necessary in connection with such off-the-line or off-the-air recordings.

(20) The term of this agreement shall be for the period commencing as of October 20, 1943, and terminating December 31, 1947.

If this is in accordance with your understanding, kindly execute both copies of this letter to constitute it an agreement between you and us.

AMERICAN FEDERATION OF MUSICIANS
OF THE UNITED STATES AND CANADA

BY JAMES C. PETRILLO, *Pres.*

ACCEPTED AND AGREED TO:

(Text of the Decca contract was reprinted in the Special A. F. of M. Bulletin No. 22, issued October 1, 1943.)

The Recording Companies' Letter

New York, February 23, 1943.

Mr. James C. Petrillo, President,
American Federation of Musicians
1450 Broadway
New York, N. Y.

Dear Mr. Petrillo:

After meeting with you on February 15th, the undersigned companies engaged in various phases of the recording and transcription business met to consider the proposals which you had distributed on February 12th. Considerable time has been spent by us in an effort to find a response which would result in your permitting the re-employment of your members. Any such response must be viewed in relation to these prior facts:

On June 25, 1942, without previous notice or demands you announced that you would not allow any of your musicians to perform for recordings after July 31st. This meant a complete cessation of recording because we had been operating under a license from you which imposed on us a "closed shop" for your union. Under this license, we had been paying your members at rates which are among the highest for skilled service in any industry. In addition substantial royalties for each phonograph record manufactured and sold have been paid to the musicians or orchestras who made them. Although hours and other working conditions were beyond criticism, you nevertheless called a strike, without previous notice or demands.

While you allege wholesale unemployment of your members (a claim we deny), you have continued this strike and the resulting unemployment for a period of almost seven months, to date. In doing so, you disregarded pleas of Elmer Davis of the O.W.I. on behalf of both military and civil officials, that the strike was harmful to the War effort. During those seven months you at no time offered to return your members to work or even to state the conditions upon which you would do so. This continued until a Senate Committee under the Chairmanship of Senator D. Worth Clark of Idaho insisted that you make some proposal. Even now your proposal is a proposal in form only.

You propose that the recording companies pay an additional sum directly to the union over and above their payments to the musicians employed. You further propose that this sum be accumulated or disbursed in the union's uncontrolled discretion *for the benefit of union members who render no service whatsoever to the recording companies.* The destructive and dangerous fallacy of your proposal is that it assumes that a specific industry owes a special obligation to persons not employed by it,—an obligation based only on such persons' membership in a union. In addition to the inherent unsoundness of such a proposal, the following objections are at once apparent:

(a) *Obstructs Technical Progress*

We are alarmed at the damage which might be done to the whole field of technical and technological improvement if the manufacturer of any new device, of proven value to the people as a whole, were to be saddled with the costs of special industry unemployment relief in addition to the already heavy costs of pioneering research and development, and subsequent promotion.

(b) *Subsidizes Non-Employees*

We do not believe that our companies, who before your ban were employing the maximum number of musicians at the highest wages in the history of the music industry, should be asked to assume responsibility for unemployment, even if such unemployment exists, of such of your union members who are not and cannot be employed by us.

(c) *Penalizes Employment and Use*

We cannot approve a proposal which imposes a private tax upon every phonograph record manufactured and sold when it is obvious that the records used in the home, far from creating unemployment, have been the source of much profitable employment to your members. This has been publicly and officially proclaimed on more than one occasion at your own union's conventions. Such records used in the home constitute at least eighty percent of the total phonograph record output, and thus, under your proposal, eighty percent of your tax would ultimately fall squarely on the public which buys records for home use and is in no way responsible for whatever unemployment you may claim exists.

(d) *Duplicates Government Relief*

The Government has provided taxes for unemployment relief. A second tax for a new private system aimed at the same relief seems wholly unjustified. Similar proposals could, with no more excuse, be made by singers, engineers and others contributing to the high quality of our products. Any such private and isolated system of unemployment relief within an industry is not only contrary to public policy but would be in direct conflict with the various plans under discussion in Government circles for the expansion of uniform and nation-wide social security measures. No private and limited scheme for the benefit of a few within an industry can be pyramided on top of Federal and State social security plans without creating serious inequities. Certainly mere membership in a union should not entitle a member to special privileges from an industry which does not employ him but happens to employ some of his fellow members.

We recognize that because a social philosophy is new it is not necessarily wrong. What you have proposed is a startling new kind of social philosophy for both industry and labor. While we believe that it is wholly wrong in principle, we doubt that either a single union or a single industry is qualified to be the final judge. Only the people of the United States are qualified to decide whether multiple systems of unemployment relief administered by a variety of private as well as governmental agencies shall now be created. Authority for the application of such basically new social theory should therefore come from the people's representatives in the Congress. Such sanction would necessarily be accompanied by rules and regulations defining the limits, requirements and approved objectives of such union relief funds, and subjecting the union and its administration of such funds to Governmental control and supervision. As in the case of pension and retirement plans created by corporations for the benefit of their employees, the Treasury Department would unquestionably desire to participate in such regulation and supervision.

This is not rhetoric but plain statement of fact because only the Congress should be called upon to answer such fundamental questions as the following:

(a) Would not such a payment directly to a union offer an easy means of evading the "wage freeze" regulations; or, on the other hand, would it not be deemed an indirect increase in compensation to the members employed and, as such, in violation of the regulations?

(b) If, on the other hand, it were ultimately determined that the additional payment directly to the Federation were not additional compensation, direct or indirect, to the employees, would not such a payment be merely a gratuity, and therefore a waste of a company's assets which would subject the company's management to liability under the law?

(c) Would not your proposal be in violation of Section 8 of the National Labor Relations Act which provides that it shall be an unfair labor practice for an employer to "contribute financial or other support" to any labor organization?

(d) What would the Treasury think of your proposal if it resulted in diverting taxable income in the hands of the employer to non-taxable receipts in the hands of your union?

(e) If on the other hand the Treasury Department refused to allow such payments as a deductible expense of the employer, would not the employer be compelled to pay not only the contribution to your fund but also an income tax on the amount of that contribution?

(f) Would not any plan for creating artificial employment for unemployed members of the Federation be contrary to the policy of the Manpower Commission, which is seeking to draw into War industries at least those persons not presently employed?

(g) Would not such a payment as you propose subject both you and us to the charge of a conspiracy to maintain or to increase prices,—and a resulting prosecution by the Government or civil suit by an injured consumer.

Only if you procure Congressional authority for the creation of a fund in accordance with your proposal could such a proposal become operative without raising many presently unanswerable questions.

Pending such Congressional authority for a plan which you yourself have termed "absolutely new," we suggest that you permit your members to return to work immediately and produce phonograph records and transcriptions which are sorely needed for both civilian and military morale.

You know of course, that we stand ready to meet with you at all reasonable times when you have anything further to submit. We want you also to know that the views expressed represent our individual as well as our joint decisions.

Very truly yours,

Electrical Transcription Companies

Associated Music Publishers, Inc.
By JOHN R. ANDRUS, Vice President.
Empire Broadcasting Corporation
By GERALD A. KELLEHER, President.
Lang-Worth Feature Programs, Inc.
By C. O. LANGLOIS, President.
Muzak Corporation
By C. M. FINNEY, President.
Radio Recording Division
National Broadcasting Company, Inc.
By C. LLOYD EGNER, Vice President
Standard Radio
By GERALD KING, Partner.
World-Broadcasting System, Inc.
By A. J. KENDRICK, Vice-President.
C. P. MACGREGOR

Phonograph Record Companies

Columbia Recording Corporation
By EDWARD WALLERSTEIN, President.
Decca Records, Inc.
By JACK KAPP, President.
RCA-Victor Division
Radio Corporation of America
By LAWRENCE B. MORRIS, Director of Personnel Contract Relations.

Soundies

Soundies Distributing Corp. of America, Inc.
By SAMUEL OLIPHANT, Attorney.

Newspaper Editorials

New York Times

Oct. 1, 1943

PETRILLO'S VICTORY

The terms of the contract that the Petrillo union has signed with Decca Records, Inc., have now been made known, and they confirm the worst misgivings. Under the contract the company agrees to pay directly to the union a fee on every record sold. The company must file with the union the serial number of each record, together with additional information that the union "may reasonably require." The union may examine the employer's financial records. In return for these and other concessions from the company, it is hard to see what the

Petrillo union gives except willingness to end its strike or boycott. It agrees that all its laws, rules and regulations are formally made a part of the contract. This protects, among other things, the union's continued right to call a strike when it deems it necessary. The union also agrees that it will not change its constitution or by-laws to contravene the terms of the pact. The practical effect of this would appear to be to prevent the members of the union from voting to have the record fees paid to the actual makers of the records, or from changing the constitution or by-laws to give them any greater control of the union's affairs than they have at present.

It need hardly be pointed out how dangerous the precedent here established would be. Under it Mr. Petrillo levies a private tax on employers. At best he will administer the proceeds—estimated at $500,000 annually if all record companies accept the terms—to set up his own private system of unemployment relief. But there is no public control whatever of the manner in which he uses these funds. If only a small part of the funds do go to pay unemployed musicians, if the bulk of them are used instead to increase the salary or expense accounts of Mr. Petrillo and other union leaders, neither the record companies nor the consuming public that will ultimately pay this private excise tax through higher record prices will have anything to say about the matter. The arrangement renders Mr. Petrillo and his fellow-union leaders financially independent even of the members of their own unions.

If past experience is any guide, the Administration and Congress will be complacent about this contract. Why should they interfere, they will say, with an arrangement that a private concern has voluntarily agreed to? But to take such an attitude is to be willfully blind to the main point, which is that Federal labor policy itself has placed in the hands of labor leaders the private irresponsible powers which enable them to drive bargains so clearly against the public interest.

Baltimore Sun

INCREASING THE STATURE OF MR. J. CAESAR PETRILLO

Previous suggestions that Mr. James C. (for Caesar) Petrillo, dictator of the American Federation of Musicians, indulged in a strategic retreat when he decided to let one of the popular recording companies use his union subjects are refuted by the actual terms of the contract now made public. Plainly he demanded—and received—an unconditional surrender.

Several weeks ago the report was that he had abandoned his stand for payment directly into his treasury of fees on all records sold. He was said to be willing to permit the company to pay them, as what might be called royalties, to the musicians who made the records. The contract flatly rejects any such concession. Its terms are precise on the point. The musicians will do the work; his union will collect the fees and have full charge of their spending.

The company, moreover, agrees to allow Mr. Petrillo's agents to examine its books whenever they so desire. It accepts all laws of the union as formal parts of the contract—which means, of course, among other things, that Mr. Petrillo retains the right to call off his men again at any time. It will make no re-recordings and take no program transcription "off the air" without first notifying Mr. Petrillo and obtaining his approval. He, in his turn, offers one handsome promise. He graciously assures the company that he will not be "unreasonable" in considering such requests from it.

Look well at this Mr. James C. (for Caesar) Petrillo; he constantly increases in stature. Before this he was the supreme boss in his own baliwick, which extends into every village where people toot horns for pay, boosted to that prominence by a Government which interprets its laws to say that he is exempt from most of their provisions. Now he begins to assume the status of a government himself, to take on some of the attributes of a sovereign state. In effect, he issues a license to a corporation to carry on its business, levies a tax upon it, undertakes to supervise its affairs and enacts the rules under which it shall operate. Will anyone really be surprised if some day soon a frock-coated gentleman turns up in Washington presenting credentials as an ambassador from the principality of Petrillo?

The Cleveland News
Oct. 4, 1943

PETRILLO'S $3,000,000

The terms of the contract which the Decca record making company has signed with James C. Petrillo's musicians union have been made public, along with Petrillo's estimate that the union will receive an annual income from the deal of $3,000,000 to $4,000,000.

The union is to get a fee on every record sold. To protect this award, the union is to be furnished with the serial number of every record sold, along with such other information as it "may reasonably require," and is granted the right to examine the company's financial books and sales reports.

The union gives up nothing, the company gains nothing except the consent of the musicians to resume making "canned music" at going rates of pay, plus the royalties.

The public interest is nowhere considered. No one is going to examine the union's books. There are no strings attached as to what purpose this income may be put, private or political. No one except Petrillo and his hand-picked union officials will ever know what becomes of these millions of dollars flowing into the union treasury. Petrillo says he is going to set up a union unemployment fund but this will, of course, be administered as a private Petrillo enterprise just as all affairs of the union are conducted. Anti-Petrillo insurrections have been dealt with so summarily as to discourage union members from interfering with the boss.

Petrillo's control of the federation is just as complete a dictatorship as there is on this earth. Where the contract reads "Federation" it might just as well, for all practical purposes, read "Petrillo." This one man's vast power is now reinforced by an enormous swollen income.

This is as clear an example as can be found for the urgent necessity of national legislation providing for publication of union financial statements. Some unions have taken this step voluntarily. Those of the boss-controlled type such as Petrillo's never will until they are forced. Perhaps the Little Caesar's boast of his $3,000,000 income will stir Congress to some action.

Philadelphia Inquirer
Oct. 24, 1943

A CHALLENGE TO CAESAR PETRILLO

After the manner in which James Caesar Petrillo has been getting away with his role as grand dictator of music for the American people, it's refreshing to find the broadcasting companies standing up to him and declaring for a fight to the finish.

Petrillo recently proclaimed his "tremendous victory" in cowing several transcription concerns and making them agree to come across with a special fee for every record they sell.

By the terms of the contracts, this extra money doesn't go to the musicians who play for recordings. All they receive will be their regular high union wages. This tribute must be paid to Petrillo's union. He has said it will be used for an unemployment fund. But since Petrillo has the union in his pocket, there's no power to make him live up to his promise.

.No law requires an accounting of union funds. Neither is there any law forcing an employer to pay fees, or dues, to a union. But Petrillo has flatly told a Senate committee that he can do "practically anything under the union constitution to meet any situation."

The broadcasting industry, at least, isn't going to take this Caesar's threats of impositions lying down. Its association calls his exactions from the recording companies "as economically and socially unsound as extortion is immoral and illegal."

Unfortunately, the Petrillo peculiar brand of extortion is untouched by present laws. They not only lack any prohibition of his dictatorial practices, but the anti-trust laws grant the unions sweeping exemptions from prosecution which have been upheld by the United States Supreme Court.

Just consider what Petrillo's latest scheme means. It means the levying, by a private individual, of a special tax on employers. Then after having exercised his self-assumed taxing power, Petrillo personally administers the proceeds, estimated at $500,000 or more a year from the recording industry alone.

This huge fund, to be vastly increased if Petrillo should get his grip on the broadcasting companies and on the motion picture industry as well, in accordance with a hint he let drop to the Senate committee, would be utilized to set up Petrillo's own private system of unemployment relief.

As has been pointed out, the use of such funds is subject to no official control or public accounting. This virtual excise tax will be passed on to the buyers of the records. Under this contract the union, that is to say Petrillo, may examine the employer's financial records. The employer is barred from scrutinizing the union's finances.

Congress is now considering additional excise taxes to produce much-needed revenue for the Government to carry on the war. Petrillo levies his own tax and not a dollar of it will go to the Government. There's nothing to prevent other labor bosses from following his example.

It remains to be seen whether the broadcasting companies will be able to maintain their stand against Petrillo's threat to extend his aggressions. But whatever the outcome of this particular case, the menace will not be removed until Congress puts all citizens, employers and employes alike, on a basis of equality before the law.

New York Times
Oct. 22, 1943

MR. PETRILLO MOVES AHEAD

Four more transcription companies have capitulated to Mr. Petrillo, and will doubtless gain a temporary advantage over their more reluctant competitors in doing so. Mr. Petrillo has condescended to sweeten the pill by agreeing that his private unemployment relief scheme, to which he is forcing the companies to contribute, shall be kept separate from other union resources and that no part of the fund may be used for payment of salaries of union officials. The contract provides for a closed shop for members of the Petrillo union in making records. At a time of critical labor shortage, it contains various make-work provisions to give needless jobs.

A panel of the War Labor Board not only approved of the provision obliging the companies to pay a private tax direct to the Petrillo union on every record they make, but by suggesting that "an advisory committee representing the public" be appointed by the chairman of WLB in the administration of the fund, the board panel has given the whole arrangement an official sanction. It does not appear, however, that Mr. Petrillo is under any obligation to take the advice of this "advisory committee." Nor are there any Federal laws whatever which oblige him to make his accounts public, to submit to an independent audit, or to be, in fact, responsible to anybody for what he actually does with the funds.

The principle has now been established, in short, that a labor union leader is able to levy a private tax on employers to maintain a private unemployment relief system. The companies involved have finally agreed to this "voluntarily," of course, but the state of the law and the attitude of the administrators have put Mr. Petrillo in an extremely strong bargaining position and the companies in an extremely weak one. It would not be too much to say that Mr. Petrillo has made this deal thanks to the cooperation of the Federal Government.

New York Times
Sept. 23, 1943

WHY PETRILLO WINS

One of the phonograph record companies has succumbed in large part to Mr. Petrillo's demands. It has signed a four-year contract with him agreeing to pay fees on every record it sells, ranging from one-quarter of a cent on records selling for 35 cents to 5 cents on a $2 disk. It has still not been made entirely clear to whom these fees are to be paid. According to earlier reports they were to be paid to the musicians actually engaged in making the recordings. It was understood that the musicians, in turn, would be taxed by the Petrillo union to aid its unemployed members. Later reports, however, are that the fees will be paid by the record company direct to the union and not to the musicians making the disks.

Either of these arrangements would be unsound in principle, though the second would be the worse. In either case Mr. Petrillo would be levying a private tax—

in one case on employers, in the other on members of his own union. The second arrangement would be unobjectionable if the members of his union were in fact as well as theory merely voluntary members free to remain with or to leave the union as they saw fit. But their membership is, in fact, obligatory. Through the irresponsible powers that Mr. Petrillo is free to exercise under existing law a musician, no matter how competent, can be effectively prevented from making a livehood unless he is a member of the Petrillo union. Nevertheless, the membership of the union would presumably retain at least a nominal control over the funds that they were forced to turn into its treasury.

If the fees on record sales are to be paid directly to the Petrillo union, however, the resulting situation would be much worse. In that case Mr. Petrillo would be levying his private tax on employers. At best he would be administering a private system of unemployment relief. But there would be no public control whatever of the manner in which he used these funds. If only a small part of the funds actually went for paying unemployed musicians, if the bulk of them were used instead to increase the salaries or expense accounts of Mr. Petrillo and other union leaders, neither the record companies nor the consuming public that ultimately paid this private excise tax through higher record prices would have anything to say about the matter. If Mr. Petrillo can succeed in getting this principle established, he will render himself and his fellow union leaders financially independent even of the members of their own unions.

It would be lacking in clarity of thought to put the primary blame for the resulting situation either on Mr. Petrillo personally or on any record company that succumbs to his terms. The primary blame must be placed on the Administration and Congress, who, by their official labor policy, have placed in the hands of labor leaders the private irresponsible powers which enable them to drive such anti-social bargains.

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WASHINGTON, D. C.
APRIL
1943
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THE BEAM

Association of WOMEN DIRECTORS

The NATIONAL ASSOCIATION OF BROADCASTERS

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RUTH CHILTON, *President*
WSYR, Syracuse, New York

RHEA MCCARTY, *Treasurer*
WCOL, Columbus, Ohio

MILDRED BAILEY, *Secretary*
WTAG, Worcester, Mass.

DOROTHY LEWIS, NAB, Coordinator
535 Fifth Avenue, New York City

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WHAI, Greenfield, Mass.

MARY MASON, 4th district
WMAL, Washington, D. C.

RUTH LYONS, 7th district
WLW, Cincinnati, Ohio

PEGGY CAVE, 10th district
KSD, St. Louis, Missouri

HAZEL COWLES, 2nd district
WHAM, Rochester, New York

EVELYN HICKS, 5th district
WSGN, Birmingham, Alabama

RUTH CRANE, 8th district
WJR, Detroit, Michigan

ANN GINN, 11th district
WTCN, Minneapolis, Minn.

LEAH MCMAHON, 16th district
KFSD, San Diego, California

VICTORIA COREY, 3rd district
KDKA, Pittsburgh, Penna.

MARJORIE COONEY, 6th district
WSM, Nashville, Tennessee

FLORENCE L. SHUGARS, 9th district
WROK, Rockford, Illinois

ANN HOLDEN, 15th district
KGO, San Francisco, California

NAB President Writes

TO THE WOMEN DIRECTORS OF NAB:

Congratulations on the accomplishments and growth of your organization!

The women of America form the bulwark of radio's patrons. Your work with women's organizations, war workers, listening and broadcasting groups constitutes an invaluable asset to this industry.

It is my hope that the extremities of war will give you only more determination to serve your country by serving its women, through radio.

Sincerely yours,

Neville Miller

NAB War Conference

The National Association of Broadcasters is sponsoring a Radio War Conference in Chicago at the Palmer House, April 26-29. First annual meeting of the Association of Women Directors will be held Wednesday, April 28, at 8:30 p. m., in connection with the War Conference. Your attendance is requested provided it meets with the approval of your station management.

Ruth Chilton's Message

I've always heard that the first message of a first president should be an awe-inspiring declaration of policy. Somehow, this isn't the time or place.

As directors of women's programs we have a real job to do. We have, along with our fellow broadcasters, the power to inspire, encourage and promote the unity of men and women in this nation. We have the privilege of spreading the story of Americanism, the privilege to pass on to our listeners the policies, plans and aims of our government. We have a job to do behind our microphones and I know we'll do it.

This is the first Association of Women Directors in radio. We're the pioneers; we carry the torch. We must lay a firm foundation for the structure of the years to come.

The only way any broadcaster can succeed over a period of time is to be sincere, honest and thoughtful toward the listeners. We must be sure our material is informative and entertaining (entertaining is used in a morale sense). We should always be authentic and carelessness in the stress of war may destroy the very principles for which we are fighting. I believe, as an Association, we should cultivate friendship among ourselves and the exchange of ideas conducive to better broadcasting.

Today the question of women in radio is a serious one. Manpower is being taken for war and the addition of women to station staffs is an increasing reality. Radio is a serious business. It is the greatest medium of human expression ever known. It demands the finest, expects the best. It takes your time, requests your intelligence, needs systematized planning, a knowledge of many subjects, a keen personality and a commercial sense. Women on the air can be of great value during these times and afterwards. We mustn't miss this opportunity to make good. Let's prove by our performances that we have what it takes. I know we can do it.

THE ASSOCIATION—

When, Who, What and Why

WHEN—The Association was formed as a division of NAB at the annual convention in Cleveland, May, 1942. It was found that many directors of women's activities have rarely had an opportunity to meet with other women doing similar work. The idea was immediately applauded and the task of organization begun.

WHO—At first the membership has been confined to Directors of Women's Activities of NAB stations and/or women commentators actually broadcasting over NAB stations. About 300 such women are now members, representing every NAB District and almost all states. They are *active* members. Later on, it is proposed to include other women, such as public relations executives, etc., of NAB stations, advertising executives and other women definitely connected with broadcasting.

Each district and state has a chairman who is assisting with a membership drive and in getting information for the Bulletin and other Association projects.

WHAT—1. Already a survey has been taken of the releases being sent to the membership by various commercial sources and national organizations. In addition, eight directors from all parts of the country have sent in a sample of all releases sent to them covering a 10-day period. In cooperation with the NAB Broadcast-Advertising division, a complete list of such releases is now being made and information will be sent to each member that will be of distinct value, it is hoped.

2. Several national organizations or bureaus, such as National Council of Women, The National Safety Council, Children's Bureau, and Girl Scouts—have been sending a series of spot announcements to our membership. Many letters of appreciation have been received.

3. Requests have come from station managers for information about hours and length of our women's programs, types of sponsorship, etc. The Association will doubtless undertake a study in the near future.

WHY—The Association of Women Directors was inaugurated at a time when, due to war emergencies, women were about to assume many new responsibilities in the radio field, as elsewhere. It provides a clearing house for exchange of ideas and techniques, for the innovation and promotion of projects affecting the directors and the public and for the furtherance of social contacts.

If you do not belong and your station is a member of NAB, you are cordially invited to send your name to the President, Ruth Chilton, % Association of Women Directors, National Association of Broadcasters, 535 Fifth Avenue, New York, N. Y.

New Members of AWD

Thelma McNeil Curren, WAGE, Syracuse, N. Y.
Mrs. Lapsley Hope, WDOD, Chattanooga, Tenn.
Mildred R. Flippin, WMPS, Memphis, Tenn.
Betty Wells, KSO, Des Moines, Iowa.
Betty Lord, WOC, Davenport, Iowa.
Jane Foster, KXEL, Waterloo, Iowa.
Jerry James, KGLO, Mason City, Iowa.
Rosamond Wilfley, KMOX, St. Louis, Mo.
Dorothy Martin, KGBX, Springfield, Mo.
Virginia Davis, KXOK, St. Louis, Mo.
Betty Girling, WLB, Minneapolis, Minn.
Dinah Dale, WFAA, Dallas, Texas.
Ruth Schleber, KGVO, Missoula, Mont.
Mrs. Royal Miller, KROY, Sacramento, Calif.

Chit Chat

Millicent Polley of KHBF Rock Island, Ill., formerly 9th District Chairman of the Association of Women Directors, is now stationed with the WAVES at Cedar Falls, Iowa.

Dorothy McCune, women's activities director of KVOO, Tulsa, has left to join her husband, a lieutenant of the Army Air Forces in California.

On January 9th, **Mrs. Dorothy Lewis**, NAB Coordinator of Listener Activity, gave a Tea in honor of **Miss Ruth Chilton**, President of the Association of Women Directors of NAB and **Miss Elizabeth Goudy**, Radio Director of the Los Angeles Country Schools and noted authority on Radio education. The following persons attended: **Miss Kathryn Cravens**, WNEW; **Miss Margaret Cuthbert**, National Broadcasting Co.; **Miss Henrietta Harrison**, Radio Director, Y.M.C.A.; **Mrs. Harold V. Milligan**, President, Nat'l Council of Women; **Miss Grace Johnson**, Blue Network; **Miss Lucille Clark**, Radio Chairman, Nat'l Fed. of Press Women; **Mrs. Georgianan Brown Harbeson**, President, Society of American Painters; **Miss Luella Hoskins**, Radio Workshop, New York University; **Miss Dorothy Gordon**, Radio Artist; **Miss Luella Laudin**, Radio Chairman, Nat'l Council of Women, and **Miss Esther Hilton**, Director, Federation of Protestant Social Agencies.

Mary Jo Tate, of WMPS, Memphis, Tennessee, has joined her husband for the duration. **Mildred Flippin** is the new name and personality at WMPS.

Hazel Kenyon Markel, on leave from KIRO, Seattle, is a Lieutenant in the Naval Reserve, stationed at Washington, D. C., in the Public Relations Division. Hazel is radio director.

Irma Bitner, of KSL, Salt Lake City, is back on the job after a serious illness.

Dorothy Lewis, of NAB, addressed the Canadian Broadcasters Association at their annual convention in Toronto, February 15-17.

Bernice W. Foley, of WSAI, Cincinnati, formerly of WKRC, is producing a children's newscast every day at 5:00 P. M. The Cincinnati Board of Education is giving splendid cooperation. She gives a round-up of news and supplements that with stories about the countries discussed, stressing geography and history.

Ruth Chilton, President of the Assn. of Women Directors of the NAB, and Director of Women's Activities for WSYR, Syracuse, celebrates her eighteenth year on the air, March 27th, 1943.

Jessie Brown and **Jackie Talley**, of WFBL, Syracuse, were busy as bees the last couple of weeks in February, helping to uphold the women's division of WFBL, when the station celebrated its twenty-first anniversary.

(Continued on page 4)

HONOR ROLL

KATHRYN CRAVENS

WNEW, New York

A veteran in the radio industry, Kathryn has earned several honors: honorable mention from the Women's National Radio Committee; first prize for poetry and feature stories in an award made by the National League of American Pen Women in 1939; best-dressed woman in radio; favorite commentator of 2,500 Brooklyn high school children. A pet activity of Kathryn's is the American Theatre Wing. She works every week at Stage Door Canteen and is a member of the recently organized Theatre Wing Supper Club.

What Are You Doing for Uncle Sam?

Peggy Cave, KSD, St Louis, reports St. Louis women on their toes in the war effort. A recent drive to recruit WAAC personnel went over with flying colors. Bonds, salvage and recruiting campaigns are booming with all radio stations pitching in the groove.

Gladys Borne, WISR, Butler, Penna., helped her station sell $6,400 of War Bonds in 15 minutes.

Victoria Corey, KDKA, Pittsburgh, says her station is all-out in the war effort. (And whose is not?)

Our president, **Ruth Chilton**, WSYR, Syracuse, N. Y., describes "Women in Defense," a once weekly, 15-minute show sponsored by an insurance company, as presenting news of home front war activities of the Syracuse War Council through the interview method. Time is also given for armed forces recruiting. Time is allotted to the Civilian Mobilization Office by the insurance people. **Ruth** produces the ad lib show and it is now in its third year.

Mrs. Eleanor Boyd Whitelaw, WMOB, Mobile, Ala., writes that there has recently been a much greater enthusiasm in volunteer war work in her city. **Eleanor** has been working with local war groups and has changed the name of her program to "I Volunteer" and on the Wednesday show she names the "Volunteer of the Week" from the Office of Civilian Defense records. A recent activity was "Women in the War" week featuring bond luncheons and other war events on the station.

Susan Allen, KHQ, Spokane, Washington, tells of a special Public Service program series on KHQ Sundays at 10:30 a. m. Susan interviews informally various salvage chairmen and homemakers on the two sides of salvage—collecting and saving. Salvage questions from listeners are answered. Susan reports the broadcasts, originated June, 1942, have been instrumental in collecting many tons of salvage.

Alma Kitchell, Blue Network commentator, several months ago announced that she was buying a war stamp a day while her son, **Charles**, was in the service. **Alma's** "stamp-a-day" plan has swept the country as mothers wrote the Blue telling how well they liked the idea and were following it out.

Millicent Polley, WHBF, Rock Island, Ill. (now in the WAVES), reports how **Jack Sherman**, WHBF production manager, did something about the tin cans being thrown on the city dump. **Jack** took a portable recording unit to the dump and transcribed a five-minute report on what he saw with a dump truck unloading cans furnishing swell background material. **Jack** punched his show by pointing out the dump ground was no place for tin cans these days. **Millicent** followed this up by taking a unit to a housewife's kitchen where four women gathered, in addition to the president of the Women's Club sponsoring the tin can drive, and the complete step-by-step process of properly preparing tin cans for salvage was described, with appropriate sound effects. The two records made a 15-minute show and collections following it jumped tremendously.

Listeners who tune in "Something to Go By" over KTFI, Twin Falls, Idaho, hear facts on everyday living in wartime. For something to go by in the war, that's the show for listeners in Twin Falls.

Florence Sando, WJAS, Pittsburgh, Penna., lists the transformation of her show for a department store in June, 1941, when it originated, from a breezy musical variety frame to a "Women's Digest" type featuring war information and news, assists for homemakers, cooperation with war and civilian defense agencies and selling her sponsor's merchandise. **Florence** writes she is trying to do all this "with a degree of good humor and optimism that will reflect itself in the contribution I, through my listeners, make to the winning of this war."

Grace Johnson, Blue Network, reports that the Blue is now featuring programs supplying information regarding rationing, conservation, child care, nutrition and other fight-for-freedom homemaking to American women, including a new series on Victory Gardens.

"Your Wartime Job"

By LINNEA NELSON

J. Walter Thompson Co.

Congratulations on the formation of the Association of Women Directors!

The successful operation of your group seems even more desirable during this period of war than at any time during the past, because everyone wants the answers to today's problems *fast*. And by the sharing of the problems with which you are confronted, and the sharing of their solutions, you can be of greater service to the people of America than ever before.

Most of you know how seriously your audiences accept the things you say in your broadcasts, and through their confidence in you they expect help in many ways. There are new types of women in America today and you will be developing new audiences. While in the past you have been talking to women who led a fairly normal family life, today there are the millions of new brides and mothers whose husbands are at the far corners of the earth; the many who have answered the call to go into defense plants or other work, and the even greater number who must economize due to the reduction in the supply of foodstuffs and household equipment rather than for the sake of saving money.

Friend husband's temporary absence makes many women doubly appreciate what a handy man he was around the house—and so they've had to learn to hang pictures, fix the squeaky door hinges and walk the baby at night, tired or not. The listeners who were never forced to economize or take short-cuts in the past are now anxious to find out how to stretch a pound of butter or extend the lives of household articles.

Women Need Educating

When Milady finds she can't dash out and buy an alarm clock or a new toaster or some other item she'll do everything possible to keep the things she has in working order rather than do without entirely. Too many people are refusing to take today's war situation seriously until they find they can't get the things they want, and neither can their neighbors.

You may find you have lost some listeners due to their working hours, and if the percentage of women workers in your territory has increased to the point where listening is greatly affected, you too may find yourself on a new schedule. Most of these women have to be educated to the new routine of keeping their homes and families in good condition and need all the timesaving hints they can get. The women who have not yet taken what they feel is one of the greatest steps of their lives—that of going back to work—need to be taught that they too can continue to keep their homes and families going even though they do work away from home. Here you have a wonderful opportunity to help get the women workers that are so essential to the winning of the war.

Not being able to read the little crystal ball, it is difficult to predict the war time effect on advertisers. Those manufacturers not too seriously affected by priorities have an opportunity to continue getting new customers; others may be able to stress the merits of conserving their products and in so doing their names will ring a bell when we emerge victorious—to a greater appreciation of the things we took so completely for granted.

★ EDITORIAL STAFF ★

Editor
Jane Weaver
WTAM, Cleveland

Assistant
Victoria Corey
KDKA, Pittsburgh

Editorial Committee
Peggy Cave, KSD, St. Louis, Mo.
Ann Ginn, WTCN, Minneapolis, Minn.
Lavinia Schwartz, WBBM, Chicago
Dorothy Lewis, NAB, Washington

Ex-officio
Ruth Chilton, WSYR, Syracuse, N. Y.

WOMEN TODAY

(An Editorial)

Never in all our history was it more important to have cooperation and understanding among the different nationalities in this country, among the different religions and above all between labor and management which must turn out our war materials. As William P. Witherow, president of the National Association of Manufacturers, said the other day:

> "The precious value of unity has never been more apparent. There must be no dislocations in our march to victory any more than there would be dislocations in Army or Navy administration. This is no time to tamper with our form of government. Neither is it any time for high-pressure groups to strive for advantage. The common purpose is to win the war, and this, with God's help, can be done by a united people supporting our brave armed forces."

And that is the job that WOMEN TODAY have undertaken. War used to be strictly a man's business. It isn't any more. It isn't just a man's war when bombs burst upon defenseless cities. It isn't just a man's war when all the rights which women hold dear are imperiled. And it isn't only a man's war when women can help to supply the men at the fighting fronts. This is a woman's war, too, and American women are working to insure victory and a just peace."

Our part in the great scheme of things is to keep the American woman informed of the part she is playing and must play to insure that victory and that peace.

3rd District AWD Meets

Initial meeting of the 3rd district, Association of Women Directors, was held January 16 in Pittsburgh, Pa., with Victoria Corey, of KDKA, district chairman, presiding.

Speakers included: James B. Rock, KDKA manager; Harry Kodinsky, Office of War Information; Janet Ross, KDKA, and Evelyn Gardiner, KDKA. Others present included: Marjorie Thoma, KDKA; Florence Sando, WJAS; Patti Littell, W75P; Marie Wilke, W47P; Gladys Borne, WISR; Virginia Wade, WCED; Elsie Lichtenstul, radio agent; Francine Blum, WCAE, and Robert White, KDKA.

Plans for a permanent organization were set up after short talks by Misses Ross and Gardiner and Messrs. Rock and Kodinsky.

CHIT CHAT *(Cont'd)*

Hazel Cowles, WHAM, Rochester, and chairman of District Two, reports intensive activities on the home-front, and a successful commercial season.

Betty Griffin, of WIBX, Utica, has been making history with her young people's and children's features. **Betty** takes her radio seriously, and does a good job.

Florence Lovejoy Shugars, WROK, Rockford, Illinois, and Chairman of her District, says that WROK is very proud of **Harriette Thompson**, one of the first full-time women announcers in the country. Harriette has demonstrated her versatility by efficiently operating the studio controls and doubling in the continuity department, in addition to her regular air schedule.

Thelma McNeil Curren, WAGE, Syracuse, keeps her ten fingers occupied most of the day, doubling as Director of Women's Activities and Musical Director for the station, and participating in volunteer activities on the home-front.

It is with regret that announcement is made of the resignation of **Miss Betty Patterson** of WFAS, White Plains, N. Y., from the office of Secretary of the Association of Women Directors. **Betty** is returning to her farm at Ancram, N. Y., to do special war work. **Miss Mildred Bailey** of WTAG, Worcester, Mass., takes over the office.

Dorothy Lewis On Tour

Representing both the National Association of Broadcasters and the Office of War Information, Dorothy Lewis, NAB Coordinator of Listener Activity, left March 25 on a tour of 16 major U. S. cities.

Dorothy has been assigned by OWI to get audience reaction to a special list of war-time shows and manner of presentation of war information.

For the NAB, she will address groups on "Radio's Major Role in the War" and other related topics and will assist in the formation of Radio Councils of civic, professional and clerical representatives to further more discriminating and intelligent listening by the radio audience.

Her itinerary will include: Nashville, St. Louis, Kansas City, Tulsa, Oklahoma City, Fort Worth, Dallas, Little Rock, Memphis, Jackson, Birmingham, Atlanta, Greensboro, Winston-Salem, Richmond and Washington.

Radio Music Tribute

In an extension of remarks printed in the Congressional Record of Thursday, February 25, 1943, authored by Senator Reynolds of North Carolina, radio receives the following accolade in a letter quoted from Mrs. Margaret Banks, music director of WBIG, writing on "Music in War":

"The development of radio and the phonograph brings music to thousands of homes that it could not otherwise have reached . . . with our splendid inventions of records and transcriptions, music can now come into all sectors. . . ."

Ohio Institute

Members of the Association of Women Directors, NAB, are invited to participate in the Ohio Institute for Radio, April 30-May 3, at the Deshler-Wallich Hotel, Columbus, Ohio. The AWD will participate actively in the sessions. Rhea McCarty, WCOL, is host AWD officer.

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WTCN, Minneapolis, Minn.

Mrs. W. C. Gillespie, 12th district
KTUL, Tulsa, Okla.

Ann Holden, 15th district
KGO, San Francisco, California

Leah McMahon, 16th district
KFSD, San Diego, California

Ann Stirling, 17th district
KJR, Seattle, Wash.

Meet the President

RUTH CHILTON

It takes a pioneer to pioneer! That's why Ruth is the first president of the first association of women in radio. She began her pioneering in radio eighteen years ago when that industry was considered a precocious infant not likely to outlast its first fragile swaddling garments. From a scintillating background as singer and dancer in vaudeville, musical comedy and with name bands, she has pioneered in radio ever since—writing, singing, producing, announcing. She is now director of women's activities at WSYR, Syracuse, N. Y., writing, producing and announcing her one-woman show "Ruth Chilton's Matinee" now in its sixth year.

She is a member of the National League of American Pen Women, Syracuse Zonta Club; takes active part in the Syracuse Chamber of Commerce and the Association of Education by Radio. Like most successful career women she has always time for one thing more:—she is guest lecturer at the Syracuse University Workshop, a frequent club speaker, and worked for the *Boston Herald Traveler* on the Woman's page under Marjorie Mills.

New Members of AWD

Ruth Franklin, KXL, Oakland, Calif.
Olive Kackley, WCKY, Cincinnati, Ohio.
Geraldine Foster, WBRE, Wilkes-Barre, Penna.
Mrs. M. Austin King, KFXM, San Bernardino, Calif.
Alma Dettinger, WQXR, 730 Fifth Ave., New York City.
Madge L. Cooper, WMRN, Marion, Ohio.
Jean Wright, WTOL, Toledo, Ohio.
Eileen M. Wright, WHCU, Ithaca, N. Y.
Eleanor Hanson, WHK, Cleveland, Ohio.

If you do not belong and your station is a member of NAB, you are cordially invited to send your name to the president, Ruth Chilton, % Association of Women Directors, National Association of Broadcasters, 535 Fifth Avenue, New York City, N. Y.

Dorothy Lewis' Message

Given at the Annual AWD Meeting in Chicago at the NAB War Conference

MANY of you will recall that on my various tours in 1939-40, visiting 350 stations I made a truly significant discovery. I found *you*, hundreds of you, directors of Women's Activities. In this capacity you were doing a pioneer job; selling merchandise, helping your women listeners with daily problems and opening vistas to the world outside.

I found you—fell in love with you and the service you render to America. What astonished me was the fact that few of you had ever met another woman director. I said to myself, à la Lincoln, "If I ever get a chance, I'll hit that thing hard." The opportunity came through my office with the NAB, which organization immediately saw the importance of your contribution. The rest of the story is well known: how we met at the Cleveland NAB convention, organized and how rapidly the AWD has grown. . . .

Going back into radio's dim, distant past in 1928-31, I, too, carried on this type of program over several stations and did a department store merchandising job as well. I know how loyal women listeners can be to women broadcasters. I know what power we have to mould the opinions of the homemakers and mothers of America. No more important task confronts the radio industry. Your national officers realize this fact and we hope to extend the service already begun; that of sending out releases from accredited national non-commercial organizations, giving you material of an informational, inspirational character. These releases supplement your own fine libraries and leaven the mass of excellent commercialism that inevitably reaches your desks.

In closing, let me wax sentimental. I have lived long enough, at mid-forties, to have anticipated several trends and initiated a few "firsts." If the hand of fate should change my destiny, I feel that the formation of the AWD will be one of the finest achievements of my life. Of course, I stand ready to do all I can to further its objectives. I commend to you the responsibility for its welfare and the outlining of its purposes and projects. Through you, faith in our American System of Broadcasting will be sustained; through you, new ideals and the capacity to translate them into action is possible; through you, a revitalizing of spiritual values may be forthcoming and through you the fate of a nation may be changed.

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Eleanor Hanson, WCLE, Cleveland, Ohio
Dorothy Lewis, NAB, New York
Ex-officio
Ruth Chilton, WSYR, Syracuse, N. Y.

Chit Chat

Dorothy Lewis and Ruth Chilton were the featured speakers at the Wednesday morning breakfast, May 19th, at the Onondaga Hotel, Syracuse, for the Congress of the Colony of New England Women. Their subject was "Women in Radio" and we're told there were many interesting viewpoints on radio in general, expressed by the assembled company.

Our treasurer, **Rhea McCarty**, WCOL, Columbus, Ohio, made a most charming hostess for the visiting members of AWD at the Ohio Institute. During the sessions she interviewed **Dorothy Lewis, Ruth Chilton, Mary Mason, Grace Johnson,** and **Gloria Chandler** as guests in her program, "News Thru the Eyes of a Woman."

Women now are holding almost every job that exists in radio, but we met at the Ohio Institute one woman who is holding them all. May we present **Dr. Grace Ingledue**, WFIN, Findlay, Ohio, half owner of the station, president of the board, program director, production manager, director of women's activities, commercial scripter, and engineer. For recreation, she broadcasts three children's programs a week!

Ruth Crane, WJR, Detroit, has added to her 15-minute program six days a week as "Mrs. Page," a series of five-a-week afternoon broadcasts on "Women at War." These with her staff job as commercial editor keep her hopping. This seems to be the general lot of the women broadcasters!

Mrs. Richard Ramsdell, former "Jane Weston"—WOWO, Fort Wayne, now reports for daily duty at WSYR, Syracuse, N. Y. A soldier-husband stationed in the East caused the change.

Lavinia (Duffy) Schwartz, director of Public Service programs for WBBM, Chicago, and CBS in the Midwest, has been appointed assistant deputy chief of the OWI Radio Bureau, Chicago, it is announced. **Don Stauffer** stated that she has been doing excellent work for OWI in the past years of wartime activity. **Duffy** is one of the editors of AWD's "Beam."

Alma Kitchell, Blue Network personality, was a guest at ship-launching when **Dionne** Quints christened five ships. She writes: "The opportunity to see and broadcast about the **Dionne** Quintuplets was one of the highlights of a long and interesting experience in radio. They are five delightful little girls, unspoiled and natural. Singularly unconscious of the drawing power of their small persons, they were intensely excited about the crowds which they believed had come only to see the launchings of the five cargo vessels. They are exceedingly patriotic and well-informed about the war and knew full well the destiny of the ships they were naming. Somehow you can't help loving them."

Mary Mason, WRC, Washington, D. C., was guest speaker at Ohio Institute on the "Broadcaster's Part in the Battle of Food as Seen by a Station Women's Program Director."

CALLING DX! CALLING DX! We need more news from the other side of the Rockies! Let's hear from some of you western gals! We want to know what you're doing!

Virginia Wade, WCED, Du Bois, Pa., has off the press a wartime cookbook that even the men in her listening area have contributed to . . . which should certainly make it a best-seller . . . what with the number of husbands who're doing their own cooking now that their wives have gone into uniform or are on the production line.

We regret to announce that **Jane Weaver**, WTAM, Cleveland, has found it necessary to resign her post as editor, due to increasingly heavy wartime program demands. Many thanks for the fine work you put into it, Jane! You'll all be seeing her name many times on our pages in the months to come. **Victoria Corey**, KDKA, Pittsburgh, was appointed to fill her place at the recent meeting of Women Directors in Columbus. **Peggy Cave**, KSD, St. Louis, has been appointed to associate editor. **Eleanor Hanson**, WHK-WCLE, Cleveland, has graciously consented to serve on the Editorial Committee. Welcome back, **Eleanor!** We missed you when your station was not with NAB!

Evelyn Hicks, of WSGN, Birmingham, Alabama, and her daughter were injured in an automobile accident recently. We hope to have news of their recovery soon.

Congratulations to **Mildred Bailey**, WTAG, Worcester, who celebrated the third anniversary of her "Afternoon Journal" in June.

An announcement of particular interest to AWD members comes from the Columbia Broadcasting System. On August 1st, **Mrs. Dorothy Rowden** will join the CBS staff to act as liaison with women's organizations and to develop public relations activities in this important field. **Mrs. Rowden** was public relations director for the American Library Association. She is on the staff of the Institute for Adult Education of Teachers College, N. Y. City, and is editor of the Adult Education Journal. Welcome to the radio industry and a salute to your fine achievements, **Mrs. Rowden.**

With the exception of a few trips out of town to address special meetings, **Dorothy Lewis** expects to be in the NAB New York Office and at her farm, Echo Corner, Kinderhook, N. Y. She invites all AWD members to drop in for a chat. Members are warned, however, that they may be pressed into service helping to can produce from the victory garden. However, fishing and boating on her lake and riding await hardy souls.

Dorothy's latest fish story concerns her loss of a 4½ pound bass, hook, line, sinker and bright new spinner.

Hilda Woehrmehr, continuity supervisor, WOWO, Fort Wayne, had the privilege of taking back from Columbus news of the two WOWO prize winners in the Ohio Institute awards: "Tom Wheeler's Daily News Letter" in the Agricultural awards, and "Abe Andrews" in the Personal and Daily Life classification.

Rhona Lloyd, KYW, Philadelphia, writes that women's directors in the eastern half of the third district are making plans for a rousing get-together in the near future.

HONOR ROLL

MIRIAM DICKEY

KFAR, Alaska

She writes:

"Being in a semi-active war zone and quite close to an active zone, there is much of a military nature which runs through our broadcasts. Naturally, censorship prevents my telling you much of what is going on up here, but I can assure you that Alaska is a very interesting place to be these days. Since our morning listening audience up here now includes many men who work night shift and also many servicemen who are stationed in outlying posts, we have to keep away from too much stress on purely feminine household subjects. And in giving recipes, we occasionally give some that the boys in camp can try with their limited supplies. I shall look forward to receiving further copies of The Beam."

And we add that the Association and all women are fortunate to have Miriam representing us on the fighting front, broadcasting in a combat zone. More of your dramatic story in a later issue. Meanwhile, orchids to you, Miriam Dickey, of America's farthest north radio station.

Women for the Services

By LIEUT. HAZEL KENYON MARKEL

(Radio section, public relations, USN)

AT the outset of the war, the major problem confronting the Nation was manpower. Men to man the machines, the guns, the plows—men to fill the ranks of the armed forces. And very soon a disturbing shortage of that manpower faced America. Where to turn to supply it? The young men of the country were joining up to build the vast military machine made necessary by the exigency of war. Three other sources remained. Youth, older men, and women. Youth did a job—is still doing a job—on after-school hours, on vacation time, and in part-time positions. Older persons rapidly filled many of the places held formerly by their sons and daughters. But women offered the largest single reserve for the many industrial and civilian duties necessary to winning the war. Women answered the call with enthusiasm and challenge. They quickly took over a large percentage of the jobs in war industry, and they filled the gaps created by men leaving for service in the many and varied civilian pursuits.

War continued; more men and more men were needed; until yet today, manpower, or perhaps more specifically womanpower, is a number 1 on the list of Uncle Sam's major problems. Now, it has become a necessity—a very grave necessity—that women be used not only in the factory, on the streetcar, in the store, but on the farm, and finally, in the military services themselves. The need is growing greater daily. The job is too big, men cannot do it alone. Women *must* help! And here is where the women directors come in. This is a women's problem, and the woman director will want to tackle it. And the story is an exciting one! Today all three branches of the fighting forces have their women's organizations. Women are doing gladly and doing well all the many jobs behind the lines which women can do. They are doing the things they did in civilian life and many things more and, of most importance, they are releasing more men daily for front line duty. But more women must replace more men—a great many more men. And the first job is to make the women of America realize this, realize that their efforts, their work is of utmost significance right now.

Women's Service Varied

All the many things women are doing in the services should make a stirring appeal to women everywhere. What can be more thrilling than women manning the control towers of one of the Nation's major air bases, directing the incoming and outgoing traffic of planes. Teaching America's future aces of the air to fire the guns that are to blast the enemy, or instructing flyers to pilot planes through darkness and fog by means of instruments! Women are serving as aviation mechanics, as code and signal workers, as hospital corpsmen, as radio operators and radio repairmen, working at confidential duties, using highly technical skills with electricity, X-ray, physiotherapy. They are working in Navy Yards, training stations, air bases, hospitals, and supply depots. These are but a few of the important places that women can fill! No matter what the job in civilian life, there is a place in the service for it. Yes, it is a story that can be told with drama, excitement, and appeal.

Add to the story the way women have been received in the services. From all over the Nation come reports of "good fellowship, patience, understanding, and appreciation." Perhaps best summed up in the invitation of Lieut. Gen. Thomas Holcomb, Commandant of the Marine Corps, on the occasion of the formation of the Women's Reserve of the Marines—"We of the Marine Corps invite you to join us, to wear our uniform, to share our trials and triumphs, to march with us to victory." Everywhere women are working beside men as colleagues, as equals, as friends. It is a comradeship and experience that women will always cherish.

Recruitment Is Local Problem

The problem of interesting more women in joining up is a local one mainly. The networks, in cooperation with the Office of War Information, are doing a splendid overall national task, but the local situation is one in which much can be and must be done. Let's consider a few ways to attack this job. First, it would be well to confer with your local public relations and recruiting officers, to learn the actual needs of your particular locality as to numbers wanted, numbers possibly available, and qualifications necessary. Consider your program plans in the light of these needs. Consider approaches and appeals for the different audiences to which you play—women, schools, or general public. Consider approaches and appeals from the standpoint of your geographical location. There undoubtedly will be a difference in the appeals in Maine than in Kansas.

There are many good program ideas that some of you have used and are using daily. I am inclined to think that more men speaking for the work of women in service is immeasurably more effective than the women speaking for themselves. For instance, a man with a wife, a daughter, or a sister in the service; a man returned from the front who knows the need for more men out there and hence more women here at home; the commanding officer of a WAVE, WAC, SPAR, or Marine to tell how she is "filling the bill" and the need for more such women; the man who is working beside a woman in uniform, what she is doing and how she is doing it. A yeomanette of the last war undoubtedly could tell a stirring and convincing story of women's military contributions. A woman who is a prospective candidate is good program material, asking the questions, expressing the interests of other prospectives.

Woman Director "Ideally" Equipped

And, it seems to me, the woman director is ideally equipped to carry on this campaign. As a leader in her community, she has an obligation and responsibility to this cause so vital to women and to the nation.

The many activities in which she takes part will serve richly to increase the "coverage" for the drive . . . her speaking engagements, the other shows on her station, her own special shows, all will be a means of telling her community the story of women in service and the growing need for more. She can talk to school groups, church groups, social clubs. The schools are an especially significant group to reach as it is from their ranks much of the womanpower for war will have to be drawn. The woman director can see to it that her public not only understands the needs fully but that they know the general requirements, and the duties. That every woman who listens faithfully for the daily voice of the WD on her radio will, in turn, take up the cause, accept and feel the responsibility to help, to tell her club, her church, her friends, yes and her family. For this is a woman's war, too. Dire is the peril of our country, grave the implications for the lives and hopes of each one of us. And who more than women are concerned? Our homes, our families, our very world are at stake!

DOROTHY LEWIS ADDRESSES NEW JERSEY WOMEN'S FEDERATION

Mrs. Dorothy Lewis addressed the convention of the New Jersey Federation of Women's Clubs May 20 at the Commodore hotel in New York City on the subject "The Importance of Radio in Education."

Mrs. Robert Cornelion, federation education chairman, introduced Dorothy.

The need to keep radio free and then to promote its use in our free school system to the enrichment of the educational process were stressed by Dorothy, who cited the "Texas School of the Air" as an example.

She pointed out that through the cooperation of the 170,000 parent-teacher members and 80,000 club women and laymen of civic groups, Texas has the only radio division of the state department of education in the U. S.

School equipment of the future will feature libraries of recordings as well as those of books, she predicted.

Dorothy stated that if we use radio as diligently and forcefully as Hitler has done, but to intelligent and constructive ends, the problems of democracy can be solved through our youth. Radio is the purest expression of the democratic process and is a potent factor in education, she concluded.

MEMBERSHIPS

All members of AWD must be on the staff of stations that belong to NAB.

Active membership requirements are defined as whether you are broadcasting and/or directly concerned with the presentation of women's and children's programs.

Associate members will include women executives in other fields of activities in NAB member stations (except women secretaries) such as public relations officers, technicians, saleswomen, etc. Also women in the fields of radio advertising; radio writing, producing and broadcasting; radio editors, etc., will be included. All applicants for associate membership must be presented to the membership committee and executive board for consideration. Their decision will be final.

What Are You Doing for Uncle Sam?

Inspired by the recruiting talks of **Lt. Hazel Kenyon Markel**, now radio director with the WAVES, our AWD president **Ruth Chilton** went to work on the local gals of Syracuse with a special show for the SPARS and presented one of those charming lassies in person.

Kay Halle, of WGAR, Cleveland, well-known commentator of the Cleveland Orchestra Broadcasts, has just completed a series of programs giving an inspiring account of the work in the war industries of her city. So effective were they that the president of one war plant she described made a special tour of his mill to see all the exciting details he had heard for the first time.

When you tune in the Office of Education's "VICTORY HOUR," each Tuesday afternoon on the BLUE, you may like to know that **Lieut. Hazel Kenyon Markel**, on leave from KIRO, Seattle, has recently been appointed liaison for the Navy's radio section for this series.

Alma Kitchell, Blue Network, adds a new one with "The Women's Exchange." This half hour show, Monday through Friday on WJZ, is in addition to her 15 minute Monday through Friday network program. It's exactly what the title implies—an exchange of useful ideas on subjects of interest to women today. Conservation takes the spotlight—with sewing make-overs, rationing and nutrition time savers, canning and gardening helps.

Your news editor reports the first mass recruiting of Marine Women Reserves in the country. Through her station, KDKA, Pittsburgh, plans were made with the mayor of the city to proclaim "Free a Marine to Fight" Day. The National Head of the Women's Reserve, **Major Ruth Cheney Streeter**, appeared for the occasion and the first mass induction was made over NBC coast-to-coast hook-up. So much for station initiative and patriotic responsibility.

Lieut. Hazel Kenyon Markel, Navy public relations, at Ohio Institute Breakfast for AWD, stressed the need for women broadcasters' help in the recruiting of women for the Army and Navy. She made a point that would be a good one to remember the next time you tackle the subject. . . . It's no longer a call that a woman can answer or not at her pleasure . . . it has become the duty of every eligible woman to volunteer. And if you want to know some of the grand jobs the WAVES are doing, write to her, Office of Public Relations, Navy Department, Washington, D. C., and she'll give you really startling information.

Elaine Ewing, OWI, reports new releases are available now that all your listeners will be grateful for. They're short cuts for homemaking. In these days when every woman is doubling up on her day's duties, you'll find these racy aids for war workers a swift audience-getter . You can reach her, Women's Division, Office of War Information, Washington, D. C.

Ann Ginn, WTCN, Minneapolis, has been appointed state chief of household salvage campaigns, by the WPB. She is also state chairman of the women's division of General Salvage. These new activities will mean a good deal of traveling; but she is one of the most energetic women in radio, as we soon learned from meeting her in Columbus; so we know her various activities at the station won't suffer from the new duties she is adding to her crowded schedule.

Evelyn Gardiner, KDKA, Pittsburgh, asks if other AWD members have commented on the increasing similarity in the tenor of OWI messages and that of the industrial advertising recommended by the national participation advertisers nowadays? When you give one, you've practically given the other.

Ruth Crane, WJR, Detroit, has been appointed to the advisory committee of WAC Recruiting for Michigan. The Army has apparently learned the value of the woman broadcaster in molding the public mind.

There'll be no shortage of trained workers and artists when KDKA's men go to war! Program director **Bob White** and production manager **Bob Shield** are conducting weekly classes in announcing, writing, producing, and engineering for women staff members. Already some of the students have stepped up to take the controls.

And speaking of schools for Radio, **Judith Waller**, NBC public service director, is co-director of the second annual NBC-Northwestern University Summer Radio Institute in Chicago. She's teaching the course in public service programs. (To those students responsible for that up-and-coming publication, "On the Beam," congratulations! We'll be seeing and hearing more of you yet!

Colonel E. M. Kirby, chief, radio section, bureau of public relations, War Department, announces fact sheets are available from the War Department for those who are deep in war program writing.

Rhea McCarty, WCOL, Columbus, recently installed president of Bexley Women's Club, is working directly with Harrison Sayre, director of Civilian War Services in Ohio, to give her radio audience the latest information on the home front.

From **Ann Stirling**, KJR-KOKO, Seattle, district chairman of AWD, comes news of our women directors in the Northwest.

Ruth Poindexter, KXRO, features "Town Topics"—the Society Page of the Air, with weddings, births, club-notes, and social events the main material. On it are carried all government releases.

Jeanne C. Peckenpaugh, program manager, KVOS, Bellingham, Washington, lists "Back Page" and "Communique from the Home Front" as audience getters and says they're inaugurating a new program using government releases on food and other timely home front news.

Virginia Van Hoy, KUJ, Walla Walla, conducts "Let's Go Shopping" daily feature on war-time problems of food, clothing, housing, morale.

Gertrude Commerford, KPO, Wenatchee, Washington, finds her listeners eager for helpful hints for the combination career woman-housewife. Womanpower brings new problems for the woman director to solve.

Helena Rutan, KVAN, Vancouver, announces that in her vital defense area the "Home Defense Reporter" has a wide audience.

Expert gardener **Mrs. Stewart Clark**, KMO, Tacoma, uses her knowledge for the government's Victory Garden campaign in the five day weekly "KMO Garden Guide."

Evelyn Courtney, WKZO, Kalamazoo, reports a wartime style broadcast, a made-over fashion parade. "Best-dressed" (Vogue) Congresswoman Stanley was present and most enthusiastic about Director Evelyn Courtney's smart outfit, made from her husband's morning suit. Congratulations on your wartime ingenuity, Evelyn, the conservation suit is a beauty!

Orchids for Programs

"This is Rosemary" . . . editor-in-chief of the WGL Magazine of the Air, published Monday through Friday, a magazine for the American Homemaker in Wartime. Has a real "red-white-and-blue" binding, with all suggestions covering a wartime theme. "Magazine" divided into sections: Charm and Fashion; What's New; Interior Decorating and Gardening; Food and Homemaking; Meet the Ladies; Today's Best Buy in Food; Today's Hard to Get Item; Tomorrow's Men and Women; and This and That. On "Meet the Ladies" interviewees chosen at random from telephone directory, contacted by "Rosemary" and brought to the studio as guests. A poetess, head of a children's theater group, a negro maid, high school student, have been among the guests, and during recent flood, quite inadvertently, an actual evacuee. The "cover," which is used to open the show, is always a graphic word picture in keeping with the season, the day, or a mere figment of Rosemary's imagination. So detailed is this cover that listeners have actually drawn pictures of what they felt it must look like. "Patriotic Pete" is another daily character appearing in the magazine and is eagerly awaited as a favorite cartoon. This character gives Editor Rosemary a good chance to get in some clever "plugs" for salvage, bonds, tin cans, etc. One unique example of this happened on the day of the opening of the second war loan when Patriotic Pete appeared in the magazine wearing nothing but a barrel—he'd pawned his clothes to buy war bonds.

(Let's have your ideas!)

AWD Formulates War Policy at Radio Conferences

The AWD celebrated its first birthday with participation in two national radio meetings—the NAB War Conference in Chicago and the Ohio Institute at Columbus. Despite heavy wartime broadcasting schedules and the difficulties of transportation, some fifty members attended the session.

Ruth Chilton presided over panel discussions and business sessions at both meetings. Speakers were Dorothy Lewis, coordinator of listener activities, NAB; Willard D. Egolf, NAB assistant to the president; Grace Johnson, director of women's and children's programs, Blue network; Gracia Wood, women's division, NBM; Elaine Ewing, OWI; Lewis H. Avery, director of broadcast advertising, NAB.

Previous officers were re-elected. An analysis and crystallization of the wartime activities of the members was made. Plans to extend these projects were incorporated into the following statement of policy: The Association of Women Directors of the National Association of Broadcasters pledges its wholehearted support and talents to the promotion of essential war projects. Believing that the enlistment of woman power for the services, for industry, and for civilian wartime activities presents an immediate and serious problem, the steering committee recommends that the members carefully consider the needs in their locality, and as their current major responsibility offer their services and talents to the solution of the problem.

Members Attending the Sessions:

Ruth Chilton, president, WSYR, Syracuse, N. Y.; Mildred Bailey, secretary, WTAG, Worcester, Mass.; Rhea McCarty, treasurer, WCOL, Columbus, Ohio; Dorothy Lewis, NAB, New York City; Mary Mason, district chairman, WRC, Washington, D. C.; Ann Ginn, district chairman, WTCN, Minneapolis, Minn.; Ruth Crane, district chairman, WJR, Detroit, Mich.; Peggy Cave, district chairman, KSD, St. Louis, Mo.; Florence Shugars, district chairman, WROK, Rockford, Ill.; Victoria Corey, district chairman, KDKA, Pittsburgh, Pa.; Marvel Campbell, district chairman, WAIR, Winston-Salem, N. C.; Frances Wilder, state chairman, KNX, Hollywood, Cal.; Jane Weaver, WTAM, Cleveland, Ohio; Duffy Schwartz, WBBM, Chicago, Ill.; Marjorie A. Wever, WHIZ, Zanesville, Ohio; Gladys Borne, WISR, Butler, Pa.; Virginia Pierson, WTAD, Quincy, Ill.; Judith Waller, WMAQ, Chicago, Ill.; Madge L. Cooper, WMRN, Marion, Ohio; Hilda C. Woehrmeyer, WOWO-WGL, Fort Wayne, Ind.; Verda Mae Ziegler, Fort Wayne Public Schools, Fort Wayne, Ind.; Grace E. Ingledue, WFIN, Findlay, Ohio; Gertrude Broderick, FREC, Washington, D. C.; Lt. Hazel Markel, U. S. Navy, Washington, D. C.; Capt. Ruth Morton, WAC, Washington, D. C.; Linnea Nelson, J. Walter Thompson, New York City; Dorothy Spicer, Chicago, Ill.; Hayle Cavenor, Regional Director, OWI, Minneapolis, Minn.; Madeline Johnson, WCOL, Columbus, Ohio; J. A. Barber, representing Ruth Schleber, KGVO, Missoula, Mont.; Lillian Gold, Chicago, Ill.; Kirt Cuff, Variety, Chicago, Ill.; Mrs. Oscar A. Ahlgren, president, Indiana Fed. of Women's Clubs; Mrs. R. F. Grosskopf, 7th District, Indiana Fed. of Women's Clubs; Mrs. Esther Cook, state radio chairman, Wisconsin Fed. of Women's Clubs; Mrs. Clarence A. Muth, Children's Theater, WTMJ, Milwaukee, Wis.; Mrs. George B. Palmer, national radio chairman, General Fed. of Women's Clubs and regional director of listener activity, Minneapolis, Minn.; Mrs. R. K. Stoddard, regional director of listener activity of NAB in Cedar Rapids, Iowa; Mrs. W. F. Ottmann, regional director of listener activity, Omaha, Nebr.; Mrs. Robert Stirling, Illinois Federation of Women's Clubs; Willard Egolf, NAB, Washington, D. C.

Committees

The following committees were appointed at the annual meeting:

Release Committee:

Margaret Cuthbert, NBC, New York City
Mildred Bailey, WTAG, Worcester, Mass.
Peggy Cave, KSD, St. Louis, Mo.
Ruth Lyons, WLW, Cincinnati, Ohio
Dorothy Lewis, NAB, New York City
Rhea McCarty, WCOL, Columbus, Ohio
Lavinia Schwartz, WBBM, Chicago
Ruth Chilton, *ex officio*, WSYR, Syracuse, N. Y.

Steering Committee:

Chairman, Ann Ginn, WTCN, Minneapolis
Victoria Corey, KDKA, Pittsburgh
Marvel Carter Campbell, WAIR, Winston-Salem
Mary Mason, WMAL, Washington
Ann Erickson, WHAI, Greenfield
Ruth Lyons, WLW, Cincinnati
Peggy Cave, KSD, St. Louis
Hazel Cowles, WHAM, Rochester
Evelyn Hicks, WSGN, Birmingham
Ruth Crane, WJR, Detroit
Leah McMahon, KFSD, San Diego
Marjorie Cooney, WSM, Nashville
Florence Shugars, WROK, Rockford
Ann Holden, KGO, San Francisco
Ann Stirling, KFR, Seattle

By-laws Committee:

Chairman, Ruth Chilton, WSYR, Syracuse
Mildred Bailey, WTAG, Worcester
Grace Johnson, Blue Network
Dorothy Lewis, NAB, New York
Victoria Corey, KDKA, Pittsburgh
Dr. Grace Ingledue, WFIN, Findlay
Rhea McCarty, WCOL, Columbus

Membership Committee:

Chairman, Mary Mason, WMAL, Washington
Ann Ginn, WTCN, Minneapolis
Rhea McCarty, WCOL, Columbus
Dorothy Lewis, NAB, New York
Lavinia Schwartz, WBBM, Chicago

To: AWD
From: Ruth Chilton

We missed you at our NAB War Conference in Chicago and the Ohio Institute meetings but we hope for better luck next time.

Our accredited membership list yields the astonishing fact that we now number 580 members. This letter carries my very best wishes to each and every new member! Next year, through local group meetings, many of us will become better acquainted. Meanwhile let us hear from you; what you are doing and thinking—and particularly news about yourself.

Yes, our meetings this spring were grand. Messages were brought from industry leaders, speeches made by experts and, best of all, we took our hair down in several closed sessions. Committees have been set up. For further information, read all about it, folks, in THE BEAM! How about a special cheer for Vickey Corey, our new BEAM Editor!

We have come a long way under wartime conditions. As we look forward we face roads with many a turn and obstruction, yet I have faith that an organization born and thriving during these hectic days will live and progress toward a happier peacetime era.

Above all, I hope we'll remember that the future of AWD is in the hands of each one of us. We'll strive to build fellowship and friendship, one for the other, that will guarantee the success of the Association of Women Directors of NAB. The year 1943 is a challenge to the AWD. We'll meet that challenge on the "beam".

May I express my deep appreciation to each and every one of you for your kindness and cooperation. Here's good luck for another year.

NAB PUBLICATIONS

The results of a special study on women's audiences recently compiled by our president, Ruth Chilton, and the executive officers, were distributed at the NAB War Conference in Chicago. They're invaluable sources of information and are now available for all women directors. If you haven't received a copy yet, you can get one by writing to Ruth Chilton, 535 Fifth Avenue, New York.

There's another little booklet that every woman director should read to get the listener's viewpoint. . . . It's titled "HOW TO LISTEN TO RADIO." See if your station has received a copy . . . if not, send to the NAB office, 535 Fifth Ave., New York City. You'll be nearly as wise as your audience after you've read it.

"The Network Serves the Woman Listener"

By GRACE M. JOHNSON

(Condensation of a speech made at Northeastern Radio Council)

RADIO in wartime must offer much practical help. It must provide entertainment, inspiration; it must sustain our courage. That is the problem network broadcasting faces today . . . and also the problem facing the woman director. As the homemaker's interests grow, we must increase our service and broaden our sphere of activity.

For assistance in solving the wartime living problems of the housewife, broadcasters have established the informative "how to" program: The Blue Network's "Mystery Chef," who explains the need for rationing, how to conserve on points and still feed the family amply and nutritiously. NBC's "Consumer Time" and "Betty Crocker" programs; CBS, "Fashions in Rations"; Mutual with its fine array of programs. Specific information is given on other programs on nutrition, consumer guidance, conservation, victory gardens, income tax, budget, and sewing.

Perhaps the greatest service the Blue Network has contributed to the mothers of America is its child care program, "The Baby Institute."

Child Problems Presented

Each weekday morning outstanding pediatricians, child psychiatrists, and pre-school educators present a physical or social problem in the life of a mother and her child from the time of conception until the child is ready for school. This meets the mothers' new awareness of their child care responsibility during the wartime drain on the medical profession.

With gas rationing and lack of transportation for lecturers, radio assumes a more important place in the lives of clubwomen. So, in addition to our regular forums and discussion programs, we broadcast many special programs for women dealing with national, international, and, particularly, postwar problems.

There are programs dealing with every phase of the war effort. To bring the mothers, wives, and sweethearts of our fighting men closer to their men, the Blue Network's "Men of the Land, Sea, and Air" broadcasts interviews with sailors, aviators, and soldiers in our own country and abroad. Whenever an American is to be interviewed from abroad we endeavor to contact the family. Sometimes this will take hours, sometimes days, but the results justify the time and effort as this mother's letter testifies: "We appreciate very much your notifying us of the London broadcast on which John was interviewed. It was a very great thrill for us. We haven't seen John for a year and a half. His older brother is in Australia. Thank you so much."

Education, music, religion for wartime living, these needs are all covered by special programs. They are part of radio's responsibility, be it network or woman director, of building and bettering our American family life. Because isn't that what we are fighting for?

"GRANDMA" DOROTHY

These lightning visits of Dorothy Lewis bring an infectious response of energy and efficiency from everybody in her vicinity. Even the stork responded with obliging promptness and delivered a beautiful nine-pound boy to her daughter, Mrs. Thomas A. Gage, while Dorothy was visiting her May 16th. Those of you familiar with Dorothy's years of contribution to fine music in radio will not be surprised to hear the new grandson, Thomas Lewis Gage, was greeted with a beautiful lullaby composed expressly for him by his grandmother, Dorothy Lewis, herself.

1943 RADIO INSTITUTE REPORT

NATIONAL ASSOCIATION OF WOMEN DIRECTORS, NAB

Ruth Chilton, Station WSYR, Syracuse, President of the National Association of Women Directors, presided at the 8 p.m. session when the topic—"The Woman Listener Discovers New Horizons in Wartime" was discussed. Preceding the four speakers, Ruth Chilton introduced the following Women Directors who participated later in the Round Table Discussion: Peggy Cave, Station KSD, St. Louis; Victoria Corey, Station KDKA, Pittsburgh; Ann Ginn, Station WTCN, Minneapolis; Ruth Lyons, Station WLW, Cincinnati; Mary Mason, Station WRC, Washington; Rhea McCarty, Station WCOL, Columbus; Lavinia Schwartz, Station WBBM, Chicago; and Jane Weaver, Station WTAM, Cleveland. Also, she presented Dorothy Lewis, coordinator of listener activity, NAB, who said she was happy to witness the very wonderful occasion of having the National Association of Women Directors of NAB sponsor this important session because *women* today really have power!

"Advertising Does Double Duty on the Home Front" was the subject of the opening address made by Lewis H. Avery, director of broadcast advertising, NAB.

In the round table discussion, which was kept plenty alive with pertinent questions directed to the above speakers and also to the women directors with the audience participating, it was emphasized that in America today thousands of women, whose wartime job is in the home, need to be told of the paramount importance of their wartime responsibilities. Furthermore, with new horizons lifting to *women* it was pointed out that Radio is one of the most potent factors in making women realize what a great contribution they are making and can continue to make on the Home Front!

It was disclosed that unfortunately too many advertisers are unfair about carrying their load. Avery suggested that women directors and women broadcasters should explain to Station Managers how advertising can best tie into all the various Government campaigns such as salvage and other vitally important promotions thru OWI, OPA, and WPB that touch directly the homemaker's life. Dissemination of this information presented in simple, understandable, everyday language reveals what is needed and why and how Mrs. American Housewife can help. It was interesting to have one of the listening audience say "one of the things that is most appealing to the women listeners is to have a woman broadcaster tell them in her *own* words about current topics of particular interest to women—they believe *her!*" Whereupon both the audience and women directors questioned the amount of radio script and advertising continuity that was actually being written by *women* to appeal directly to women—for instance, the discussion of *nutrition* in the kitchen lingo using Governmental information issued to press and radio for planning and presenting women's programs.

It was gratifying to learn that some commercial sponsors feel that a *service* not a *selling* program is sufficiently important to merit sponsorship as a wartime service for women on the home front. In conclusion, Mrs. American Housewife *is* discovering new and broader horizons and *women* radio commentators can and are playing an important role in her education.

New Station Members of NAB

We extend welcome to new stations who became members of NAB at the recent War Conference in Chicago.

KCMO, Kansas City, Mo.; KCRC, Enid, Okla.; KEEW, Brownsville, Texas; KFFA, Helena, Ark.; KGDM, Stockton, Cal.; KGFL, Roswell, N. M.; KHUB, Watsonville, Cal.; KLZ, Denver, Colo.; KSAN, San Francisco, Cal.; KSCJ, Sioux City, Iowa; KTBS, Shreveport, La.; KWFC, Hot Springs, Ark.; WDAK, West Point, Ga.; WEBR, Buffalo, N. Y.; WGGM, Gulfport, Miss.; WGRC, New Albany, Ind.; WHBQ, Memphis, Tenn.; WJPA, Washington, Pa.; WKBB, Dubuque, Iowa; WKBO, Harrisburg, Pa.; WTOL, Toledo, Ohio; WWPG, Palm Beach, Fla.; WHK, Cleveland, Ohio; WHKC, Columbus, Ohio; and four managed stations of the Texas State Network.

We suggest that our district chairmen write to the managers of the stations in their districts inviting their women directors to join with us.

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WASHINGTON 6, D. C.
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1943
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THE BEAM

Association of WOMEN DIRECTORS

The NATIONAL ASSOCIATION OF BROADCASTERS

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Mildred Bailey, *Secretary*
WTAG, Worcester, Mass.

Rhea McCarty, *Treasurer*
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Dorothy Lewis, NAB, *Coordinator*
535 Fifth Avenue, New York City

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WLW, Cincinnati, Ohio

Ruth Crane, 8th district
WJR, Detroit, Michigan

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Peggy Cave, 10th district
KSD, St. Louis, Missouri

Ann Ginn, 11th district
WTCN, Minneapolis, Minn.

Mrs. W. C. Gillespie, 12th district
KTUL, Tulsa, Okla.

Lillian C. Jarman, 13th district
KTSM, El Paso, Texas

Evadna Hammersley, 14th district
KOA, Denver 2, Colo.

Ann Holden, 15th district
KGO, San Francisco, California

Leah McMahon, 16th district
KFSD, San Diego, California

Ann Stirling, 17th district
KJR, Seattle, Wash.

NBC Establishes Women's Activities Division

Creation of a Women's Activities Division to establish channels of communication with women directors of all NBC-owned and operated stations was announced recently by William Burke Miller, manager of NBC's Public Service Department.

The new department, recognizing the importance of women in the wartime radio pattern, began functioning October 1.

The Division will exchange information and suggestions with the manager of the central division, Public Service Department, Chicago, and the western division outlet in Hollywood.

Chairmanship of the Division will rotate automatically after each four months' period. Duties of incumbent will be to conduct correspondence and to distribute information among eastern, central and western divisions and the NBC O-and-O stations.

Margaret Cuthbert will serve as chairman the first period with Jane Tiffany Wagner for the second and Mrs. Doris Corwith, third.

In outlining her objectives, Miss Cuthbert said she "hoped to give credit, impetus and glamor to the work of the women of NBC-owned and operated stations and those independent stations affiliated with NBC by publicizing their total effort."

Ruth Chilton Moves to WCAU

Ruth Chilton, president of AWD, has passed another notable milestone in her long and scintillating radio career. WCAU is the station which was able to persuade her to bring her rich and varied talents to Philadelphia to take over their popular and well-established participation program "For Women Only." She will present informal chats on fashions, home-making, child care and the hundred-and-one subjects dear to a woman's heart . . . all in the refreshing, inimitable **Ruth Chilton** manner. Despite the title, however, we have reason to know there is a large percentage of the "sterner sex" who follow her broadcasts with the same keen interest as the women; for her interests are so inclusive that no one can be impervious to her charming personality.

We all join in wishing **Ruth** the best of success in her new position.

DOROTHY LEWIS TOUR

AWD has some vitally important projects shaping up. We hope that each of you in the cities listed below will plan to see Dorothy and give her your reactions and ideas.

City	*Date*	*Hotel*	*Station Headquarters*
Chicago	Oct. 5- 6	Palmer House	None
Rockford	7	None	WROK ℅ Koessler
Minneapolis St. Paul	8-9-10	Curtis Hotel	WTCN ℅ DeHaven
Des Moines	11	Fort Des Moines	KSO ℅ Lawrence
Iowa City	12	Univ. of Iowa Radio-Division	WSUI ℅ Menzer
Cedar Rapids	13	None	WMT ℅ Quarton
Omaha	14-15	Fontanelle	WOW ℅ Gillin
Salt Lake City	17-18	Utah	KSL ℅ Glade, Sr.
Missoula	20	Florence	KGVO ℅ Moseby
Spokane	21	Davenport	KQA ℅ Wixson
Seattle	22-23	Olympic	KJR ℅ Moshier
Portland	24-26	New Heathman	KEX ℅ Pangborn
Sacramento	28	Senator	KROY ℅ Miller
Fresno	Nov. 1	Fresno	KMJ ℅ Collins
Los Angeles	2-11	℅ Woollett 6923 Franklin Ave. Hollywood, Cal.	℅ Gilman Blue Network Sunet & Vine, Hollywood
Phoenix	12-13	Westward Ho	KOY ℅ Safford
Albuquerque	14-15	Francescan	KOB ℅ Quinn
Denver	16-17	Albany	KOA ℅ MacPherson
Wichita	18	Lassen	KFBI ℅ Linton
Kansas City, Mo.	19	℅ Truitt 6124 Walnut St. Kansas City, Mo.	KCKN ℅ Atteberry Kansas City, Kansas
Columbia, Mo.	20-21	℅ Lawton Radio Division Stephens College	None
To New York			

Correction

We wish to correct an error in the previous BEAM issues. **Mary Mason** is director of women's activities at station WRC, Washington, and not WMAL as listed. She is district chairman and chairman of the AWD Membership Committee. Please correct your files.

★ EDITORIAL STAFF ★

Editor
VICTORIA COREY
KDKA, Pittsburgh

Assistant
PEGGY CAVE
KSD, St. Louis, Mo.

Editorial Committee
ANN GINN, WTCN, Minneapolis, Minn.
LAVINIA SCHWARTZ, WBBM, Chicago
ELEANOR HANSON, WCLE, Cleveland, Ohio
DOROTHY LEWIS, NAB, New York

Ex-officio
RUTH CHILTON, WSYR, Syracuse, N. Y.

Extended Horizons

(EDITORIAL)

Through the daily mail response we women in radio are realizing more and more the responsibilities we hold to our listeners and community. We are like a valued, near neighbor, always ready with advice and cheer. In many cases, our voice is the one which the woman listener can turn to for sympathy and understanding. Our interests and discussions give her a new and wider horizon that she might not have achieved without us.

Our responsibility increases as radio extends its influence to a global sphere. Radio will have a major part in the post-war world in reconstructing countries and laying the foundations of lasting peace. This work extends to us as a woman director, as well. We interpret the world to the woman at home; through her we interpret it to her husband, her children. That world is as broad or as narrow as we make it. We bring that world into her home and our concept of it limits or extends her horizon.

If there are world-problems for women to face . . . and we know there are . . . ours is the responsibility, the opportunity, of setting their minds in a constructive pattern with a greater vision of the whole.

Escapist habits of thought are out-moded. It is the place of the woman director to present facts and truth that call the listener to face the world . . . not as she fondly wishes it to be, but as it is . . . a world of which she is a part and which she may in a small way help to mold.

There is no ceiling on opportunities for women directors today . . . we can go as far as our imagination and understanding will carry us.

Chit Chat

Peggy Cave, our associate editor, KSD, is conducting several business and discussion sessions at a National Radio Conference at Stephens College, November 19-21. General theme of the conference is "The Responsibility of Radio in the New World". Radio women from Nebraska, Missouri, Iowa, Kansas, Oklahoma, Arkansas, Tennessee and Illinois will be present. We're looking forward to hearing the results of this fine meeting.

Congratulations to **Alicia Fuller** on her recent appointment as program director of KQV.

And congratulations to **Nancy Boothe Craig,** WJZ "Woman of Tomorrow", on the birth of a baby boy.

A recent addition to women newscasters is **Virginia Safford,** WTCN. From her background of newspaper and magazine writing she is now radioing, "Postscripts on the News."

Another newspaper girl . . . **Kay Kenney** . . . has deserted her daily column which was featured in 250 newspapers for three years, in favor of the microphone with "Kay Kenney's Conclusions" now heard on WFMJ.

Since our last issue, **Alma Dettinger,** WQXR, celebrated the second anniversary of her program "Other People's Business". And **Mary Margaret McBride** cut the cake in honor of her third anniversary with WEAF.

Olive Kackley, WCKY's goodwill ambassador, sets a record at which broadcasters may shoot. She has spoken to more than 1000 civic, professional and business organizations, or an audience totaling more than 500,000 persons. During her career as a dramatist she has trained more than 100,000 persons, many of whom reached stage and radio success. At present her speaking engagements extend into next year. In addition to her speaking engagements, she's heard in twelve programs, seven days a week: her "Olive Kackley" program daily except Sunday; "Famous Women", Monday through Friday; and "Prologue", a program of philosophy and literature, every Sunday.

Ann Ginn, WTCN, is president of the Women's Advertising Club of Minneapolis. She has that comprehensive human touch in radio that makes children beg to name their baby sisters after her . . . and we're told the farmers grow her name on their squash!

When **Ruth Lyons,** WLW, puts in a call on her "Petticoat Party Line" they're all listening! She gave her annual picnic this summer with over 12,000 women of the Party Line and their friends, husbands, and children in attendance.

Mr. and Mrs. Stan Lee Broza, WCAU, are still receiving congratulations for their "Children's Hour." With more than 15 years to its credit, the program has received "Tune-In" Magazine's award of merit.

WANTED . . . an AWD 8th District Committee Member from Indiana! If you're interested, drop a line to **Ruth Crane** (Mrs. Page, to her listening audience), WJR, Detroit.

'Victory, Like Charity Begins at Home'

By Hayle C. Cavanor

(Following out the idea stated in our Columbus meetings to be more active in war and public service, we present an article from a former program manager of WCCO who is now regional director of the Office of War Information. The OWI Womanpower Campaign received top ratings during the month of September; but we can't believe that it ends there. One million additional workers must be added to the labor force in 1944 . . . which means that every month in the coming year must have an urgent appeal for workers. We suggest, however, that you follow the advice given in the Woman's War Program Guide for September and find from your local U. S. Employment Service manager what the womanpower needs of your community are before you go into the subject on the air.—EDITOR.)

ON SUNDAY afternoon of December 7, 1941, every man in the United States listening to the radio wanted to enlist, and every woman was quite ready to take over any task, no matter how gruelling or how lowly, for their own United States had been cruelly, wantonly attacked.

Now, in September, 1943, through almost super-human effort, the situation of the United States has changed. Uncle Sam is no longer unprepared, with his back to the wall. He is armed to the teeth and has taken the offensive. The attitude of the men and women on the home front also has changed. Overconfidence has swept the nation like a prairie fire. It has become an enemy which must be destroyed. The feeling that the war is already won, that we can relax and coast along now until the Axis collapses, is an exceedingly dangerous one. To quote the words of the Secretary of the Navy Frank Knox, on July 20, "only a careless fool would pretend that we have done more than make a good beginning."

Just how has overconfidence affected the home front? Here are a few examples:

Let's take a look at the records of the American Red Cross. During the past six weeks thousands of Americans have broken their appointments to give their blood to the blood banks—blood which might have saved the lives of American soldiers. Thousands of nurses aides and grey ladies, needed desperately as the armed services recruit more and more nurses, have resigned from this important voluntary work in hospitals. Local Civilian Defense Councils complain that many members of their volunteer groups have ceased to do their work conscientiously or consider it vital. Civilians say "no danger of bombings now—the war is practically won, and blackouts here are a joke." But, even more serious than the situation in the Red Cross or Civilian Defense Councils is the effect on war agencies and war plants. Women are resigning from their jobs in defense plants at a time when the War Manpower Commission is scraping the bottom of the war manpower barrel and is seeking 3,000,000 additional women workers in the next twelve months. WPB salvage officials report that housewives are becoming careless about saving tin cans and grease. They have found many farmers openly indifferent about selling their heavy scrap, although the farmers have been warned that the steel plants cannot operate without this heavy scrap.

Over-optimism on the home front should not be fought with pessimism but with facts.

What Can Be Done About It?

The women commentators and women program directors of radio stations in the United States can probably do as much, if not more, than any one group to prevent American optimism from delaying American victory. Facts and figures upon which to base broadcasts can be obtained from local War Production Boards, War Manpower Commission officials, officials of Civilian Defense, U. S. Employment offices, hospitals or the American Red Cross. All of these agencies have experienced information men whose files are bulging with not only facts and figures, but good human interest stories. Your regional OWI radio officers will put you in contact with these information men or get the material for you.

American women must first be told the facts, then persuaded, inspired or shamed into doing their share. Interviews with leaders in the community, well known entertainers or soldiers home on furlough who are donating blood to the blood banks may inspire others to do likewise. Talks by salvage and scrap experts may bring home the vital need of fats and scrap. Educators who have made a study of world geography, or aviation experts, can frequently convince the public that every country in the world must be prepared for a defense against bombing until the war is over. Doctors, hospital superintendents, nurses and public health workers can explain that hospitals are not money making institutions and quash the rumors that nursing aides and grey ladies help swell the coffers of these institutions of mercy. In some instances they have actually helped to keep the doors of the hospitals open.

Women broadcasters can also be of assistance to the War Manpower Commission and the U. S. Employment Service by featuring broadcasts with grandmothers who have dropped their knitting or afternoon bridge and gone into war plants to work forty-eight hours a week, releasing a man for the fighting front. Interviews with war brides who have entered a munitions factory to help make the bullets their husbands will use may inspire other women whose husbands are in service to get into essential war work. Programs presenting women in any kind of war work are of timely interest these days if they tell other women why they took a war job, how they trained for it, and how they manage their households while they help win the war.

What Are You Doing For Uncle Sam?

Eleanor Hanson, director of women's activities at WKH-WCLE, Cleveland, and a member of our own BEAM Committee, was one of 15 women chosen by Mutual to be a WAC for a week! She went through the training routine at Fort Oglethorpe and says it was the most exciting experience in her career. Radio is lucky to get her back!

When you read the fulfilled quotas of Ohio's Third War Loan you can give **Katherine Fox,** WLW, part of the credit. She spent much of the time in Cleveland serving on the advisory committee for women's activities for the drive in that state.

WOWO'S **Jane Weston,** cooperating with the OCD, conducted a six weeks' period of "Canning Classes of the Air". Nearly a thousand listeners enrolled. Actual demonstrations were conducted by home economists of the area. Last program of the series brought in women enrolled in the classes, selected at random from mail received. A "True or False" quiz show on what had been taught in the classes gave a tangible answer to the efficacy of the course. Students were sent "certificates" upon completion of the lessons. Already plans are under way for next year's classes. Incidentally, **Jane's** a bride now . . . so we all send our best wishes to the new **Mrs. Bill Stewart.**

Elinor Lee's "Home Service Daily" program, WTOP, Washington, D. C., was named winner of the local radio program awarded by the National Advertising Agency network. It's a program to answer war-time needs of the housewife, and all indications are that it has done it quite successfully! Congratulations, **Elinor Lee!**

Women are handling many unusual jobs now, and **Dorothy Crandall** has taken on a unique one. She's one of the country's few agricultural broadcasters. She's just joined the Department of Agriculture's New England Radio News Service, and is filling a job that's been vacated twice this year by men now in the armed forces.

And speaking of war service, **Mary Ellen Trotter,** WCCO, is one of two women in Minnesota who hold a First Class Radio-Telephone Operator's license. She joined the engineering staff in 1942.

Have you heard the BLUE program "This Is Official"? It's scripted by **Sylvia Milrod.** known for her WINX "Victory Starts At Home." She is on leave from that station now to do the necessary research and writing for the network.

Martha Lewis' "Musical Clock" beamed to war workers from WGL has picked up a considerable audience at Baer Field army base. **Martha's** wake-up music and correct time are on the air while the boys are straightening up their barracks. One soldier fan wrote: "We like your music and comments so well, we can even stand to hear you tell about all those fancy doodads you try to sell. If we were in the market we'd certainly go right out and buy them." There's salesmanship for you!

"Food as a Weapon" takes the spotlight this month in the nation's campaigns. And as usual women in radio play a leading part. **Mrs. Vianna D. Bramblett,** WLW nutrition expert, writes a weekly "No Point Menu" and nutritional article for the station's radio news clipping sheet in their wartime food series. She is a member of the nutrition committee of OCD.

A little lady who's proving that age doesn't count is **"Johnny" Kathryn Gould** . . . just 16, but in complete charge of programming, producing and announcing for Fort Wayne's FM station W49FW. She's had five years' radio experience as singer, narrator, and director of a chorus of 60 voices. Her dad is **Jay Gould**, the well-known character "Doctor Hickory" formerly heard on the Blue.

From Totem Broadcasters, Inc. (and isn't that a picturesque heading?), **Ann Stirling** reports her program "A Woman Wonders" is now going into its fifth consecutive year. Another half-hour, Monday through Friday, which she presents, is "Homemakers Calendar." It's marvelous how these girls do it! During her vacation she worked on her farm from dawn to dark. That's helping Uncle Sam both on duty and off!

And how many others of our girls are taking their responsibility to the nation's food seriously this year . . . going home each evening and week ends to care for their gardens and put up the extra fruit and vegetables in cans? In line with this **Dorothy Lewis** spent Labor Day canning a bushel of beans from her farm!

Public Service in broadcasting is radio's answer to that phrase in the broadcaster's code: "Public interest, convenience, and necessity." NBC's Public Service Department held its annual fall meeting in September to make plans for the network in the coming year. And as usual, women played a prominent part in the planning. **Judith Waller,** manager of the Central Division Public Service Department, Chicago, reported on the Second NBC Northwestern University Summer Radio Institute, and on the activities of the Central Division. **Jane Tiffany Wagner,** director of war activities for women, discussed women's war activities for the year to come. **Margaret Cuthbert,** director of programs for women and children, reported on women's activities other than those directly connected with the war effort. **Doris Corwith,** assistant to the public service counsellor, and public service lecturer, was called upon for recommendations as an outgrowth of her travels and activities. **Dr. James Rowland Angell,** public service counsellor, presided.

Emphasizing the importance of proper nutrition, **Olga Johannes** conducts the "Victory Food Club" on WROK, Rockford. Scheduled Monday through Friday mornings, the program is presented in cooperation with the local OCD nutrition committee. Wartime food saving hints, stretching scarce foods, suggestions for balanced menus and general recipes are among the topics covered. **Olga's** an excellent cook and listeners agree that she knows what she's talking about. **Miss Johannes** and **Lorna Lane,** WROK staff organist, are one and the same.

Orchids for Programs

Orchids to **Mrs. R. H. Eddy**, KHQ, for her radio personality "Mrs. Edna Perry" and the "Morning Mail"! In these days of increasing retail store advertising and promotion by radio, **Mrs. Eddy** and the "Morning Mail" are blazing a new trail in personalized radio shopping service. Her sympathetic understanding of women's needs and problems in wartime shopping has made it an outstanding success. There's another "Mrs. Perry" who's on duty at the department store to handle the customers who come in to shop with her in person, and to handle the large volume of mail orders that come in after each broadcast. **Mrs. Eddy** finds she has to serve not only as shopper advisor, but as a sort of Dorothy Dix-Emily Post combination to her listeners. The program carries a full schedule of war service items as well. It does its share of recruiting for women in the armed services, Red Cross activities, and plays an outstanding part in solving civic needs and problems. So for original and ingenious community service and entertainment ideas . . . here's to you, **Mrs. Eddy!**

(Send us your idea.)

Does Your Survey Speak For Your Audience?

By Elizabeth Reeves

Knox-Reeves Agency, Minneapolis, Minn.

PERHAPS the objective of sponsored radio can best be defined as an effort to devise programs which combine the highest entertainment standard possible with consideration for the widest audience acceptance.

The radio audience is of course the most diverse audience possible to assemble. It is, in short, everyone.

The question then becomes "What do most people want to listen to most?" There have been many efforts to find the answer to this question. Popularity trends are measured by Crossley and Hooper audience ratings and independent surveys are constantly being made in an effort to determine audience preferences. These methods are good as far as they go. There has been, however, one rather striking variation in that occasionally a program which has a high audience rating in the Crossley and Hooper percentages does not come in for voluntary approval by independent small groups, while just as often the programs which win their approval are not programs which are generally the most popular according to other surveys.

There are several possible reasons for this. It may be that the women who vote on these independent surveys are not familiar with the entire field, or it may be that they are not typical of the average radio listener, and therefore their choice would never follow the trend of the majority. This is a very important fact to determine since these women represent the most articulate listener, and since, in most cases, they purport to speak for the radio audience at large. If the sponsor is guided by them, will his program be led into paths of greater general popularity, or will he sacrifice the approval of the vast inarticulate mass which has been his audience? As long as these articulate groups function independently, the sponsor will be left in doubt as to the thoroughness of their methods and therefore as to the value of their findings.

Since the organization of radio council groups by Mrs. Dorothy Lewis during the past few years, it has become increasingly possible for radio councils and sponsors, or their agencies, to get together in an effort to find the answer to the question of what radio audiences want. As well as to these other questions, do these women who comprise the radio councils speak for the majority? Are their methods thorough enough to be a value? Are the agencies open to suggestions? Is it possible by working together to raise both the popularity and the standard of sponsored programs?

In an effort to make a beginning at least in forming some sort of working plan for finding the answers to these questions, a survey was conducted last May 28th through June 24th in Minneapolis by Knox Reeves Advertising, Inc., in cooperation with Minnesota Radio Council groups. The technique of the survey was worked out by the Research Department of Knox Reeves according to accepted commercial survey standards. Mrs. George B. Palmer, coordinator of listener activities for the Minnesota Radio Council, organized the listening panels. The plan was as follows:

The survey covered eight programs—four on CBS and four on NBC. One hundred twenty-five women were selected from radio council groups. Half of these women listened to NBC, the other half to CBS for a period of two weeks. At the end of this period those who had been listening to NBC changed to CBS, and the CBS listeners changed to NBC. with a few changes and additions to personnel. The women were paid one dollar a week. Two hundred fifty dollars, or half the total amount, went for a nurses' scholarship; the other two hundred fifty dollars was used for a radio scholarship. The method was quite simple. Questionnaires were distributed every week. These were filled out every day and mailed back to the agency. As each week's listening period ended, a postal card was mailed to Mrs. Palmer by each of the women in the panel noting that the programs had been listened to and the reports sent in. Payment was made to Mrs. Palmer for the radio scholarship and to Mrs. L. R. Upham for the nursing scholarship, as the women all understood their time was contributed to these scholarship drives.

Questionnaires Ask Reaction

The questionnaires asked for reports on the listener's reaction to story material and also a vote on preference of the program heard. The reports were not signed except by number, so that the identity of the voter was known only to the person who tabulated the master list. At the conclusion of the survey all comments were tabulated so it was possible at a glance to get an accurate cross section evaluation of all eight programs so far as this group was concerned. No attempt was made in this survey to get suggestions from the women as to what type of program they might prefer to those listed on the survey. It was felt that this would open up an entirely different phase of listener-sponsor relationship. The purpose of this particular survey was an attempt to get the articulate reaction of the typical listener. The women on the panel were not asked not to listen as critics, but rather to express spontaneous enjoyment or disapproval of the programs which were to be regarded solely as entertainment.

Eventually program planning may become a very important part of radio council activities. If it is to be successful, however, it must come as the fruit of a realistic attitude which has been nurtured through actual experience in listening to and evaluating programs which carry the seal of acceptance of the majority of listeners. Since radio depends entirely upon voluntary popular acceptance for its success, no program can be considered successful unless it has what it takes to command popular acceptance. Successful radio program planning, therefore, can only be achieved when programs are conceived with their cultural or entertainment values considered in relation to their degree of audience acceptance. This requires experience and familiarity with the whole field of radio toward which listening is the first step.

The Minneapolis survey, while it represented a rather small sample and therefore its conclusions were not considered final, was, nevertheless, considered a very valuable guide toward a better evaluation of the programs concerned. At the same time, the council groups themselves required a more thorough knowledge of the kind of programs which are typical of daytime radio fare. It was felt, I believe, by all concerned that a beginning had been made from which a closer working relationship could be developed between those who plan radio programs and those who listen to them.

Washington Radio Woman Among Award Nominees

Among honorable mentions given in connection with the annual Josephine Snapp Award at the summer convention of the Advertising Federation of America this year, one was to Elizabeth B. Grove, of WTOP, Washington, D. C.

A silver cup is awarded the top nominee, while the four honorable mention recipients receive plaques.

Noteworthy was the fact that this honorable mention was given not for a radio program alone—but for Mrs. Grove's work on a complete advertising campaign which she conducted while she was with the McCord Co., Minneapolis, Minn.—proving BEAM'S point that opportunities for radio women to become versatile advertising women are wide open.

The campaign which won the plaque was for a process of permanent waving, developed by a Minnesota laboratory. Its significance lay in the fact that this product was the first of its kind to be advertised—and accepted—on a national basis. To begin with, there was a certain amount of public prejudice because of the method the process used. So in addition to the basic problems of any campaign—advertising, marketing, merchandising, promotion—there was an important job of trade and public relations to be done. It was a challenge to the agency—and it required a woman's point of view. The account executive, Louis Melamed, called on Mrs. Grove, who as radio director was first and foremost a copywriter.

The scope of the campaign was all-inclusive. It began with the foundation research done by the manufacturer, and continued on up through every phase of an advertising job—product testing, product naming, package design, market research, media research, merchandising plans, the preparation of both trade and consumer booklets and of the advertisements themselves—and finally, a complete publicity program. In most of these campaign steps, Mrs. Grove participated. She was active in the campaign planning, and she wrote all of the copy, including not only the ads, but the copy for the merchandising material and the publicity stories for release to beauty and fashion editors.

The campaign was an outstanding success. The process is today the leader in the chemical permanent waving field. This is a credit, of course, to the quality of the process itself and to the sound thinking of the agency which put it on the market, but the story does not stop there.

The BEAM feels that this campaign, with its accompanying award, is proof of the fact that there are opportunities today—and growing opportunities—for radio women to prove their ability as informed, able advertising women—in short, for radio women to step into the breaches caused by the war, and show that they have the required "basic training" for planning sound, integrated, success advertising campaigns.

Radio stations, like advertising agencies—once proving-grounds for bright young men—are undergoing a change. Most of the bright young men today are on sterner proving-grounds. Given a chance, the girls can do much to help hold the fort, and the clients, till the boys come home.

PEABODY "LISTENING POST"

This year radio stations come into close contact with the people chosen to evaluate programs for the George Foster Peabody Award (the Pulitzer Prize of radio). Local committees have been set up throughout the country. Two thousand persons in more than a hundred cities in some forty states will evaluate programs in their own communities and make recommendations to the National Board.

AWD Committee Activity

During the spring of 1943, a survey of the quality and character of the releases sent to women directors and broadcasters by commercial organizations and information services was conducted. Sampling of the membership throughout the country revealed that women were receiving from 35 to 80 releases in a ten day period. It was found that distribution was spotty and regional. A careful investigation of all these releases was made and information was set forth in chart form, which was forwarded to every member. The chart carried two questions:

1. Do you receive this material?
2. Do you use the material?

Out of 580 charts, 162 were returned or about 27%.

Specific information on the acceptance of any of the listed releases is available at the AWD New York office.

Our Release Committee has been working on a *Masthead* for AWD releases which is now ready and will be used by the various companies and information services that have been authorized by our Release Committee. Use of the masthead must be OK'd by the Release Committee for *each* mailing.

After discussion with the Public Relations Committee of the NAB, it was determined that the women directors should ***check regularly*** with their ***station managers*** all of the AWD and commercial releases. The station manager has the privilege of discarding all releases contrary to his station policy. All AWD members will exercise caution in giving unnecessary credit lines and should be doubly careful to check everything so that potential clients for sponsored time are protected.

It is always the privilege of the woman director to rewrite, in her own style, all releases sent to her. We are under no obligation to give releases verbatim, as long as we present the information authentically.

Consult your release chart for any services you desire, and which you are not receiving, then write directly to the address of the service given on the chart, or to the AWD office at 535 Fifth Avenue, New York. Be sure your correct title and address is on file with the release services you wish to receive.

PUBLICATIONS

Do you know women's latest achievements in radio and what they are contributing to the industry? NAB has a new brochure to give you a picture of the technical accomplishments of the "weaker sex." It's a "Tribute to Women Technicians and an Invitation." Your station manager has a copy. Get it from him and read it. There are some ideas you'll be glad to include in the next speech you make to the Civic Club.

There's another booklet telling the story of radio in wartime. It's presented by NAB in collaboration with the CBS, BLUE, NBC, MUTUAL Networks: "This Is an Army Hitler Forgot." Stations and advertisers have employed $100,000,000 worth of talent and time to reach the radio audience with vital war messages. Don't forget this radio army the next time you tell of radio's modern wartime accomplishments.

The Writers' War Board is making available to stations a group of talks on various phases of the war effort. These talks may be obtained through the Committee on Speeches and Speakers . . . at 122 East 42nd Street, New York.

Washington Correspondent

From the nation's capital we hear that **Mary Mason** of Station WRC, Washington, has accepted the appointment to serve as Washington representative for the AWD. **Mary,** being in the thick of things, will be in a position to keep us in the "know" on activities in Washington, vital to the interest of our members and their listeners.

The full text of the attached bulletin appears in this issue of the "NAB" Reports." Please route this copy to your sales executive.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON, D. C.

Jan. 15, 1943 **BROADCAST ADVERTISING BULLETIN** No. 1

WHAT HAPPENS WHEN NEWSPAPER ADVERTISING STOPS

and radio advertising picks up a small part of the job

For three days, from Sunday evening, December 13, 1942, to 1:00 AM on Thursday morning, December 17, 1942, twelve New York City newspapers ceased publication while the members of the newspaper delivery unions were on strike.

Heavy schedules of planned newspaper advertising couldn't be published. Some retailers turned to radio advertising; others sat tight, expecting the strike to end momentarily.

To the credit of broadcasting, no New York City station tried to capitalize unduly on the misfortune of another medium. Where good time and good features were available, stations offered them for sale. Where time was at a premium, with only early morning or late evening open, stations declined to have broadcast advertising judged on the basis of such availabilities.

WHAT HAPPENED?

Department stores' sales boomed along as though nothing had happened. Here are the actual figures from the Weekly Federal Reserve Index of Department Stores' Value of sales:

	Week Ending December 19
Increase for New York City	4%
Increase for Entire District	4%

And the entire Federal Reserve district includes such war-busy markets as: Buffalo, Rochester, Syracuse, Utica, Albany, Troy, N. Y. and Newark, N. J. Despite the vastly expanded buying power in the rest of the district, New York City stores held their own against the field.

But radio can not nor does it seek to claim credit for holding sales at such a high level in the face of very adverse shopping weather. The total volume of retail radio advertising actually increased but little.

WHAT HELD SALES UP?

The answer to that question can be debated by academic students of advertising and merchandising for years to come. Probably the effect does deserve psychological probing.

But three facts do stand out: Christmas shopping was not a new idea this year; it might be termed an established American custom. Furthermore, newspapers and radio had featured Christmas merchandise, built up the urge to buy for weeks before the newspapers ceased publication temporarily. Many New York City radio stations were carrying a substantial volume of retail advertising and that continued unabated during the period.

Actually, broadcasters cooperated with newspapers during the trying days. Almost all radio stations increased the number of their newscasts. Newspapers cooperated to increase the local news coverage of radio stations. Radio did not try to profit unnaturally from the predicament of the newspapers. One of the leading newspapers had already contracted for time over one of the leading radio stations to tell its readers what the newspaper would contain when it resumed publication. Then the strike was called off. But one newspaper, nearly a thousand miles away, decided the history of advertising during the strike should be reviewed.

THE RETORT DISCOURTEOUS

Totally unaffected by the strike in any way, shape or manner, the *Chicago Daily News* carried a story by its financial editor, Royal F. Munger, that seemed totally unnecessary and definitely unfounded. Said Mr. Munger in the course of his article, after pointing out that buying held up on Monday, began to thin out on Tuesday:

> "By Wednesday, a buying slump was in full blast, and people who had forgotten to go shopping were beginning to say, 'Oh, well, it's a war Christmas anyway.'
>
> "The Crowds had fallen off, and the attempts to use radio in place of the missing advertising were getting nowhere rapidly. In fact, even through their anguish, the newspaper advertising men grinned at the job radio didn't do."

Unfortunately, Mr. Munger's article has been reprinted as a news story in many newspapers; as a house advertisement in others.

Apparently neither he nor those who reprinted his article have seen the Federal Reserve figures for department store sales during the week ending December 19, 1942.

Of course radio could answer this unprovoked and unjustified claim, but radio has more important things to do. Broadcasting as an industry has embarked, under the NAB Retail Promotion Committee, on a study of retailing and radio that should furnish concrete, factual evidence of the power of radio to help retailers solve some of the problems they face today. More reason why every radio station should subscribe to the Retail Promotion Committee Plan.

Bickering between media is the worst thing that could happen to advertising today. All media have a job to do today—the magnitude of which they have never previously faced. First and foremost, they must help to win the war and win it quickly. Then they must help manufacturers, distributors and retailers to meet utterly new problems; chart sales and institutional courses over unknown seas.

Perhaps this opportunity for inter-media cooperation is nowhere better expressed than it was on the "Inside Washington" page of *Printers' Ink* for January 1, 1943:

> "Food Administrator Wickard and OWI's Elmer Davis did an admirable job of building up for their last Sunday nights' broadcast (December 27, 1942) announcing that around 200 food products would be strictly rationed beginning sometime next February. First the Sunday

morning newspapers carried top-head to the general effect that something big was cooking in Mr. Wickard's department—probably having to do with rationing—and that the double-barreled broadcast would reveal the whole plot. Then throughout the day, the forthcoming event was ballyhooed at intervals by the various broadcasting systems. Thus the interest of *hoi polloi* was really stirred up and they did not mind too much being deprived of their usual Charlie McCarthy half hour and other Sunday evening features. The execution was good, too. The dignified preliminary roundup by Mr. Davis and the forthright speech by Mr. Wickard covered the subject adequately and effectively. . . . There was not a thing wrong with the technique employed. Mr. Wickard's reminder that "your Monday morning newspaper will contain an interesting detailed announcement in this connection" was an effective stroke. The two mediums, newspaper and radio, were thus effectively hooked.

Consider that important announcement and the manner of its release. Broadcasting was used to condition the minds of the people—to prepare them for more drastic sacrifices necessary to win the war. To newspapers were left the details of how that program would be implemented.

Some of the ablest men from broadcasting and newspapers are on the staff of OWI. When they agree on such a technique, doesn't that suggest the tremendous importance of broadcasting as the prime means of communication?

Don't let your retail accounts be misled by the misinformation that has unfortunately been published in connection with the strike of the New York City newspaper delivery unions. The statements set forth in this report are verifiable facts. Use them wherever and whenever necessary to spike fraudulent claims.

But don't forget: broadcasting will progress and grow, as it has in the past, through constructive selling on your part and the part of everyone else connected with the industry.

SELL A BOOK TO SELL STAMPS

One of the most offensive attempts to tie a commercial campaign into the war effort is the recent letter of Farrar & Rinehart, Inc., book publishers of New York City, urging stations to follow "The Treasury Star Parade" programs with an announcement plugging a book of the same name containing the scripts of these programs. And the reason why you should do this? If people buy the book containing the scripts, they will be stimulated to buy more War Bonds and Stamps. It would be much more effective to broadcast "The Treasury Star Parade" twice and so make a direct appeal. We hope no NAB member station will succumb to this appeal. Let the publishing house pay card rates for the announcements following these programs.

MORE P-I INSURANCE

Many member stations have forwarded letters from the Charles Edson Rose Company of Chicago, Ill., offering advertising of several types of insurance policies on a graduated P-I basis. The continuity is described as "snappy." We hope all NAB member stations will therefore bounce the continuity back to the agency with an urge to buy on a standard rate-card basis.

WINNER LEFT AT THE POST

Described as a "winner," the "Record of Service" wall certificate offered to radio stations by the Midwest Advertising Company of Springfield, Ill. should be left at the post by all NAB member stations. Try to get the business on a straight rate-card basis. If the deal is as good as the agency says it is, they certainly ought to buy and quickly.

COVERAGE CLAIMS

A recent FTC case, wherein a radio station stipulated to desist from making certain claims as to its coverage, serves as a warning to stations. Extreme care should be taken to insure that no coverage claims are made that cannot be substantiated by reliable evidence. Statements made in brochures and direct mail constitute advertising just as much as advertisements in the trade papers.

☞ The full text of the attached bulletin appears in this issue of the "NAB Reports." Please route this copy to your sales executive.

Broadcast Advertising Bulletin

APRIL 23, 1943 ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ No. 2

1760 N St., N.W. NATIONAL ASSOCIATION OF BROADCASTERS WASH., D.C.

Advertising Can Aid Government Programs of War Information and Increase Your Local Time Sales

Probably you are familiar with the many, carefully planned government programs of war information. Undoubtedly you have explored the possibilities of selling time and talent in support of these programs to local manufacturers, distributors and retailers. Such efforts have the unqualified endorsement of the Office of War Information because of the evident need for more advertising and more publicity in support of these informational campaigns.

How great is the need for advertising was ably summed up by Gardner Cowles, Jr., well-known newspaper publisher and radio station operator now serving as Director of Domestic Operations for the Office of War Information, in a talk before the Annual Advertising Awards Presentation Banquet on February 5, 1943, in New York. Here are three significant paragraphs from that speech:

"Today Americans are ready to make sacrifices. If anything, they want to make more sacrifices in order to get on with winning the war. But specifically as to the details of each government program, too often they are confused and unconvinced. They are unconvinced in large part because they don't have full enough information on why a program is necessary and how it works.

"And that is where advertising should come in. In my opinion, even with the help of all the editorial and news channels open to us in OWI today, we need advertising. Advertising is the only force powerful enough to do the job. It is the only one which can put these government programs before the public in simple, exact terms *often enough* and with *enough power* and with *enough control* to get results.

"The war on the home front can be won, in my opinion, and should be won without giving up the traditional free character of our media and our advertising, provided the media owners, the agencies and the advertisers realize advertising can and should and must be geared to help with war problems on the home front."

In other words, the government depends on private enterprise for the advertising support needed to implement fully the programs of war information. What's more, you can co-operate in this activity to the profit of your station.

Look over the following partial list of programs of war information. Each of these is a pertinent subject in the very near future. Have you solicited advertising from every local account—whether it be a manufacturer, distributor or retailer—that can logically tie in with one or another of these programs? If you have overlooked any sources of support for the government campaigns or profit for yourself, now is a good time to call on such prospects.

Victory Gardens

No other program is more important and more vital to the success of the war on the home front than Victory Gardens and home canning as an aid to meeting food needs by producing for home use. Many stations have capitalized on this program to sell time and talent for effective advertising campaigns.

Who are the prospects for a program dealing with Victory Gardens? Here are a few:

China and glassware stores
Department stores
Feed and seed dealers
Gas and electric utilities
Hardware stores
Merchandise brokers

This promotion is now in full bloom with special emphasis planned for May. It will be continued until the first "killing" frost in your section of the country and Victory Gardners who planted early crops will be urged to replant for a second crop.

Recruitment of Farm Labor and Food Processing Labor

While it may sound unusual for a broadcasting station to run a "Help Wanted" program, such a feature, well-planned and intelligently presented, can serve both manufacturer and farmer as well as prospective employees. First tried on the West Coast, where aircraft manufacturers turned to radio in a desperate attempt to relieve the manpower shortage, such programs have proved amazingly successful.

This campaign will be launched in May to persuade the public to volunteer for peak-season work of farms and in food processing plants. Write to NAB for the campaign guide entitled, "U. S. Crop Corps."

Nutrition Program

This educational campaign will be directed to the public on the use of available food supplies for best nutrition, and to stimulate proper nutrition on the part of war workers. While this campaign is scheduled to start in June, now is the time to line up accounts to supplement the promotion you will put behind this effort as a part of the OWI Allocation Plan.

It gives you a brand-new approach to brokers, commission merchants, distributors, chain food stores and voluntary groups of stores. Take full advantage of this opportunity to convert these logical prospects to users of broadcast advertising.

Recapping in Time Saves Tires

With rubber available for recapping almost all motorists' tires, this campaign gives you a logical reason to approach the tire dealers in your community. Here are some of the prospects you should solicit:

Tires—Manufacturers
Distributors
Dealers
Accessory dealers
Service stations

Preliminary information indicates that some of the tire manufacturers may match advertising expenditures with distributors and dealers in this campaign. While it is not known whether this money will be ear-marked for a particular medium, the fact that it may be available should stimulate your sales approach.

Fuel Conservation and Home Heating

In May, OWI will inaugurate a concentrated campaign to the public to sell the the following objectives·

1. Order coal early.
2. Conserve fuel oil and where possible convert to coal.
3. Conserve household gas.
4. Heat-condition the home (by insulation, weather-stripping, storm sashes, etc.)

This campaign opens up a field in which radio stations can write a substantial volume of new business by careful planning. Check the following list of prospect types with the actual prospects in your community and get to work early:

Asbestos products
Boiler cleaning and repair
Chimney cleaning and repair
Cleaning compounds
Coal dealers
Concrete contractors
Floor contractors
Furnace cleaning and repair
General contractors
Hardware stores
Heating contractors
Heating engineers
Insulation manufacturers & contractors
Lumber dealers
Millwork manufacturers
Paperhangers
Plumbers
Pipe covering contractors
Roofing contractors

Fats and Grease Salvage

A new campaign to urge the collection of waste fats and greases for explosives will be conducted during July and August. While this will primarily concern the placement of national spot advertising, you should cover every possible local angle in connection with this activity.

In this connection, the Department of Broadcast Advertising will work with the advertising agency and trade association involved in an effort to obtain a larger share for broadcast advertising of the rumored $500,000 budget.

Homes for War Workers

The National Housing Agency and OWI will shortly announce a three-fold campaign to alleviate the housing shortage that exists in many war production centers. This campaign has three objectives:

1. To induce property owners to make available to war workers all the vacant space—houses, apartments and rooms—which can be utilized without any expenditure of critical materials.
2. To induce other owners, whose properties are not now suitable for use, to convert them into additional accommodations by remodeling with their own funds or with the assistance of private financial institutions.
3. To induce property owners, who are unwilling or unable to convert on their own responsibility, to lease their buildings to the government, and let the government do the job.

Here, too, is a field in which alert radio station sales executives can render a real service in the government campaign as well as build a substantial volume of new business.

Conservation

Soon a nation-wide campaign will be instituted to induce people to use less, waste less, save more. This program will be concentrated in two fields:

1. Household equipment (maintenance of electrical appliances, etc.)
2. Clothing (making clothing go further.)

Look at the list of prospect types in this field of conservation. What's more, many radio stations have already developed important customers from among these groups:

Air conditioning service
Cleaners and dyers
Clothing repair and reweaving establishments
Electrical appliance service
Laundries
Oil burner service
Refrigeration service

These government informational campaigns represent real sales opportunities if you will but translate the objectives of each activity into terms of local accounts that can and should contribute to the program.

THE SAWDUST TRAIL

Each time the Department of Broadcast Advertising receives a letter from an NAB member station, calling attention to a per-inquiry offer, a sales letter is immediately written to the advertiser or advertising agency, urging the use of broadcast advertising on an ethical basis. Now and then such letters result in conversions. Here are two recent examples:

From Arthur M. Holland of the Malcolm Howard Advertising Agency, 20 E. Jackson Blvd., Chicago, Ill.:

"May we state that at no time has this agency ever placed any advertising with ANY radio station anywhere in the United States on a 'per-inquiry' basis, and this one instance where such an attempt was made, was done without the authorization of anyone in authority.

"We hope this will clear up our position with regard to the subject in question."

From Michael F. Ellis of the Ellis Advertising Company, Buffalo, N. Y.:

"I promise never again to deviate from the straight and narrow path under pain of being deprived on my nationally known non de plume of Ethical Ellis . . .

"Seriously, thank you for bringing this to our attention. It's all over now and won't occur again."

HELLO, SUCKER!

For complete frankness on the purpose of per-inquiry offers, the following excerpt from a letter received within the last few days deserves first prize and a place in your memory:

"We did not originate the idea of making radio commitments on a per inquiry basis. As a matter of fact, we were approached by two out-of-town stations, through their representatives, who solicited contracts on that basis. Since we felt that some of the smaller stations, whose facilities we would not use on any other basis, might be willing to enter into a similar arrangement, we proceeded to suggest same in a letter to them. Frankly, we did not expect any large station to enter into the arrangement, and surely there could be nothing wrong in offering the deal to anyone who wished to take it on.

"For your information, we are also buying time for . . . in the regular way on larger stations in major cities, and shall continue to do so so long as radio pays out."

THE STATION VIEWPOINT

Having preached against per-inquiry business times without number, this column is herewith turned over to Robert T. Mason, President of WMRN, Marion, Ohio:

"We have steadfastly refused to accept any PI business. I maintain that when we go into direct mail merchandising I'll buy my own merchandise and sell it, but while I am selling radio advertising I am going to stick to that business. When radio advertising reaches the point where it can't stand on its own feet as a merchandising medium I'll give serious thought to opening up a mail order house myself.

"I don't believe that radio will ever get its share of department store advertising and retail store advertising until we have out-grown, as did the newspapers, the era of cut rates and shady deals. It can be done because we've done it and I would like to see some of the other stations likewise clean up their operation."

Thanks, Bob, that tells the story perfectly.

SPECIAL BULLETIN

Broadcast Advertising Bulletin

JUNE 28, 1943 ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ No. 3

1760 N St., N.W. NATIONAL ASSOCIATION OF BROADCASTERS Wash. 6, D. C.

Urge Your Local Fuel Dealer To Sponsor OWI Announcements In "Order Fuel Now" Campaign

Through the vigorous representations of the Small Market Stations Committee and the NAB, the Office of War Information has offered to make the transcribed announcements for the "Order Fuel Oil NOW" campaign available for local sponsorship. This provides radio stations in the rationed areas an opportunity to aid the government program of war information and to increase local sales *at the same time.*

The announcements are being recorded in Washington today and the scrips are tentatively set at 50 seconds to provide time for the local commercial identification within the one-minute limit. There are four announcements in the series: three are dramatized, while the fourth is straight selling copy.

These announcements will be forwarded to the OWI field men for discussion with the stations in the rationed areas. It will probably be the end of this week before the OWI field staff has pressings of these recordings.

Campaign Starts July 12

If you have been unable to sell these announcements to your local fuel oil dealers by July 12, these announcements will automatically become part of the OWI Allocation Plan. So it behooves every radio station to make a concerted and prompt effort to line up local sponsors for these announcements.

The "Order Fuel Oil NOW" campaign is part of the "Fuel Conservation and Home Heating" program outlined briefly in "Broadcast Advertising Bulletin No. 2," issued on April 23, 1943. Here are additional details about this phase of the activity, taken from the publication: "Information Program for Fuel Oil Rationing—1943-44 Season," issued by the Department of Information, Office of Price Administration.

June 1 to July 1—Formal Announcement to the Public

The first part of the month of June was devoted to formal announement of the new and simplified fuel oil rationing program to the public. This explained just how it works.

June 15 to July 31—Get Your Coupons NOW

During this period, the public has been and will be urged to mail in their applications for fuel oil rationing coupons as soon as possible.

July 15 to August 30—Order Fuel Oil NOW

For seven weeks, the public will be urged to stock up with fuel oil *now* and to order the entire winter's supply immediately. This is the phase of the campaign for which OWI has prepared the transcribed announcements for sale to local fuel oil dealers.

Get Behind This Campaign

Many station managers wrote members of the Small Market Stations Committee—and many others have written NAB—protesting the discrimination against broadcasting through the refusal of OWI to permit announcements (and soon programs) to be sponsored by local distributors and dealers. Here is a break in the long line of adverse rulings. *However, this applies only to the "Order Fuel Oil NOW" announcements.*

Get behind this campaign and interest every fuel oil dealer in your community to carry his part of the job of promptly and properly informing the public on all phases of the fuel oil rationing program. In your solicitation, don't forget to tell him what you have already done to build public acceptance for the order-now idea. Tell him about the announcements you have already broadcast, urging the public to mail in their applications for fuel oil as soon as possible. Be sure he knows what you are already doing to help with this important campaign.

Redouble Your Efforts In "Order Coal Now" Campaign

Don't forget the announcements and programs prepared by the Department of the Interior to further the "Order Coal NOW" campaign. These are important, too, in the "Get Ready for Winter" program which is such a vital home-front phase of the war effort. They are open to sponsorship.

In many communities, fuel dealers handle both coal and oil. This gives you a double-barreled approach to such prospects. Let's not miss this opportunity to write some desirable summer business in support of the programs of war information.

Want More Information?

If you want additional information about the Program for Fuel Oil Rationing—1943-44 Season, consult the branch or regional office of OWI nearest you or write the Department of Information, Office of Price Administration, for Bulletin 1-8231. If NAB can be of any assistance, don't hesitate to write.

REPRINTED FOR NAB DEPARTMENT OF BROADCAST ADVERTISING

Department Stores Can Make Radio Pay

Concentrated Promotion of Items Key to Profitable Selling

By JOHN A. GARBER
Advertising Manager
Strawbridge & Clothier, Philadelphia

SEVERAL YEARS ago the writer spent a good part of a year analyzing the broadcast advertising activities of some 92 department stores across the country. It was apparent from the results reported that they were not using radio successfully or intelligently in most cases, and that radio was evidently not doing the right kind of a selling job for the department stores. This paper will attempt to show that radio can do a resultful job for the stores if handled properly.

The entire radio-department store relationship cannot be analyzed in so short an article, but certain obstacles can be analyzed, obstacles that make it difficult for the average department store and radio to walk the flowery path together.

Radio Can Pay

Let me make my stand clear at the outset by stating unequivocally that I believe radio can be used successfully by department stores, and that radio will and should have a considerably more important place in the department store advertising budget.

But let me say unequivocally, too, that for all the research and study I have seen, I have never found a department store doing a truly important, *resultful job on radio as evidenced by sales returns relative to total sales, or by expenditures relative to total publicity outlay.*

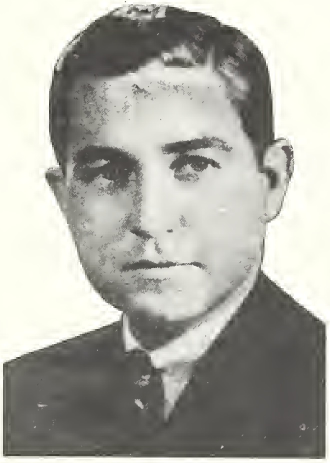
There are isolated cases, but I think if the broadcast advertising activities of these stores are analyzed, it will be found that they are relatively unimportant compared to the *total* publicity job. The figures still show that newspapers take some 3½% of the typical store's sales, and radio about .07%. The fact stands that few stores really check *carefully* the results of radio publicity and that few stores use radio for other than supplemental advertising.

Now, faced as radio is in this field by a rather bleak picture, it must decide once and for all if it wants its share of the department store's advertising dollar—some 75 to 100 million of them nationally—and decide whether the long missionary and selling job which still must be done to get radio's share of that dollar is worth while.

I have heard many radio men state flatly that they were not interested in department store business, that it was more trouble than it was worth. Yet in the same city the major stores were spending 3 to 4 million dollars on publicity, the bulk of it in local newspapers. I would think that radio, for all of its national windfalls, would welcome a good share of this heavy local department store expenditure.

Reasons for Failure

Most radio people, however, have indicated a very real concern regarding this lost sales potential, so it is imperative that the department store broadcast advertising situation be studied carefully, and that an attempt be made to find out why radio (a notably successful industry) has been so notably unsuccessful in selling the department store (also a rather successful industry), and in *all frankness* to find out why radio has been also notably unsuccessful in producing substantial results for a great many of the stores that have used it.



MR. GARBER

We can put our fingers on a number of reasons: (1) Lack of intelligent approach to programming and timing by both stores and stations. (2) The charge-back system by which the buyer or divisional man is in the last analysis responsible for his publicity expenditures as well as sales, and his consequent refusal to take a chance on radio. (3) Failure of stores to give programs adequate time to take. (4) Failure of stores to expend enough of their publicity budget on good national programs practically throughout the day. (5) Lack of understanding of radio by store advertising men trained in visual media. And there are many others, any one of which is enough to frighten a research man away from the subject.

But I believe the problem goes far deeper than any of these superficial reasons would indicate, deep into merchandising practices of the stores—in fact, into the very make-up of the department store as a merchandising entity.

Typical Store

Most organizations with which radio deals sell one thing or a relatively limited group of related things. Perhaps it is a great national manufacturer's branded item, perhaps it is a local credit jeweler's credit. If their sales volume for a given product or service is large enough to warrant extensive publicity, the entire advertising expenditure can be devoted to driving home the story of that one product. This means broad coverage with sufficient repetition to influence a sizable portion of the market.

A large department store, on the contrary, has literally hundreds of thousands of items to sell, divided into scores of merchandise classifications. It is a multi-item operation and derives a relatively minute percentage of its total sales from any given department, and so much less from any of that department's score or hundreds of items. There are exceptions in the departmental breakdown, but let us take a look at a typical picture.

A typical store doing about 7 million dollars, normally operates between sixty and eighty departments. Of these departments it is notable that the largest does no more than 5% or less of the store's total business, and the smallest 2 or 3/10% of the total business. Thus, although the store itself does some seven million dollars in volume and expends some three hundred to four hundred thousand dollars a year on publicity, the largest single department or selling entity does something less than $350,000 worth of business, with a total publicity expenditure of about $17,000 (only about two-thirds of which is available for media purchases). The smallest department does only $14,000 in sales over the year and devotes only some $700 for its publicity.

To complicate this situation further, the average item which the typical department has to sell is backed by from little more than a few dollars' worth of stock to several thousand dollars' worth of stock, which means that the total expectancy during a turn is necessarily limited, and expenditure must be governed accordingly, even though it is absorbed by the entire department's business for a given period.

Compare this to the national product or item which of itself is backed sometimes by millions of dollars' worth of processed or unprocessed stock and where expenditure on the selling story for a given product is accordingly tremendous.

Although this policy may be criticized or condemned, the department store merchandising job *is based on item promotion*, and a number of decades' experience, trial and travail have brought about this practice. People come to one store in preference to another *primarily* because the favored store has merchandise (items) which the customer wants. The store's job is to prove that it has the desired merchandise and to tell that fact unceasingly *by advertising specific items of desired merchandise.* A store may have a beautiful building or central location, or a fine dining room, or pleasant personnel, but unless that store has on its shelf desired items, and unless that store tells this fact to the public, its competitors will get the trade. I think you will find few exceptions to this rule.

Appeal Concentrated

Just as in the national field the American Tobacco Co. attempts to sell and advertise Luckies, *not* the American Tobacco Co.; and General Foods sells and advertises Jello, *not* General Foods, so in the local field Blank's Department Store must sell and advertise its $1.98 slip or a $2 shirt or some other item and *not* (other than

(*Continued on page 34*)

ONLY a small group heard an outstanding evening talk at the recent NAB War Conference—a talk that throws new light, and plenty of it, on the department store problem. Speaker was Mr. Garber, and those who heard him left with the feeling they had been given an important message. 'Broadcasting' felt that way too. Mr. Garber sets down herewith his views on how a big store should use radio. He is author of "Survey of Broadcast Advertising, 92 Department Stores", a project which grew out of his research at the U. of Pittsburgh Research Bureau for Retail Training. His education includes Harvard and U. of Wisconsin. He went to Boggs & Buhl, Pittsburgh, from college, then moved to Gimbel Bros. where he stayed until Pitt called him to teach. He is a Navy reserve officer slated for early duty.

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indirectly) Blank's Department Store.

In a sense, the advertising department of the typical store acts only as an advertising agency placing copy for each department and taking a certain percentage of sales for its own maintenance. Each department or selling entity must be given its adequate share of the store's total publicity outlay based primarily on the department's percentage of the store's total sales.

Departments carefully plan series of advertisements, sometimes stressing price promotion, sometimes quality or prestige, sometimes intangibles such as fashion significance, sometimes inherent value, *but invariably offering an item or items that have selling appeal.* And there are a great many departments all of which in at least some season must have their items covered daily or weekly.

Now when a store employs newspaper space, this is a relatively simple job; a daily section or sections can be planned with linage allotted according to the value of each promotion. Important or seasonably important departments can be readily covered and, *most important*, a customer can read at leisure and re-read even the smallest section at will. Customers have been educated for half-a-century to look for and read department store copy, and tests show that department store sections have exceptional, constant readership. The newspaper "audience" does not have to be built up—it's a daily show with a relatively constant public.

Choosing a Show

Radio offers a more difficult merchandising picture. A show must be chosen as a vehicle, and several commercial insertions will be permitted depending upon the length of the program. Here is where trouble starts, for although most retail people attempt to merchandise a radio show, just as they merchandise a newspaper section with a diversity of items *seldom repeated*, it cannot be done. If you toss three or more unconnected items into any given news period, sports period or any other type of program at 40 seconds per impression, you can't expect results that will compete with the newspapers even if you have a built-up audience.

Forty seconds' worth of commercial a month would not sell Jello either.

Educational Job

Granted that few if any stores have done the tremendous educational job in radio that they have done in newspapers, and granted that expenditures on radio in the beginning naturally will be rather limited, how can this merchandising obstacle be surmounted, permitting the store to advertise items (as it must if across-the-counter results are to be obtained) and still employ radio's normal programming and production techniques?

Radio, to compete with the newspaper in this field, must bring desired results at from 3 to 4% expenditure, and immediate results are normally limited to 24 or 48 hours. (Obviously, only a small percentage of total daily sales can be traced to advertised items, but a medium must induce strong sales results for the advertised merchandise if it is to prove its salt). The seven-million-dollar store's individual departments will do from only a few dollars in volume for the smallest to a thousand or so for the largest in a given day. Four per cent of these volume figures permits very little expenditure, even when absorbed by a week's or a month's business.

It is my belief that stores can best get around this situation by doing careful merchandise dissection jobs when employing radio. That is, choose merchandise divisions such as the men's, home furnishings, fashion, or large departments such as furniture, or important seasonal departments such as furs. Programs can be built around these divisions which can be directed readily to a specific customer audience.

Thus, a store might use a baseball scores' program or sportscast, or a news program for the men's division. It might use a fashion information program, a Hollywood gossip program, or some other suitable vehicle for the fashion division. It might use a consumer program cooperating with various women's clubs or the PTA, or a homemaker's program of some kind for the home division or furniture department.

The problem will be simpler from the standpoint of results in the beginning if we choose good staple items, either private or nationally branded items, backed by enough stock and with sufficient sales expectancy to permit considerable repetition. If possible, it will help results if items of sufficient unit value are employed so that total sales of even a few of these items will pay the way. As examples: men's suits, fur coats, heavy appliances (when we are fortunate enough to have them again).

Simplifying Practice

By this method of selection a store will be able to reduce the advertising job to the simple practice of allowing for plenty of repetition of a basic selling story that will sell both the merchandise and the division. If we were to choose men's clothing, as an example where our 7-million-dollar store would probably do from 200 to 300 thousand dollars a year, we could constantly hammer home a few branded lines, and merchandise our broadcast with $20 to $60 unit sale items. (Perhaps under present conditions the men's clothing example is unfortunate, but it demonstrates the point).

The writer believes emphatically that if radio is to have an important place in the department store advertising picture it must sell goods across the board. It may be a good institutional medium, but dollars for institutional advertising are strictly rationed and easily cut. Radio must prove that it can sell merchandise immediately, giving the added sales which can be expected from newspaper advertising. Hence, the divisional or departmental dissection theory has considerable appeal, for it permits promotion of specific items in given classifications without running over the entire store map.

Individual Needs

Radio men will do well to study the individual stores in their area to find out what departments and divisions are particularly strong in each store, and what departments and divisions can stand the missionary expense necessary. Then the station will be able to formulate intelligently program vehicles which will be something more than "just shows", vehicles which will be in fact razor-sharp promotional shows attuned closely to the merchandise and the audience which buys that merchandise. Then, I believe, radio will produce results, given a year's time, which will astound most department store promotion men.

RETAIL PROMOTION COMMITTEE

May 27, 1943.

Dear Fellow Broadcaster:

You undoubtedly know from the reports of the NAB War Conference in Chicago that the Retail Promotion Plan is now under way and we are working toward a presentation in the fall. Mr. Sheldon Coons, our consultant, has been instructed to proceed with the preparation embraced in the outline which we sent you some time ago.

We wish you could all have been present at the session of the NAB War Conference on Wednesday, April 28th. We gave a full report of our eight months' preparation; showed the proposed route of the cities to be visited; described the material that each station is to receive for its meeting; made known the formation of subcommittees consisting of outstanding leaders in the field, who have already organized their work and are preparing pamphlets on the fundamentals of radio and its use for distribution at each meeting.

Although you have not as yet decided to give your financial support to this movement, we feel sure that you will wish to cooperate with the rest of the industry in helping us gather essential data. In order that this promotion shall be of maximum help to stations and markets of every size, and because we want the presentation to reflect the very latest developments in retail radio advertising, we are asking you to share some of your own experience with us, with our promise, of course, to keep your identity completely out of the picture.

You will be happy to know that we are cooperating with the Harvard University Business School in its announced study of retail radio advertising and, unless you object, the material we are asking you for herein will be submitted to Harvard for further study. Harvard, too, has guaranteed to keep all material strictly confidential.

Two kinds of information essential to us can be supplied only by you. Here is what we are asking you to do:

1. Statistical data.

On the back of this page is a questionnaire which asks for data concerning the extent and character of your retail and other advertising. Our Committee does not believe it will be difficult to fill it out. The person in your organization who keeps your records should find this form easy. Please *note* that you do not have to make an extensive check-back, as the questions asked are only for the month of March, 1943, and for any typical 1942 month or week.

2. A letter to be dictated by you.

We want you to tell us in your own way, and in your own words, some of your recent experiences with retail advertising. In order to help you review for yourself what you have done in this field, we have prepared an outline on page 3 of this folder. After you look it over, we believe you will find it as stimulating to you as it was to us. If, after you have read the outline, you will call in your secretary and just dictate the things that come to your mind, suggested by our list of topics, you will be making a real contribution to all our thinking on the subject.

Do not worry too much about the form—ramble as much as you want to—but if you can follow the topics in somewhat the order we give them, it will help to compare your experiences with similar experiences of other stations when your letters are analyzed by Mr. Coons and his staff. After you have dictated the letter, be sure to enclose sample commercials and scripts.

These two requests, (1) return of the statistical questionnaire and (2) the letter we want you personally to write, are all we will ask of you. But in order that we may proceed according to schedule, won't you please do this at once. We are enclosing a self-addressed envelope for your use in returning the questionnaire and your letter.

Just one more thing—several stations have written or told us that they preferred to decide on their support of the Plan when they were certain that the Plan would definitely go through. Since the NAB War Conference, twelve more stations have joined the list. If you have delayed decision for this reason, we hope that you will now join by sending us your pledge on the enclosed blank.

Sincerely yours,

RETAIL PROMOTION COMMITTEE

PW Morency

CHAIRMAN.

Turn the Page for the Details →

STATISTICAL DATA

Explanation of Terms: Our study is concerned primarily with the use which retailers, service establishments, and manufacturers with local distribution have made of radio station facilities. We have used the term *local* because that is the term used by the Federal Communications Commission, and hence your records are probably organized to provide data on such business without difficulty. In filling out the questionnaire, follow the same classification you have used in reporting *local* business to the FCC. You have probably already calculated the answer to question G for your report to the FCC.

The replies to the following questions will be held as strictly confidential and used only in combination with other stations. No individual figures will be released for any station.

A. Number of advertisers who used your station in March, 1943:

1. Total number of *local* advertisers ("local" as defined by the FCC) ....
   a. How many of these bought spot announcements only? ....
   b. How many *local* advertisers were serviced by advertising agencies? ....
2. Number of all advertisers (local, plus all others, including network) ....

B. Relative importance of local time and talent sales

1. About what percentage of your total revenue from sale of time in 1942 came from local advertisers? ....%
2. Your 1942 dollar income from sale of talent to *local* advertisers was about what percentage of your dollar income from sale of time to local advertisers? ....%

C. Approximately what percentage of your local revenue was received from the following types of time sales? You may use a typical 1942 month or week.

1. Spot announcements (including participations) ....%
2. Programs sponsored by individual advertisers ....%

D. About what percentage of total revenue from programs sponsored by *local* advertisers (see C-2 above) came from the following classifications of programs?

1. Five-minute programs ....%
2. Ten-minute programs ....%
3. Fifteen-minute programs .. ..%
4. Thirty-minute programs ....%
5. Sixty-minute programs ....%
6. Other units of time ....%

E. About what percentage of total revenue from *local* programs (see C-2 above) came from religious programs? ....%

F. Please give the following information on rates:

1. What are your rates for a Class A Quarter Hour:
   a. For national advertisers .... $..............................
   b. For local advertisers .... $..............................
2. Does your local rate provide a commission to recognized advertising agencies?
   Yes.............. No..............
   a. If yes, how much? ....%
3. About what percentage of your total revenue from local time sales in March, 1943, was placed through advertising agencies? ....%
4. Was all of this commissionable? Yes.............. No..............
   a. If not, what percentage of it was commissionable? ....%

G. It would help greatly in evaluating our sample if you would state your 1942 dollar income from *local* time sales .... $..............................

Detach and Mail with Your Letter in Enclosed Return Envelope

Send to: Sheldon R. Coons
Retail Promotion Committee
535 Fifth Avenue
New York 17, N. Y.

STATION CALL LETTERS..............................

CITY AND STATE..............................

THESE ARE THE TOPICS WE WOULD LIKE YOU TO WRITE US ABOUT

Please "take your hair down" and tell anything that you think will assist us. The topics are merely suggestive. Leave out anything you consider not pertinent. When you have read them over, please call in your secretary and dictate whatever in your own experience they bring to mind.

1. Your Most Important Retail Account

Every station has at least one retail account that is outstanding either from the standpoint of the amount of time they use, or its growth, or the results obtained. We would like to have you tell us the story of one such account—the name of the account is not important. It's the story we want.

How much time do they use? How long have they been on the air? Have they increased the amount of time they are using—and particularly have they done this by adding a special program for any of their departments? What brought about this increase? Are they doing more business or have they found that radio cuts their selling costs?

2. What About the Program?

If they have increased their time, no doubt their program was successful. To what do you attribute this success—merely volume of time, or time of day they broadcast, or type of the program, or technique used in commercials, or tie-in with store selling? Please tell us about these things and *let us have some samples—program scripts and commercials.*

How does the local rating of this program compare with the national shows with which it has to compete?

3. Let's Get the Negative Side Also!

In some cases a station's leading retail account has cut the time used. If this has happened to you, we would like to know about it and what you think the reasons are so that we can analyze this along with the experiences we get from other stations. (Just cover the same ground as you would if it had been an increase instead of a decrease.)

4. Opening New Markets

We find that in many cases broadcasting enlarges a trading area or opens up an entirely new market or class of trade for the retailer. Have you had any examples like that? What happened?

5. What About These Controversial Questions?

What do you find is the best time of day for retail broadcasting? Please give us *your* experience. What types of merchandise have you been able to sell most successfully and how? Do you find it best to plug one item at a time or do you aim at multiple sales, or do you talk about the store in general, or their credit arrangements, or some special service? These are very important angles about which there is still no unanimity of opinion. Are there items or angles of retailing on which you feel radio hasn't done so well and why? If so, what progress have you made in overcoming these difficulties?

6. This Has to Do With Personalities

Do your salesmen possess any special training or background in retailing or selling retailers? What proportion of your retail accounts really know anything about radio? Have you ever obtained an account because some radio-minded person came into power in a store which had never used radio? What are some of the most notable examples of stores you have never been able to sell? Never mind names—just tell us the story. What reasons do they give? Does the size of your community and its proximity to a larger trading center have anything to do with it?

7. Selling Points and Contacts

What do you find are some of your best talking points? How much service do you give your retail accounts? Do you help them either with their programs or commercials? Do any of them use an advertising agency? Who decides what they will try to sell? Do you leave this entirely to them or do you insist that they meet competitive standards? Do you ever do comparison shopping? Whom do you work with at the store? Does he have real authority and capacity for sound judgment?

8. Contracts

What is the minimum contract you will take from a retailer? What has been your experience with short contracts? Do you consider them advisable?

9. Packaged Transcriptions

Do you feel that you have the means at hand locally to build a successful retail program, or do you think you might do better if you had a really good packaged transcription show to sell? Have you ever considered using a syndicated service for retail commercials?

10. Wartime Experience

What about your recent war experiences? How many new retail accounts have you obtained since the war began? How many have you lost? Have you emphasized the retailers' need of keeping more closely in touch with his customers? Have you urged him to exploit the consumer service possibilities of radio for his retail customers?

There may be a lot of other things you would like to tell us about, or about which you may have some opinion. Please don't hesitate to write us about them, just because they are not mentioned above.

Please be sure to send along sample scripts and commercials.

COMMITTEE FOR U. S. RADIO STATIONS DIRECTING THE RETAIL PROMOTION PLAN

Paul W. Morency, WTIC, *Chairman*
Robert E. Bausman, WISH
Gene L. Cagle, KFJZ
William Crawford, WOR
Dietrich Dirks, KTRI
John Esau, KTUL
Sherman D. Gregory, WEAF
Kenneth K. Hackathorn, WHK-WCLE
Arthur Hull Hayes, WABC
Walter Johnson, WTIC
C. L. McCarthy, KQW
John M. Outler, Jr., WSB
Oliver Runchey, KOL

ADVISORY COMMITTEE OF TIME BUYERS ON STUDY OF PURCHASE OF RADIO TIME

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Carlos Franco, Young & Rubicam, Inc.
John D. Hymes, Foote, Cone & Belding
Thomas H. Lynch, Wm. Esty Co.
William B. Maillefert, Compton Advertising, Inc.
J. James Neale, Blackett-Sample-Hummert
Miss Linnea Nelson, J. Walter Thompson Co.
Lou J. Nelson, Wade Advertising Agency

ADVISORY COMMITTEE OF PROMOTION EXECUTIVES ON STUDY OF MERCHANDISING OF RETAIL RADIO PROGRAMS AND ON SALES PROMOTION

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Charles B. Brown, NBC
Thomas D. Connolly, CBS
Joseph Creamer, WOR
B. J. Hauser, Blue

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William J. Adams, WCHS
Douglas Coulter, CBS
Robert L. Kennett, WHAS
Clarence L. Menser, NBC
Herbert C. Rice, WGR-WKBW
Ray Shannon, KQV
M. T. Williams, WSPD

ADVISORY COMMITTEE OF SALES MANAGERS ON STUDY OF STATION SERVICES TO RETAIL ADVERTISERS

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Frank R. Bowes, WBZ
Donald D. Davis, WHB
Dietrich Dirks, KTRI
George H. Frey, NBC
Arthur Hull Hayes, CBS
William F. Malo, WDRC

CONSULTANT TO THE RETAIL PROMOTION COMMITTEE

SHELDON R. COONS
General Business Counsel
Steinway Building
New York 19, N. Y.

ADDRESS ALL COMMUNICATIONS TO THE RETAIL PROMOTION COMMITTEE
535 Fifth Avenue, New York 17, N. Y.

STORES can make

by VIRGINIA CORNWALL

CAN a department store use radio effectively? Can local talent possibly match network talent on the air? Is there a department store that can honestly say it has made radio pay? And if so, *how* was it done? Questions like these come to the mind of every department store advertising man who considers radio as a serious advertising medium.

"It can and does!" answers Walter E. Anderson, publicity director of J. N. Adam & Co., Buffalo, and he proves it with a regular morning program that rates with direct news from Europe, Boake Carter, The Breakfast Club, and Young Dr. Malone.

Mr. Anderson was one of those who attended the radio session at the NRDGA Conference of 1942, and voiced these very questions openly. The panel of radio experts, confronted by the problems of department stores, seemed at as great a loss as the stores on what to do. Answer to a few of the questions came from the stores themselves during the discussion: Filene's, of Worchester; Taylor's of Kansas City; Pizitz, of Birmingham, reported good results. The others were silent. The radio experts, too, were silent. An NRDGA report several months later indicated that 40% of the stores which had tried radio had given it up, and that 60% of the remainder term it only moderately successful or doubtful.

FINDS BELIEF IN RADIO PAYS

One of the most courageous and succesful pioneers in this new field—Walter Anderson—believes enough in radio to give it "the works", instead of the usual, timid experimentation. At the end of a single year results have dramatically proven him correct. Under a Hooper rating one of J. N. Adam's special 15-minute programs scored 22% (Jack Benny has a rating of 23%, Fred Allen 18%, Fibber McGee 24%, and Buffalo's highest ranking local program, 8%).

Which shows that it can be done! But how it has been done—what is left to do—what mistakes were made before the right answers were found—is one of the most fascinating stories of current promotional history.

> *Probably the Most Outstanding Difference in J. N. Adam's Approach to the Radio Was the Realization That Local Radio Programs Had to Be Better Than Local Newspaper Advertisements; and That Though in the Papers the Competition Was Local, Over the Air the Store Had to Compete with Topflight National Programs Produced in New York Studios with Excellent Working Facilities.*

"We had been liberal users of radio time since 1940," says Anderson, "but like most other stores we were working in the dark. In spite of the amount of time we were using and the attention we were giving them, we did not feel any of our programs were doing the job they should.

"In the spring of 1942 we revised our radio schedule completely and in its place bought the following radio package:

1. Morning program, six days a week for 15 minutes.
2. Afternoon program five days a week for 5 minutes.
3. Spots, 1,400 of them to be used as required.
4. 26 evening programs to be used throughout the year, produced with full dramatic staging, including full cast, full orchestra and studio direction.

STORE GOES ALL OUT FOR RADIO

"Realizing that the task ahead of us would be one of the most difficult that we had ever attempted, we decided to 'go all out for radio', putting behind it every ounce of effort and every promotional device we knew to make it succeed. What we have managed to accomplish has been due to these two resolutions."

Probably the most outstanding difference in J. N. Adam's approach to radio was the realization that over the air the store would compete with topflight national programs, produced in New York where facilities are of the best, while the facilities offered in Buffalo—though good—have decided limitations. Licking this problem was no task for a novice or an amateur.

STORES LACKING EXPERIENCE

"Department stores," says Anderson, "don't do a good job in radio because they completely lack experience. Radio grew up over night without a great common background among stores. The network studios have had tremendous experience, but local radio stations, except in very large cities, have not had to build up similar production ability and, of course, department stores with few exceptions have had no experience at all. Even the stations which did have the technical ability and staff experts corresponding to our own artists, copywriters and the like, knew nothing about department stores and department store problems. They just didn't talk our language.

STUDIO EXPERTS BROUGHT IN

"A store that cared enough about radio could overcome this difficulty by building its own staff of radio experts, as it has built its own staff of newspaper, advertising and display experts. But that is not likely to happen. The most expedient thing to do is to arrange it so that the studio experts work for the store. In other words, impose the responsibility for the program on the radio station . . . put the Program Director in charge of the store program!

Walter E. Anderson, Publicity Director of J. N. Adam's, Buffalo, is a courageous and successful pioneer in radio advertising for department stores.

USUAL PROCEDURE OUTLINED

"It is easier to illustrate what I mean by outlining the usual procedure. A salesman gets a store interested in radio. The store executives, the salesman, and the head of the radio station have a conference, wrap up a radio package and sign a contract. Too frequently all the store has bought is time, or White Space on the Air. They may have some idea how to develop it, but not much. They have no experts in filling up Air White Space. And the studio's Program Director who does know how to manage air space is not called in to help. The whole transaction is kept in the radio sales department.

"We worked that way for the first year, completely in the dark. This is no reflection on the Buffalo Broadcasting Company, as it seems to be the accepted way of doing business. So it was not until the second year, when we put Herbert Rice, Program Director of the studio, in charge of our program, that we began to know where we were going.

Herbert Rice, with his brilliance and talent, backed by his years of experience as studio director, brought to our program a high sense of drama and all the technical skill needed to interpret it. It became apparent almost immediately that under his direction our efforts could at last hope to compete favorably with those of the national networks.

THE WOMAN'S RADIO COMPANION

With Mr. Rice worked several more people, who devoted most of their time to our program. Most important was Ralph Snyder, an employee of BBC, who became "the Woman's Radio Companion". He spent many hours in conference with us, going through the store absorbing store background so that he could interpret the store to the public. On the

Stores Can Make Radio Advertising Pay

(*Continued from page* 15)

PM, just after the Columbia network shows and just before the news broadcast. The Columbia shows which precede it each night are different, so that the audience is a constantly changing one, and most of these sets remain tuned in for the newscast that immediately follows. Only fifteen words are allowed on this spot and every word counts. As proof of its effectiveness this one spot for one week brought in 100 service men to have free pictures taken.

Spots are used to announce store wide sales, promote specific merchandise, sell new store services, and to advertise other radio programs. 1400 of them are used during the year, varying anywhere from 3 to 60 a week, and, as Mr. Anderson indicated, they are usually bunched before good selling days, rather than scattered sparsely throughout the entire week. The spots are closely co-ordinated with newspaper advertising and usually promote the same items and ideas. This teamwork of media is vital.

NIGHT PROGRAM ENTERS NEW FIELD FOR STORES

It is on the fifteen-minute night programs that J. N. Adam's has made the most phenomenal strides. Here, in the vast emotional field that few department stores have endeavored to tap, this store has had the courage and skill to do an outstanding job. It was with this evening program, rather than the daytime program, that the store faced the stiffest competition from national networks. And its very nature, emotional rather than rational, made it completely new to the department store field.

EXPERT PUBLICITY A DECISIVE FACTOR

That they have succeeded—and succeeded admirably—as proven by national network ratings, can be attributed to two things: the tremendous publicity barrage laid down before each program; and adherence to the original resolution to keep hands off while the studio produced it. Twenty-six programs were scheduled. The choice was between having them weekly at definite times, or holding them at irregular intervals throughout the year. The latter course was chosen because it gave more time to assimilate the knowledge gained from the previous broadcast, and because programs could be better spotted for timely and worthwhile events.

Though the first conception of these programs was essentially one of merchandising, almost immediately the store saw in this new emotional medium a tremendous builder of good will. With but a few exceptions the programs have been on public service features . . . Bundles for Bluejackets . . . America Ahead (stamps and bonds) . . . Navy Day (recruiting) . . . are just a few of those that have gone over the air.

ARRIVAL OF SANTA CLAUS SETS NEW HIGH

The very irregularity of the programs proved to be a blessing in disguise. *Because of* the irregular schedule, Mr. Anderson believed the programs could not possibly succeed unless backed with strong publicity. It was the publicity, he found, which made half the difference between success and failure. Proof of it came when, on Thanksgiving Day, the J. N. Adam show with one star—Santa Claus—won out over a national (unpublicized) show featuring Bing Crosby, Red Skelton, Don Ameche, Charlie McCarthy, Jose Iturbi, Ginny Simms.

Choosing an example from the many successful programs offered is naturally difficult. The merchandising program which presented the most natural tie-in was that on "Old Album Prints," where an emotional and romantic story was worked up about a floral bouquet found in an album hidden away in an attic.

Of the Public Service features, "America Ahead" was so successful that the Treasury Department requested the store to make transcriptions available to other department stores throughout the country.

No tests were made on the listening audience of the "America Ahead" broadcast, but for the Santa Claus show Buffalo Broadcasting Corporation offered to conduct a survey. Coming as it did near the close of a year of experimentation this survey, Mr. Anderson felt, would be a test of the success of the entire year's venture. If the program could not equal or surpass that of national advertisers he felt it should be judged a failure!

Competition was severe. NBC Red network had two of the highest-rated features, "Lorenzo Jones" and "Young Widow Brown," and the Columbia Network carried a special two-hour program from 4:00 to 6:00 reputed to be one of the most expensive ever broadcast. This was the show that featured Charley McCarthy, Don Ameche, Bing Crosby and Red Skelton—but the show was not well advertised.

Results of the survey showed 53.2 of the radios were in use; 41.3 were tuned to the J. N. Adam's broadcast. The rating of this program compared favorably with such favorites as Fred Allen, Eddie Cantor, Lucky Strike "Hit Parade," Kate Smith and Jack Benny.

Mr. Anderson attributes the success of the program to the powerful publicity that backed it up. Starting in August he began to map out a publicity campaign for Santa Claus. Teaser ads were started first, a few weeks before the broadcast, in the form of news photographs with captions and stories beneath them. Action shots of "Oomlak," Santa's secretary, were taken in J. N. Adam's Fairy Toyland. Suitable, newsy stories were written and run in the papers, calling attention to the fact that Santa was going to land at a "secret" airport. The ads looked like regular news stories and received a tremendous amount of reader attention. On Sunday preceding the broadcast, another radio program described the Three Little Pigs leaving the "secret" airport to get Santa at the North Pole. On the day preceding the arrival of Santa, page ads were run in all papers urging every child to tune in. A poster-like style was used in these climaxing ads, and pounded home a tremendous publicity job. Newspapers, also, realizing the scope of the promotion, gave generous publicity. The Buffalo Broadcasting Corporation gave sustained publicity, which Anderson augmented by spot announcements immediately previous to Santa's arrival, describing the "course of the plane" as it brought Santa nearer to Buffalo, thus building up suspense until by the time Santa was due to arrive the children were in a fever of excitement.

In writing and producing the arrival of Santa, realism was considered of first importance. The arrival took place at the secret airport where the only ones present were fairyland characters (Mickey Mouse, Snow White, Donald Duck, Minnie Mouse, Three Little Pigs, etc.) and the Mayor. A WGR special events announcer was present with his mobile broadcasting unit and he covered the event the same way he might cover any other on-the-spot broadcast.

When Santa arrived in Buffalo at a secret airport, radio history was made. This broadcast proved conclusively the potentialities of coordinating newspaper with radio in putting across a promotion. No local radio program has ever achieved such a tremendous listening audience. One reason was that the program was good; the other that no local program, or national program for that matter, ever received so much carefully planned, well coordinated publicity.

"I am pleased, but not surprised," said Mr. Anderson, "at the results."

Broadcast Advertising Bulletin

AUGUST 20, 1943 ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ No. 4

1760 N St., N.W. NATIONAL ASSOCIATION OF BROADCASTERS Wash. 6, D. C.

Back the Third War Loan With Plenty of Broadcast Advertising

Make September the Greatest Month in History of Your Station and Your Community

Remember what radio stations did to back up the Second War Loan? More than $7,000,000 worth of time alone was devoted to this all-important task! Considering the restricted available time of the average radio station, this was a greater contribution proportionately than that made by any other medium of mass communication.

But that wasn't enough—not nearly enough—in terms of the needs in connection with the Third War Loan that will be launched on Thursday, September 9, 1943. "How," you may ask, "can we give more time—no matter how worthy the cause—than we gave last April?"

Just think of this—the boys in Sicily, New Georgia and New Guinea didn't ask: "How can I give more?"—*they just gave more.* Somehow, some way, you'll have to figure out how you can give more and do more to put the Third War Loan over the top.

While you are thinking about it—have you done everything you could to sell the manufacturers, distributors and retailers of your community to back your efforts to tell every man, woman and child in your listening audience about the various War Loans? Here is a field in which broadcast advertising has not, regrettably, been used to the same extent that advertising in other media has been employed.

Whom Can You Sell?

You can and should sell every advertiser in your community—not only the present advertisers on your station but also the past advertisers not now on the air and new advertisers who have not yet tried radio. Don't leave a single prospect unsolicited in your drive for support of the Third War Loan.

Many State, County and Local War Finance Committees for the Third War Loan have solicited contributions from banks, clearing houses, manufacturers, distributors and retailers. These funds will be used to purchase advertising on a group basis to supplement the time and space contributions of all media. Be sure to cover these groups thoroughly and effectively. Be sure they are told what radio has done and is doing in support of the War Loans. Be sure they know how effective broadcasting has proved in the various government campaigns of war information.

As you probably know, the Third War Loan is organized on an entirely different basis than the Second campaign. This campaign is aimed at the individual citizen. For that purpose, many changes have been made in the organization and conduct of the effort. Therefore, if you received advertising in the Second War Loan, don't automatically assume you will receive it again. Correspondingly, if you didn't obtain advertising in the last campaign, don't assume it can't be obtained this time.

How Can You Sell?

First of all by making sure that every member of your sales staff is thoroughly familiar with the Third War Loan; with the themes and with the opportunity and obligation of advertising in this nation-wide, day-and-night effort. Make certain, too, that each member knows exactly what announcement availabilities, program and service features can be utilized during this campaign. Arm your staff with every sales tool you can think of—and then look for more.

There are three principal methods of selling broadcast advertising in support of the Third War Loan:

1. **Participate with other stations in your community, county or state in an equitable distribution of any funds collected by State, County or Local War Finance Committees.**
2. **Sell individual advertisers on the sponsorship of announcements, programs or service features.**
3. **Organize special Third War Loan programs and sell participations in such programs to small or infrequent advertisers. For example, sell all, or as many as possible, of the merchants on a given street to sponsor a program, or organize the shoe dealers of your community to back the Third War Loan with a program of their own.**

What Can You Sell?

First and foremost on the list of special programs available for local sponsorship are the feature shows of the United States Treasury Department. These include:

Noted news commentator Rush Hughes is preparing twenty special five-minute programs which will be transcribed and sent out to every radio station in the country for local sponsorship during the Third War Loan.

Also for local sponsorship, by retail merchants, the Treasury Department in cooperation with the Retail Merchants of America, has produced two 15-minute programs. These programs—SACRIFICE DAY, starring Singer John Charles Thomas, Commentator John Nesbitt and Victor Young's orchestra; and AXIS PAYDAY, starring Joe E. Brown, Singer Dennis Day and Wilbur Hatch's orchestra—will be mailed to the state offices of the War Finance Division (See List in Third War Loan Bulletin enclosed with this bulletin), which, in turn, will distribute them to county and city offices of the War Finance Division.

(We must emphasize again that station commercial managers must stay on top of this War Finance Division program and maintain closest touch with state and local War Finance personnel and retail stores.)

As has been the case since its inception, the Treasury Star Parade *will not be available for local sponsorship.* This is also true of a series of transcribed interviews with United States Senators which the Treasury Department is preparing. *These will not be available for sponsorship.*

But that is only the beginning! What have you on your station that should be sponsored by a local advertiser? Now is the time to sell that program or service. Don't sell it for just three weeks—the term of the Third War Loan campaign. Sell it for 13 weeks, 26 weeks or 52 weeks. Many radio stations have found that they can interest otherwise cold prospects in support of a campaign of this kind, and then get them to use radio on a continuing basis.

What Has NAB Done?

At an all-day conference with Treasury Department officials, representatives of the NAB finally succeeded in having a series of five-minute transcriptions, specially recorded for the Third War Loan, made available for local sponsorship.

Since no government appropriation exists for the purchase of time or space in connection with the Third War Loan, NAB has done as much as it can to make all of the specially designed broadcasting material available for local sponsorship.

When NAB learned that some State War Finance Committees for the Third War Loan had organized a fund for advertising to supplement the contributed time and space, it sent the following night letter to the executives of every NAB member station in those communities in which State Chairmen are located:

> **"Some State Committees for Third War Loan have collected substantial advertising budgets from banks, clearing houses, manufacturers, distributors and retailers to supplement free time and space. Details of budgets are unknown in Washington. Earnestly urge you to contact (name and address of State Chairman) your state chairman in cooperation with other NAB stations in (name of city) to whom identical telegrams have been sent. Suggest you try to sell broadcast advertising as medium to use in your state. Letter follows."**

Now It's Up to You

Here is your opportunity to make September the greatest month in the history of your station —and the greatest month in the history of the service of your station to your community.

(Aside to bonus and commission salesmen: Here's a chance to make some extra money —money that you can then put into War Bonds and be doubly proud of your achievement.)

Back The Attack . . . . . With War Bonds

REPRINTED FOR NAB DEPARTMENT OF BROADCAST ADVERTISING

Store Launches Big Radio Program

Plan Based on Hour of Music Nightly For a Year

By **BURTON C. GRANICHER**
Account Executive
McCann-Erickson, San Francisco

RADIO and department stores—there's a subject that's widely discussed everywhere but, like the weather, "nobody ever does anything about it."

Of course, that's a rather extreme statement, for there are many successful department store radio programs now on the air. After all, there's no reason why department stores can't use radio just as successfully as other advertisers.

On this premise, our agency created a radio program idea which was presented to Hale Bros., operators of a chain of five department stores in Northern California. And despite the fact that department stores, like many other advertisers, are not particularly interested in increasing their advertising these days, Hale Bros. realized that this radio program would serve as a change of pace and would do a special job for them.

Program Requirements

Department stores serve all types of people, young and old, white-collar workers and day laborers. For that reason, we wanted a radio show that would have a general appeal. And since department stores operate six days a week, we wanted a program that would give them daily coverage, if possible.

Accordingly, we set up a musical program of world-famous melodies, described as "the songs your mother used to sing to you . . . the tunes you whistled and danced to when you were young . . . melodies which bear happy associations." The program was titled *Hour of Melody*. To obtain the required regularity, the show is broadcast one hour every night, 365 nights a year, from 9 to 10 over KSFO, San Francisco.

Although all of the music is recorded, special care is taken in the planning of the programs and the selection of the records. The continuity is prepared with the thought of trying to reveal some new and unusual information about the artists or the music.

STATING HIS CONVICTION that department stores will depend more and more on radio as an advertising medium, Benjamin Sisholz, president of Francis Rogers & Sons, New York department store, signs a 52-week renewal for *News Through a Woman's Eyes*, conducted by Kathryn Cravens on WNEW, New York. Left to right are Alfred Rogers, treasurer of the store; Kermit Moss, WNEW account executive; Miss Cravens, Joseph F. Callo, president of Callo, McNamara, Shoeneich, agency for Rogers Store, and Mr. Sisholz.

GRANTING the mutual advantages, to radio and to retailing, of a greater use of the medium by the nation's department stores, it remains true that experience is lacking as to just what kinds of programs and promotions these important advertisers should use — when they use radio. Every department store radio program therefore becomes of interest as a precedent for future developments. And when a chain of important stores in a major market undertakes an extensive effort in this direction, station and store management are both interested. Here's the story, by Burton Granicher, who handled the account for McCann-Erickson and KSFO.

Unlike department store newspaper copy, the announcements are not required to bring about immediate sales. Regular items are featured and although the program has only been on the air a month, it has proven itself from a quick-sales standpoint. However, Hale Bros. also look upon the *Hour of Melody* as a vehicle for building good will, for winning new customers and making real friends out of its many regular customers.

In the opening programs, specific mention was made that the announcements on the *Hour of Melody* would be brief and would tend toward new merchandise developments designed to help ease the strain of wartime living. Prices of articles are never mentioned.

A maximum of four announcements is used on each program, all of which are kept below forty-five seconds. In addition to product announcements, Hale Bros. *Hour of Melody* devotes many spots to helping the war effort—salvage drives, blood bank, war savings and bonds, etc.

REAL PROMOTION has been put behind the *Hour of Melody* which Hale Bros., West Coast department store chain, is sponsoring on KFSO, San Francisco. These enthusiastic gentlemen are previewing an outdoor poster announcing the program. (L to r) Marshal Hale Jr., president, and Junius C. Smith, general sales promotion manager, Hale Bros.; Richard Oddie and Burton C. Granicher, McCann-Erickson Inc.; Mort Sidley, sales manager, and Edward J. Jansen, manager, of KSFO.

Newspaper Promotion

Hale Bros. are publicizing the program in the four Northern California cities where they have stores — San Francisco, Oakland, San Jose and Sacramento. Full-page newspaper ads announced the show and small ads featuring the night's program appear daily on the radio pages of a number of newspapers. An outdoor poster showing, calling attention to the program, is also being released in a number of cities. Store cards, window cards, direct mail and many other forms of advertising are also being used to remind customers of this nightly *Hour of Melody*.

Although the *Hour of Melody* is Hale Bros.' first major radio campaign, it is interesting to recall that this department store was a pioneer in the radio broadcasting field. They started KPO in 1922 and the studios were located in the main San Francisco store. Later they sold the station to the National Broadcasting Company. Hale Bros. is also a pioneer in the California department store field. They opened their first store in San Jose 67 years ago.

Returning to our original premise, we think that a sound radio program, carefully planned and executed, can do a successful job for a department store. We appreciate the fact that Hale Bros. share our belief and we hope that their success in radio will influence other department stores.

REPRINTED FOR NAB DEPARTMENT OF BROADCAST ADVERTISING

"A good way to lose this war is to be too sure of winning it. A good way to lose out in immediate and post-war business is to be too sure of getting it."

Why merchandise-short retailers must continue advertising

By HOWARD P. ABRAHAMS

RECENTLY a Washington, D. C. jewelry merchant asked me, "Don't you think I should stop advertising? Merchandise becomes tougher to obtain. Customers are easy to get; too easy, in fact, in this boom town. I really don't need to advertise. Look at the money I could save . . . the salaries of my advertising manager, his assistant, art costs, printing and all the newspaper linage I buy?"

Hundreds of merchants are undoubtedly asking the same question. With the stringent rationing of shoes, gasoline, autos, electrical appliances, electric refrigerators and other "big ticket" items it is no trick to sell watches and jewelry. In spite of War Bond purchases excess millions of dollars are burning holes in war workers' pockets.

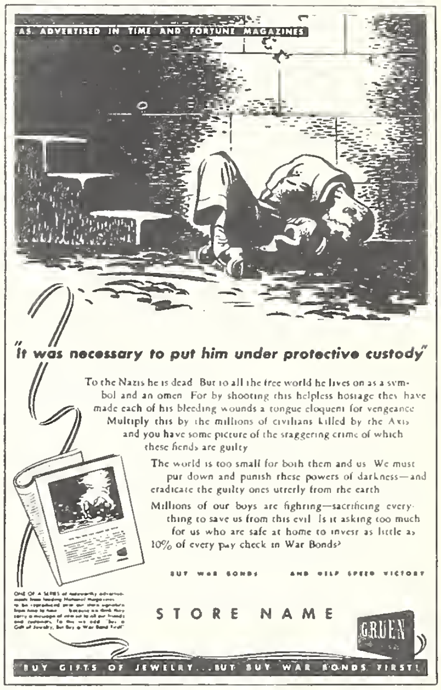
These factors have placed the retail jeweler in a fortunate sales position . . . a position which has seen his sales skyrocket to an all-time high. His customers are intent on buying luxuries and they will do it without the stimulus of vigorous sales promotion.

But does this mean that the retail jeweler should discontinue his publicity efforts? For his own protection and for the protection of his future welfare the answer is emphatically *no.* Stores and products which cease to keep their names before a forgetful and fickle purchasing public will unfortunately discover when the war is over, that they have faded from the retail scene.

It is almost always impossible to regain the prominence and business prestige which is carelessly and needlessly lost by the absence of a continuity of publicity. Reminiscing into the past can recall the names of stores and products which were accepted household standbys . . . names, which through the failure of constant publicity, have gone down memory's lane or become, in value, a fraction of their former fame.

What is the retail jeweler in for when the war is over? Forget, if such a thing is possible, all the merchandise changes, the radical improvements and new designs. Be concerned with the newcomers who will penetrate the retail jewelry business as well as the current crop of beginners whose competition will make itself increasingly felt on this retail front.

We appear to be in a cannibal era in retailing; furniture and fashion shops are eating into the jewelry business, men's clothing stores are eating into the women's clothing business, and so on. After the war, men and women who were attracted by high wages in war factories and people who drifted into other communities for war-time jobs will be coming home . . . home to your city where they will return to live and earn their living. With a huge backlog of earnings, partly secured by payroll deductions and War Bonds, many of them will decide to open establishments in stores right in your own trading area. Salespeople, your present and your ex-salespeople, as well as all types of your store personnel, will tend to shift to these new stores for employment.



AS ADVERTISED IN TIME AND FORTUNE MAGAZINES

"It was necessary to put him under protective custody"

To the Nazis he is dead But to all the free world he lives on as a symbol and an omen For by shooting this helpless hostage they have made each of his bleeding wounds a tongue eloquent for vengeance Multiply this by the millions of civilians killed by the Axis and you have some picture of the staggering crime of which these fiends are guilty

The world is too small for both them and us We must put down and punish these powers of darkness—and eradicate the guilty ones utterly from the earth

Millions of our boys are fighting—sacrificing everything to save us from this evil Is it asking too much for us who are safe at home to invest as little as 10% of every pay check in War Bonds?

BUY WAR BONDS AND HELP SPEED VICTORY

STORE NAME

BUY GIFTS OF JEWELRY . . . BUT BUY WAR BONDS FIRST!

Retail ad tying in with national campaign

Post-war success will require more than post-war buying and selling. It will require acceptance . . . by the consumer, the store's personnel and the community at large. When the war is over, that store which has kept itself out in front in its city will find the front door open to its selling effort . . . in spite of a new crop of stores or new departments in old stores. Just as merchants themselves adhere to tried and tested products, so do customers adhere to the store which has built up acceptance. The easy way to maintain this acceptance is through constant publicity.

It isn't just those who have remained on the home front who will be affected by the stimulation of advertising continuity.

This article was written for "Gruen Time," house magazine of the Gruen Watch Company, and it will appear in the September issue.

Because it is a vital message for all retail advertisers and for media which carry retail advertisements, Gruen Watch Company has made it available for pre-publication in PRINTERS' INK.

Comes "V" day and it will be found that the men in khaki and the men in blue will be decidedly influenced by the aura of good-will a store has built around itself during the war-torn years; because good-will is an ingredient which sinks in and spreads through a community.

In creating good-will, the retail watch and jewelry merchant has a head start over most others. Here is a field where big-league names play an impressive part in its business. Ask any consumer about the watch he wears and he will proudly refer to it by its brand name. These watch manufacturers, with their precision machines and their highly skilled workers, were among the first to convert a vast portion of their output to war production. This did not mean that their advertising pressure ceased. They wanted their immediate customer, the retail jeweler, as well as the consumer to be constantly aware of their product . . . aware to the extent that when normal production of civilian watches is resumed, their product will have had no letdown in the minds of their public.

This continuous flow of national advertising is a kite to which the retailer can hitch his advertising dollar. Picture for instance, the effect Gruen's national advertising campaign has upon customers and potential customers the country over. By publicizing its name in resourceful newspaper advertising, window displays and interior displays, the retail store can find a most inexpensive way to capitalize on an already accepted consumer buying trend. In this instance, a manufacturer lays the foundation of a dependable, style-right commodity. A retailer's job is half done. He builds the story of his reputation in his community on the maker's nation-wide acceptance. It is the old story of a man being known by the company he keeps.

Today's alert merchant and manufacturer is not confining his advertising message to merchandise alone. He is building one institutional layer on top of another to tell his customers about himself. The smart retailer is explaining his many customer services, showing why his store is a grand one in which to shop. He is showing the part his store is playing to win the war. Advertising which features War Bonds, Red Cross drives, USO and numerous local activities identify that the retail jeweler as an important store in that community . . . a store which deserves present and future buying support.

United States production will come out of this war riding high. It appears to this writer that watch manufacturers like Gruen will be able to produce at a pace which will make pre-Pearl Harbor records look very small. What part will a retail store play in the distribution of watches if its customers are not ready to accept watches from *that* store?

A recent study* by the Department of Commerce shows that if Victory comes in the next two years and if manufacturers' outputs continue at high levels, 1946 sales will reach an all-time high in jewelry stores. This study assumes that 96.5% of those seeking post-war reconversion employment will be in peacetime productive jobs. Estimated sales of clocks and watches run to $393,000,000—an increase of 92% over 1940.

A good way to lose this war is to be too sure of winning it. A good way to lose out in immediate and post-war business is to be too sure of getting it. Continuity of store advertising by promoting tried and tested nationally-famous products . . . store advertising that is tied on to the maker's own intensive campaigns . . . is the sure-fire insurance policy that will pay off with sales for the future.

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* "Markets After the War" by S. Morris Livingston, Dept. of Commerce, March, 1943.

THE MORNING MAIL
NEWS FROM THE BLANK STORE
SEWING SCHOOL OF THE AIR

WARTIME USE OF RADIO ADVERTISING

WHEN the gasoline and rubber rationing program loomed upon the horizon and threatened to keep many of *The Paloce Store's* customers from "tripping" into *Spokone, Washington*, The Palace took steps to send its services into the homes in the outlying communities and neighboring states. Up to this period the store had no recognized mail order service . . . that is, no special bid was made for mail order patronage.

The first step was the compilation of a mailing list, with the store's charge customers as a nucleus. Spot announcements over the air were employed to build up this list and to reach new prospects affected by the rationing. Then began the merchandising of a sixteen-page "Bulletin" (not a catalog), for it did not pretend to itemize all of the articles in stock, nor did The Palace have any desire to become known as a mail order house or to compete with mail order establishments. The "Bulletin" is nine by twelve inches in size and is mailed under third-class postage. No envelope is used. Allowance is made on the cover for addressing.

Results Very Gratifying

Three issues of the "Bulletin" were released in the fall of 1942 and the results were highly gratifying. The store's strategic location in Spokane, the hub of the great Inland Empire of the Pacific northwest, makes it a logical mecca for shoppers in numerous small towns and farming communities in northwest Washington state, Idaho, and portions of Oregon and Montana. Except in rare instances, it is the custom of the store to pay the delivery charges on shipments into these four states as an added incentive to mail order shopping.

Hardly had the returns from the first issue of the "Bulletin" been tabulated before an idea was evolved in the studios of a local broadcasting station, centering around a lively musical quarter-hour program to further the progress of The Palace Store's Personalized Shopping Service. The idea was to feature a "musical postman," with lithe and gay lyrics, popular vocal and instrumental selections and The Palace's own shopper in person . . . a fifteen-minute live talent program—no recordings. An audition was arranged and it was decided forthwith to launch, "The Morning Mail"—on the air every day of the week, Monday through Friday, at 9:30 a. m. This hour was chosen as the most likely time to get the attention of the woman in the home.

Enter Mrs. Edna Perry

Now arose the problem of a suitable name for the store's shopper or director of personal shopping, for the shopping staff comprised a group of young women. It must be a simple name, easily understood and preferably with euphonious qualities. The designation of "Mrs." was unanimously agreed upon as preferable because it carried the added weight of wisdom in making merchandise selections, greater experience in shopping and a broader understanding of consumer requirements. Ultimately the name, "Mrs. Edna Perry" of The Palace, your Personal Shopper, was selected.

On the air and in the store it was imperative that the person chosen for the important role of Mrs. Perry must have a confidence-inspiring personality, a pleasing voice, an affable disposition and a general understanding of the average woman's shopping problems. Furthermore, if possible, she should possess sufficient executive ability to direct the activities of a corps of shoppers. Occasionally, mail order patrons do come into the store and desire to meet Mrs. Perry; perhaps to seek her advice or to engage her services in a shopping expedition.

Many are the times she is called upon to be a veritable Dorothy Dix or Beatrice Fairfax in the solution of perplexing personal problems. Recently, she received a letter of inquiry about a suitable wedding gift for a young couple who would not set up housekeeping until the end of the war. "The son of my husband's business partner was recently married to a girl back east whom I have never met. I know nothing of her likes or preferences. The gift should not be perishable or too weighty or bulky, etc." Another correspondent inquires, "Will you look after my daughter when she comes into your store later in the spring to select her graduation clothes? It will be impossible for me to come with her."

Letters of Thanks

"Thank you so much for offering to help fit hard-to-fit people," one woman writes: "I am 49 years of age, slightly grey, hair (brown), hazel eyes—five feet one inch and very hard to fit. I am thirty-one inches bust and forty hip size and short-waisted. Can you beat that combination? I would like very much to have an afternoon frock or something suitable for general wear in a small town."

"I enjoy your program very much and I am in a pickle. I can't seem to get any foot covering for my big feet and I'm having the same trouble with my daughter," states a mail order patron.

Appreciation of The Palace Store's efforts to serve the rural communities runs high. "Thank you so much for all you do for us people who are stranded out of reach of the big stores," says one woman. From a small town in Washington came the following: "I'm tall and have a terrible time finding garments and it struck me that maybe you could help." Late in January a heart-rending appeal from a mother in Oregon came in the mail inquiring about dolls. "This is a belated Christmas gift. We've tried numerous places without avail. Can you help us?" The Palace shoppers combed the city of Spokane; found two dolls only that could measure up to the requirements, purchased one and sent it. Then came a thank you note. "Wish you could have been here when our little girl opened the package. 'Oh, mommie,' she said, 'I'm so glad I didn't get a dolly for Christmas.' Tears came into her eyes. Isn't it grand to live in the good old U. S. A.?"

Mrs. Edna Perry handling "The Morning Mail," the program used by The Palace for Promoting its mail order service

Personalized Service

One morning's mail brought a letter from a ten-year-old boy in a small town in Oregon. Enclosed was a dollar bill which he instructed the personal shopper to use in buying a birthday gift for his sister whom he said worked in the main office of The Palace. Investigation disclosed the sister was employed in the main office but was leaving on her birthday to join the WAACs in Seattle. The boy had requested that a card be included with the gift, reading, "From Mother, Dad, brother and Trigger." Trigger, he explained, was her horse. "And please announce it on the radio," he added. The store granted the request and set up a radio receiver in the main office where the young lady heard the surprise broadcast, the hour being before the store opened.

As an aftermath to this event, Mrs. Perry received a lovely valentine, accompanied by the following message from the ten-year-old: "Dear Mrs. Perry: I want to thank you for getting the nice present for my sister, and I especially want to thank you for the nice announcement that you gave over the radio. All of my friends heard it. I sure did like it."

Sol Kaplan's newscast goes on the air. This radio program has taken on added importance in these times of tire and gasoline rationing

The foregoing is related as an example of the human relationship existing between the customer and the store via the "morning mail." Customer appreciation of this personal shopping service is high. Words of gratitude are profuse. "I am greatly pleased with the Cay Artley I got yesterday. It fits perfectly. The blouse is very smart. I appreciate the charge account you arranged for me and I shall enjoy using it from time to time." Another, from Montana, says: "I enjoy your program. It is so clear, one would think you were right here in our living room."

MR. SOL KAPLAN, department store executive who maintains six stores in *Potsdam, Massena, Gouverneur, Conton* and *Ogdensburg, New York*, is sold on radio for the duration. His reasons are numerous and valid and double-checked from a long experience.

To begin with, Mr. Kaplan points out that due to tire and gasoline shortages, Americans are depending more and more upon their radio for relaxation and entertainment. News every hour on the hour also adds fuel to their radio-consciousness. Radio reaches out into the suburbs where dwell defense workers, many of whom are newcomers to the community. These people need furniture for their newly found apartments or notions to dress up already furnished flats. Housewives need dress and fancy goods for themselves and kiddies. Knowing little about any merchants they are strongly inclined to drop in at the store whose name they hear emerging from the loudspeaker.

Mr. Kaplan does a tremendous mail order business and he points out that farmers and rural dwellers who can't get into town often, can order from Kaplan's knowing that if items desired are not available, Kaplan's will refund money fully. He estimates that average radio station covers a range from fifty to one hundred miles in radius. Operatives of one central department store will still benefit from sales made in distant communities.

Mr. Kaplan sponsors a daily newscast, five minutes in length. He prefers straight newscast to any other form of radio participation, because the audience is already available and no extensive ballyhoo is necessary to make up such audience attention. Newscast hits the air at 9:00 a. m., catching the housewife before she commences household tasks or her daily shopping expedition which detracts from attention to radio.

If strong enough impression is left by Kaplan commercial, she may stop in at the store en route down town and make a purchase, or at least browse about a bit.

Mr. Kaplan uses his commercial to stress variety of goods available mentioning the fact that even with wartime restrictions, merchandise in stock is yet ample to fulfill all needs. No emphasis on economy is placed but rather quality and service angle is played up as Mr. Kaplan feels that the average house frau is not as price conscious as in era before defense wages were hiked.

Radio and Newspaper Allied

Mr. Kaplan uses radio to call attention to forthcoming newspaper displays so as to garner maximum number of readers when actual newspaper insertion actually takes place. He also uses a portion of newspaper display space to plug radio newscast periods.

This merchant suggests that if newscast time is simply not available, perhaps a five minute musical spot on a radio station's early wakeup program between seven and nine a. m. is worthwhile for the entire family as a rule listens to the melange of music, news, sports and time reports heard on early morning affairs.

Another suggestion is that the efficiency of radio programs depends upon their frequency—a daily or thrice weekly affair is necessary for a once weekly shot, however effective, will not be impressed sufficiently upon the average listener's subconscious mind to be of any great advantage to a merchant. In short, Mr. Kaplan says, "Hop on the radio bandwagon!"

(Turn to page 62)

REPRINTED FOR NAB DEPARTMENT OF BROADCAST ADVERTISING

THE MORNING MAIL
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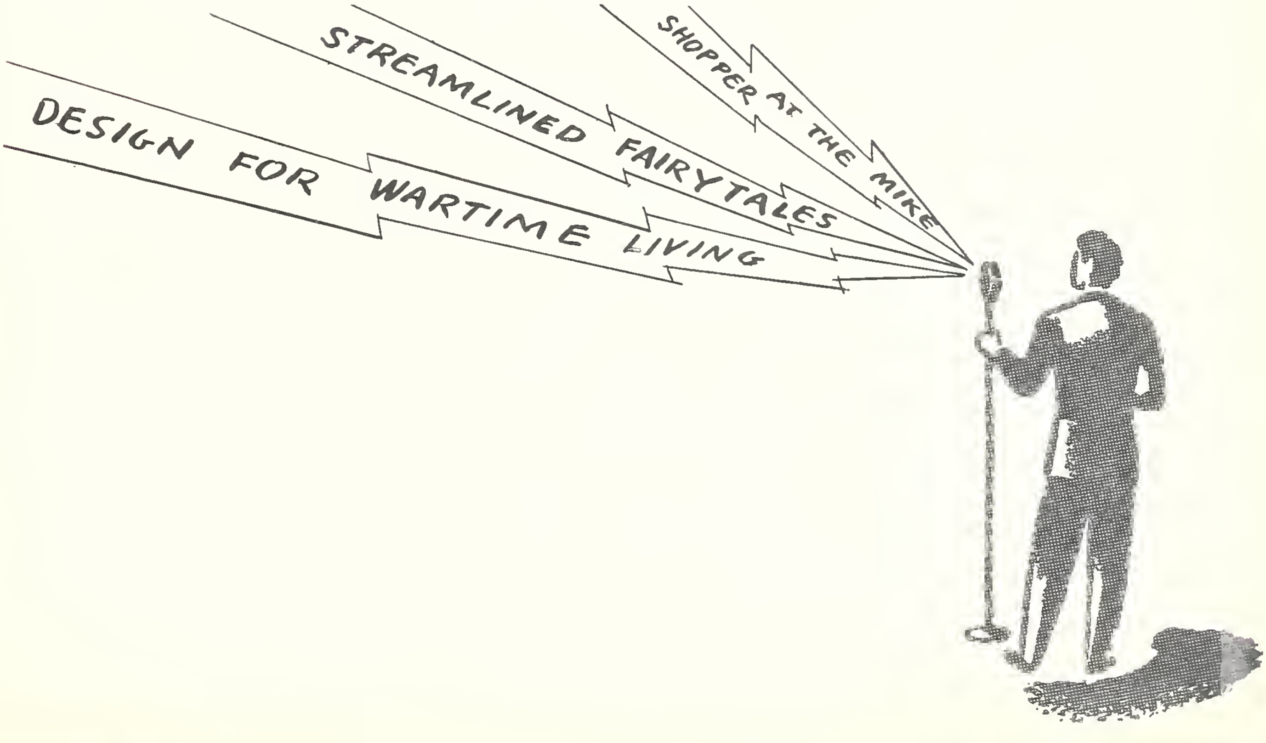
SEWING SCHOOL OF THE AIR

WARTIME USE OF RADIO ADVERTISING



Wartime Use of Radio Advertising

(Continued from page 33)

THIS article is written as a challenge to those complacent souls who sit in the advertising offices of department stores and say "Radio advertising is unprofitable . . . that returns are intangible . . . and that it is best used for 'institutional' advertising." These fellows won't like this article because it is the writer's contention that if they are not including radio in their space-spending budget, they are short-changing the "boss" out of a nice fat section of a potential market, and the only reason they are short-changing the "boss" is that they have not yet stumbled across a simple truth. They don't understand that a lot of people, people with money to spend, mind you, experience considerable difficulty in reading the printed word, but can capture and retain the meaning of the spoken word with ease. Perhaps these fellows should not be blamed, they are accustomed to working with art, engravings, layout, copy—the tangible things they can see and can feel—these men don't understand how much *sell* can be packed into the spoken word. They don't know that there are thousands of people in every retailer's market who would rather LISTEN than READ.

"Says who?" says you—and, to lend what authority I may to what follows, let me explain that this statement comes from a store in the "two million" class, located in a market of approximately 110,000 people, with two daily newspapers and radio available for advertising. We have been using radio for ten years, starting, as most stores do, with a few "spots." In the time intervening the management has found it profitable to increase radio spending to the point where we now carry six half-hour broadcasts, five fifteen-minute broadcasts, three five-minute broadcasts and a minimum of six spot announcements *every week*. This, you'll agree, can't be hay.

Success in radio advertising did not come to us at the start. Success began when we looked at radio as a medium that did not supplement, but rather paralleled other forms of advertising. When, proceeding upon the simple assumption that a lot of people find it easier to *listen* than to *read,* we looked upon radio listeners as a market that was not being well "sold" by newspapers. Of course, when we began to look at radio from that angle, it didn't take us long to decide that if radio advertising could be nothing more than "institutional," we didn't want any part of it. Our next step in the right direction was to toss overboard any idea of "programs." We reasoned that if a newspaper space seller came to us with the suggestion that we buy half pages and quarter pages and that we fill most of that space with portraits and poetry, leaving a little space at top and bottom to advertise what we had to sell, we'd throw the guy out of the office, so why listen to a paralleling proposition from a space salesman in radio. It's true that now we use a lot of radio time in a purely institutional manner, but we use a lot of newspaper space the same way, too, but before any of our radio time went ritzy with institutionals, it earned its place alongside newspaper advertising by SELLING MERCHANDISE—GOOD, DESIRABLE DEPARTMENT STORE MERCHANDISE.

Radio sold goods for us when goods were easy to get and hard to sell. We proved that when we took a street floor square and assigned it to merchandise advertised only on radio. There were no window displays, no departmental displays, no other form of advertising, just radio. In the twelve months preceding this assignment, the square grossed $5,000.* The first year of selling radio-advertised merchandise, the square grossed better than four times that amount, the year after that, five times the initial amount, and in the third year it reached almost six times the original figure of five thousand. (*The initial figure is fictitious, but the ratio of gains is real.)

Some years ago a survey of 25,000 Macy advertisements of merchandise designed to bring right-now response there was a newspaper space cost of 13 per cent on advertised merchandise sold. At the time this information was released we sold enough of a single item to bring air-space cost of that program down to 6.7 per cent.

In an early test for a comparison of costs of radio and other media, we made some interesting discoveries. In this test twenty-two items were used. Conditions for selling were identical. At the end of the test one medium had sold 180 units; radio had sold 381 units, 200 more. Dollar volume on radio-sold items was one-third greater; advertising cost in percentage to sales was just about one-half of that of the other medium.

For two successive years we used a live talent Santa Claus program. The first Christmas season the series was used whole store sales increased 5 per cent over the previous year, but toy sales jumped 17 per cent. We repeated the series the following year and toy sales were 14 per cent higher than the preceding year, or 31 per cent higher than before radio. After that, every big store wanted Santa on the air and so the station ruled the old gentleman off the air in an effort to preserve the illusion for children.

Back in the spring of 1940 when we still had to get in and pitch if we wanted to sell goods, a four months' (March through June) study was made of traceable returns in advertising. This study included all types of merchandise advertised in two dailies, morning and evening, and on radio. This study, and it was a thorough study, revealed that:

The evening paper got 70 per cent of the advertising money spent but produced only 68 per cent of the units sold. The morning paper got 28 per cent of the money spent and accounted for 24 per cent of the units sold. Radio received only 2 per cent of the money spent, but produced 8 per cent of the units sold. What radio might have sold with a better break in spending is conjectural.

In dollar volume the ratio was about the same, and the average sale for the evening paper was $2.76, for the morning paper $2.57 and for radio $2.48.

But radio was the fair-haired boy in the cost-to-sales column. During this four months period the morning paper took 9.6 per cent of each traceable dollar it brought in, the evening paper took 8.1 per cent, but radio took only 3.4 per cent. But please remember these figures are on traceable returns on items advertised and have no bearing on the relationship of total advertising costs to whole store sales.

Yes, back in 1940, when goods had to be *sold,* radio proved to us that it could earn a place in the space schedule of a progressive department store.

Some weeks ago we secured a few hundred pairs of nylons. Mention was made of them on one of our newscasts (news of the store). We placed a limit of one pair to a customer and accepted no phone orders. Within forty-five minutes enough women had come down town in response to radio, to clean out the lot. It's no trick to sell nylons, we know that. This simply shows that women want to *hear* store news, and when you have something they want to buy, you'll get "tangible" returns, and get them in a hurry.

People who intend to use radio for department store advertising should know a lot of things, among them:

Don't look upon newspapers and radio as competitive mediums, they are parallel. Radio reaches a market often missed by the printed word.

Don't use radio as a market place for odds and ends. People who *listen* are just as much interested in new, fresh merchandise as are people who read.

When we get back to normal tides of supply and demand, don't neglect to test and check, test and check constantly.

Don't fill your air time with copy on mink coats, because you want to impress people. There are far more women who will be impressed with the opportunity of buying nice ruffle curtains at $1.98. Don't, in fact, ever try to impress them with your importance. Try instead to sell merchandise.

Buy Air Space

Don't buy a "program." Buy air space, just as you would buy newspaper space. Then use that space intelligently. Use it to sell something—sell your store, your services—and, most important, sell your merchandise. Embellish it with music and song, if you must, but don't let entertnaiment dominate your program. The networks can provide better talent and entertainment than you can afford, but nobody but you can tell the news of what is happening in your store. And don't tell me people are not interested in your store and what is happening there, because if they were not interested, I doubt if your boss would be in business.

And finally, whenever you are inclined to discount the selling power of the spoken word, please remember President Roosevelt, and remember the people who listened to him. So, with the experience of ten years of radio advertising back of us, I repeat: the advertising man who doesn't include radio in his space-spending is short-changing his boss out of the returns that will come from a market that is responsive to the spoken word.

☛ The full text of the attached bulletin appears in this issue of the "NAB Reports." Please route this copy to your sales executive.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

Sept. 24, 1943 BROADCAST ADVERTISING BULLETIN No. 5

Local War Advertising Pool

Community support is needed to insure the success of the various war campaigns to buy bonds, to combat the black markets, to fight inflation, to lessen absenteeism, etc. In a number of cities the media have joined together to raise a local war advertising pool by donations of space, radio time and money from local advertisers, which has been administered by a local committee which allocates the pool among the advertising media and among the various war campaigns in accordance with the campaign's importance under local community conditions. Such a plan has been very successfully operated by all media jointly in Cleveland and in some other cities.

Immediate Action Needed

Representatives of the War Advertising Council last summer worked on a proposal for a national plan which it was hoped could be put into operation in most of the cities of the country. However, announcement of a national plan has been abandoned, although the War Advertising Council still believes the plan is sound and would be helpful in all cities which could promote it. If such a plan is not in operation in your city, it is suggested that you give it serious consideration now, jointly with other media if possible, or separately if joint action is impossible.

Outline of Plan

Due to the fact that the NAB does not know the circumstances existing in each city, we are outlining a general plan which can be modified to fit local conditions.

Raising the Pool—Donations should be requested from local advertisers of advertising space, radio time and money. Assurances should be given that each donor will not be again solicited for support of war programs for a stated period.

Committee—A committee should be formed composed of community leaders. Radio and newspaper executives perhaps will have to take the lead, but local business executives from all branches of business should be included.

Allocation of fund—The local committee should allocate the pool among the local media participating.

Preparation and execution of the plan—The local committee should have charge of the preparation and execution of the plan. In many cities where the plan has been in operation, a local advertising agency has been retained to assume responsibility for the execution of the plan, working under direction of the local committee.

Campaigns—Food will be the subject of a national campaign in November, followed by anti-inflation in December. There will be local campaigns on absenteeism, womanpower, etc. Complete information on all these campaigns will be supplied by OWI.

Contact Your Local Newspaper

Rowan D. Spraker, representative of the National Editorial Association, on the War Advertising Council has just announced a plan similar to the one outlined above entitled "Small Community War Advertising Plan," which has been sent to the publishers of small community newspapers. This plan recommends joint action, stating:

> "It should be emphasized in connection with each request that the plan is not the plan of any one group or of any one advertising medium, but that it is a *community* plan for community war advertising which should include the combined support of all business, agricultural and civic interests in the community."

Therefore, it is suggested you contact your local newspaper publisher, as it is believed that the plan will be more successful in most cities if all media join in the promotion of a joint plan.

Local Responsibility

This type of plan has operated successfully in many cities. However, its success depends upon action of the local executives of radio stations, newspapers and billboard companies. The OWI will continue to furnish complete information on all campaigns, but the raising of the pool, its allocation, the keying of the campaigns to local conditions and the execution of the plan depends upon action by the local committee.

The NAB will be glad to supply additional information and advice on request.

Broadcast Advertising Bulletin

NOVEMBER 12, 1943 ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ No. 6

1760 N St., N. W. NATIONAL ASSOCIATION OF BROADCASTERS Wash. 6, D. C.

Special Committee Considers Plans for Fourth War Loan

Meets With Treasury Department Officials; Maps Radio's Greatest Effort

Radio is justly proud of its record in the War Loan campaigns. An analysis of the support accorded these all-important drives by the broadcasting stations has revealed that more than $7,000,000 worth of time alone was devoted to the Second War Loan with that figure stepped up to more than $12,000,000 during the Third War Loan.

Considering the limitations of time alone, this was a greater contribution proportionately than that made by any other medium of mass communication!

But industry leaders have long recognized that this support could be substantially augmented if a greater variety of prepared programs and announcements could be made available for sponsorship over local radio stations by national, regional and local advertisers.

To examine that possibility and to make specific recommendations to the Treasury Department, a special committee, composed of Irving G. Abeloff, WRVA; Stanton P. Kettler, WMMN, and Edward C. Obrist, WFIL (representing John E. Surrick, also of WFIL), together with Willard D. Egolf, Arthur Stringer and Lewis H. Avery of the NAB staff, held an all-day meeting with Vincent F. Callahan and Emerson Waldman of the Treasury Department at NAB headquarters today.

The details of the discussion are incidental to the concrete recommendations submitted to the Treasury Department officials. These include:

1. Complete array of quarter-hour and five-minute programs and announcements of various lengths for local sponsorship.
2. Portfolio describing the programs and containing samples of the announcements.
3. Certificate signed by the Secretary of the Treasury for radio advertisers who support the Fourth War Loan.
4. Samples of the transcribed programs to be sent to each radio station well in advance of the campaign for auditioning to local prospects.
5. Repetition of network bond day to take place near the beginning of the campaign, with ample notice on the activity to the affiliated stations.
6. Local bond day, similar in intent to the network feature, but to take place near the end of the campaign.
7. Network programs devoted to the Fourth War Loan will provide time for station "cut-in" announcements to localize the effect of the program and the appeal.
8. Appointment of a special committee of radio station farm editors to counsel with the Treasury Department on the most effective approach to the farm audience.

The Committee recommended that the quarter-hour programs be patterned after the popular Treasury Star Parade, with the actual transcription 14½ minutes in length. Provision would be made for a one-half minute musical "open-end" at the beginning and a one-minute musical "open-end" at the close. By this arrangement, the actual program content would be contained within 13 minutes.

Similarly, the five-minute musical programs would provide for a 25-second musical "open-end" at the beginning and a 45-second musical "open-end" at the close. In a lengthy discussion of program ideas for the five-minute series, opinion was somewhat divided, with a substantial majority favoring musical programs while a minority expressed a preference for narrative-type shows. It is possible that programs of both types would be included in the proposed series.

In that connection, the Committee hopes that radio station executives will submit any unusual five-minute program ideas that they believe would be suitable for such Treasury Department programs. All suggestions should be submitted to NAB headquarters and will be reviewed by the Committee at an early meeting.

Several series of announcements will be prepared for local sponsorship. Some will be 100 words in length, while others will be condensed to 35 words, in an effort to cover all types of availabilities on all types of stations.

The portfolio for salesmen will contain an open letter from the Secretary of the Treasury, recommending the use of broadcast advertising in support of the Fourth War Loan. As previously stated, it will also contain a complete description of the quarter-hour and five-minute programs, as well as samples of the announcements.

In discussing the sale of the proposed programs to national, regional or local advertisers, the Committee emphasized the need for sample transcriptions to be submitted to radio stations as far in advance of the opening date of the campaign as possible.

At the conclusion of the meeting, Messrs. Callahan and Waldman agreed to review the recommendations of the Committee in relation to the over-all plans for the Fourth War Loan, and to meet with the group again at an early date.

Broadcast Advertising Bulletin

DECEMBER 3, 1943 ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ No. 7

1760 N St., N. W. NATIONAL ASSOCIATION OF BROADCASTERS Wash. 6, D. C.

Treasury Department Offers 52 Programs For Local Sale During Fourth War Loan

Several Series of 35 and 100 Word Announcements Also Available for Sponsorship; Audition Transcriptions and Sales Portfolios to be Mailed December 12

The Treasury Department announces that several series of announcements and a variety of five-minute and quarter-hour programs will be available for local sale in support of the Fourth War Loan.

Moreover, a sales portfolio, containing a complete description of the programs and samples of the announcements, together with audition transcriptions of both the five-minute and quarter-hour programs, will be mailed to all radio stations not later than December 12, 1943. This will provide from four to five weeks for local station sales effort before the Fourth War Loan is inaugurated on January 18, 1944.

Thus, the recommendations of the NAB special committee, consisting of Irving G. Abeloff, WRVA; Stanton P. Kettler, WMMN, and Edward C. Obrist, WFIL (representing John E. Surrick, also of WFIL), together with Willard D. Egolf, Arthur Stringer and Lewis H. Avery, of the NAB staff, were adopted by the Treasury Department to facilitate the sale of more broadcast advertising to insure the success of the Fourth War Loan.

Here is the complete package:

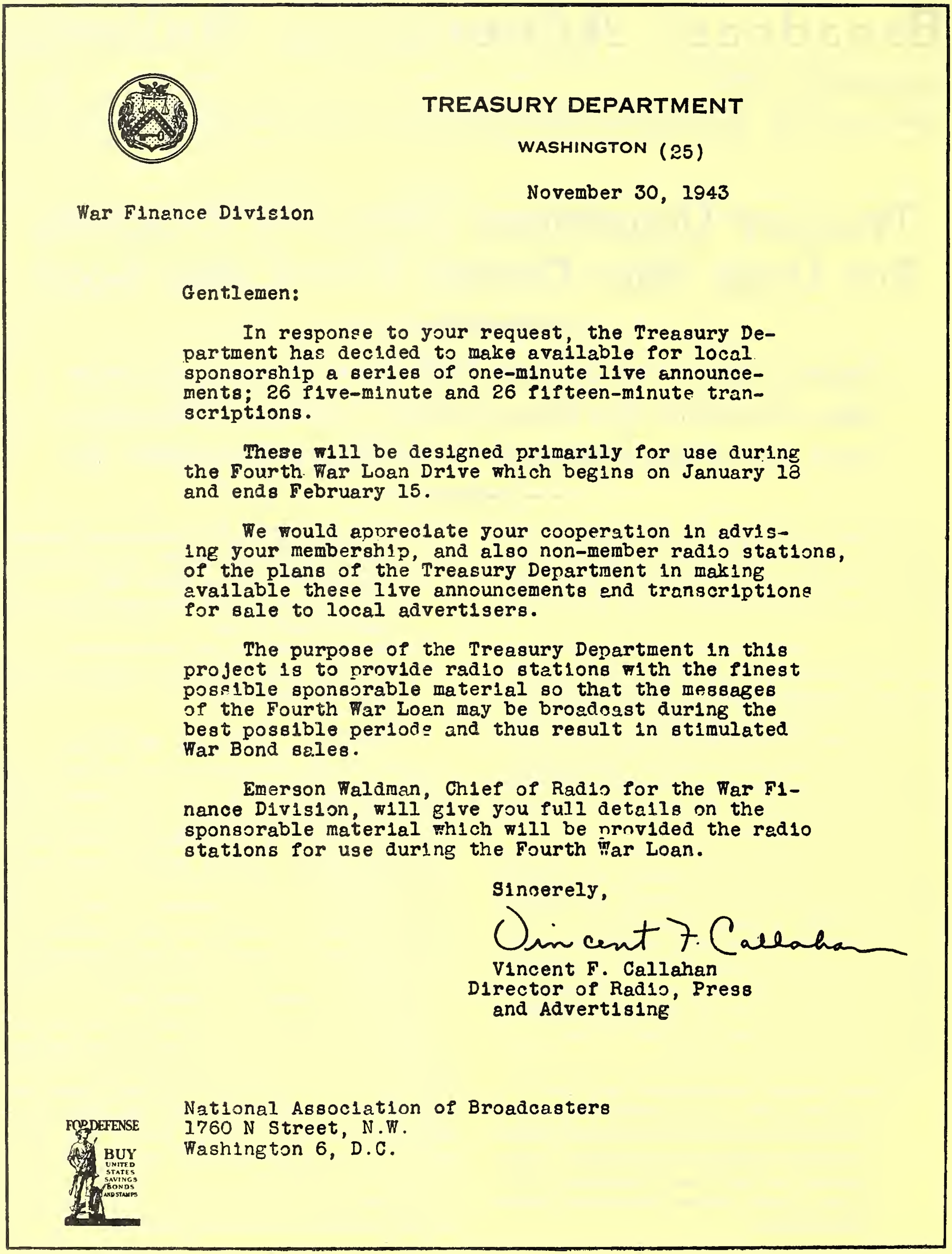
1. **Sales portfolio containing an open letter recommending the use of broadcast advertising in support of the Fourth War Loan; facsimile of a certificate, signed by the Secretary of the Treasury, for such radio advertisers; a description of the programs and samples of the announcements.**
2. **Twenty-six quarter-hour programs of the same high entertainment quality as the Treasury Star Parade, less the name stars.**
3. **Twenty-six five-minute programs of top-notch entertainment value.**
4. **Several series of live announcements, both 35 words and 100 words in length, to fit all types of availabilities.**

Now . . . It's up to You!

Large stations, medium-sized stations and small stations have been clamoring for government agencies and departments to cease their discrimination against radio, by providing mats for newspaper advertising without making comparable service available to radio stations. Last June, the Small Market Stations Committee unanimously passed a resolution calling on these branches of the government to provide parallel opportunities for the sale of broadcast advertising in support of the various home-front campaigns.

Such discrimination—at least as far as the Treasury Department is concerned—has ceased. Now it is up to the protesting stations to make full use of this material—to sell every announcement and every program to some local, regional or national advertiser—that the Fourth War Loan may have the widest support that any such activity has ever enjoyed.

You asked for it! Here it is! Now let's make the most effective use of this material.



TREASURY DEPARTMENT
WASHINGTON (25)

War Finance Division

November 30, 1943

Gentlemen:

In response to your request, the Treasury Department has decided to make available for local sponsorship a series of one-minute live announcements; 26 five-minute and 26 fifteen-minute transcriptions.

These will be designed primarily for use during the Fourth War Loan Drive which begins on January 18 and ends February 15.

We would appreciate your cooperation in advising your membership, and also non-member radio stations, of the plans of the Treasury Department in making available these live announcements and transcriptions for sale to local advertisers.

The purpose of the Treasury Department in this project is to provide radio stations with the finest possible sponsorable material so that the messages of the Fourth War Loan may be broadcast during the best possible periods and thus result in stimulated War Bond sales.

Emerson Waldman, Chief of Radio for the War Finance Division, will give you full details on the sponsorable material which will be provided the radio stations for use during the Fourth War Loan.

Sincerely,

Vincent F. Callahan

Vincent F. Callahan
Director of Radio, Press
and Advertising

National Association of Broadcasters
1760 N Street, N.W.
Washington 6, D.C.

FOR DEFENSE
BUY
UNITED STATES SAVINGS BONDS AND STAMPS

These Are for Sale

Here is a brief description of the sales portfolio you will receive soon after December 12, 1943. It will be impressive in both size and appearance. It will contain an open letter strongly recommending the use of broadcast advertising during the Fourth War Loan. It will include a facsimile of a certificate, signed by the Secretary of the Treasury, for radio advertisers who support the Fourth War Loan.

The portfolio will also contain a detailed description of the quarter-hour and five-minute programs, as well as both the 35- and 100-word announcements.

In other words, here is a sales tool comparable to anything and everything furnished other media by any agency or department of government. See that every sales person on your staff is equipped with one of these portfolios. See that he or she uses it to the best possible advantage.

The quarter-hour programs will be designed to salute men and women working in industries contributing to the war effort. The entertainment will feature the most popular American songs of the twentieth century. The Treasury Department states that the entertainment quality of these quarter-hour programs will be identical in every respect to the Treasury Star Parade, but without name stars.

The five-minute programs will feature the war songs of the United States. These will include some of the most tuneful melodies and easy-to-remember lyrics ever written in America.

While there may be minor changes or modifications in the content of these programs as they are put in production, there will be no change in the quantity or type of service available for local sale in support of the Fourth War Loan. The series outlined has been approved and is now in production.

Each of the quarter-hour programs will be 13½ minutes in length with a one-half minute musical "open-end" at the beginning and a one-minute musical "open-end" at the close.

Each of the five-minute programs will provide for a 30-second musical "open-end" at the beginning and a 30-second musical "open-end" at the close. Thus, there will be ample time on both quarter-hour and five-minute programs for local indentification and appropriate commercial continuity.

But Don't Stop There

Don't feel that you have done your job when you have sold these Treasury Department quarter-hour and five-minute programs to local, regional or national advertisers. Take a look at your program schedule: what else have you for sale that could be adapted to a Fourth War Loan program?

What programs or features, which could well carry a message about the Fourth War Loan, are unsponsored on your station? Could you incorporate three or four of the announcements for different advertisers in each program and make a co-operative Fourth War Loan show?

Has each member of your sales staff all of the information about the Treasury Department programs, about announcement availabilities, about unsponsored programs or features on your station?

Whom Can You Sell?

You can and should sell every advertiser in your community—not only the present advertisers, but the past advertisers as well—those who have reduced or eliminated their advertising because of merchandise shortages or service restrictions. And don't forget that the opportunity to participate in the Fourth War Loan offers you an entirely new approach to advertisers who have never previously used radio. Don't leave a single prospect unsolicited in your drive for support of the Fourth War Loan.

To paraphrase Broadcast Advertising Bulletin No. 4, dated August 20, 1943:

Many State, County and Local War Finance Committees for the Fourth War Loan have solicited contributions from banks, clearing houses, manufacturers, distributors and retailers. These funds will be used to purchase advertising on a group basis to supplement the time and space contributions of all media. Be sure to cover these groups thoroughly and effectively. Be sure they are told what radio has done and is doing in support of the War Loans. Be sure they know how effective broadcasting has proved in the various government campaigns of war information.

As you probably know, the Third War Loan was organized on an entirely different basis from the Second campaign. This campaign, too, is aimed at the individual citizen. For that purpose, many changes have been made in the organization and conduct of the effort. Therefore, if you received advertising in the Second or Third War Loans, don't automatically assume you will receive it again. Correspondingly, if you didn't obtain advertising in the last campaign, don't assume it can't be obtained this time.

The Fourth War Loan is even more completely an appeal to the individual. More than ever, the Treasury Department is looking to the subscription of the average citizen to put this campaign over the top. That's why the job to be done is greater than ever before. That's why you are being given more tools with which to do the job.

An Appreciation

The entire broadcasting industry is indebted to Vincent F. Callahan and Emerson Waldman of the War Savings Staff of the Treasury Department for their able and ceaseless efforts to have radio provided with every tool available to other media. As you examine the material for local sale, don't you agree that radio shares at least like opportunity with other forms of advertising?

And, again, it's up to you! The Treasury urgently needs the money sought during the Fourth War Loan to enable the Army, Navy, Marine Corps and Coast Guard to prosecute the war with every means at their command. When you stop to remember that broadcasting is the greatest means of mass communication the world has ever known, then you'll appreciate the part radio—both commercial and sustaining—must play in the Fourth War Loan.

Broadcast Advertising Bulletin
DECEMBER 30, 1943 ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ No. 8
1760 N St., N. W. NATIONAL ASSOCIATION OF BROADCASTERS Wash. 6, D. C.

4th WAR LOAN IS BIG CHANCE FOR RADIO STATIONS TO HELP

FIRST TIME RADIO SHARES EQUAL SALES OPPORTUNITY

Let's All

BACK THE ATTACK

Radio's share of retail advertising depends on your individual efforts. Here is retailers' plan:

4 ADVERTISING PEAK DAYS

Thursday, January 20—"*Army Day*"

Thursday, January 27—"*Navy Day*"

Thursday, February 3—"*Marine Day*"

Thursday, February 10—"*Schools-at-War Treasure Hunt*"

Surveys disclose that in the past retailers sponsored an average of 80 per cent of all newspaper War Bond advertising in America, which is indicative of the important role the industry plays in the success of the War Financing program by spreading the War Bond gospel to every village and hamlet.

Retailers are not asked by their War Campaigns Committee to earmark any fixed percentage of their budget for advertising—but each store is expected by the committee to meet or exceed the advertising job they did so well in the 3rd War Loan.

Past experience will serve as an excellent guide in determining the type and amount of advertising that will insure retailers reaching their quota for the 4th War Loan.

YOU know what the retailers of America plan to do in advertising for the 4th War Loan Campaign.

Here is the list of ETs for them. If your sample audition platter has not been received, don't wait. Order ETs today without audition. They really are salable. And time is short. Address:

Emerson Waldman, Chief of Radio, War Finance Division, Treasury Department, Washington Building, Washington 25, D. C.

Request by number or simply say *all* 15-minute and *all* 5-minute ETs, if you can use them.

15-MINUTE ET TITLES

(These programs run 13:30, leaving 1:30 open at the ends. All programs available for sponsorship.)

TREASURY SALUTE SERIES

Program 1—Wheat Farmers G6701
starring
Ray Heatherton and Peter Donald
with
David Broekman and The Treasury Orchestra

Program 2—Meat Packing Industry G6702
starring
Jimmy Carroll and Peter Donald
with
David Broekman and The Treasury Orchestra

Program 3—Ship Building G6703
starring
Audrey Marsh, Jimmy Carroll and Peter Donald
with
David Broekman and The Treasury Orchestra

Program 4—Automobile Industry G6730
starring
Audrey Marsh, Jimmy Carroll and Peter Donald
with
David Broekman and The Treasury Orchestra

Program 5—Cotton Industry G6705
starring
Brad Reynolds and Peter Donald
with
David Broekman and The Treasury Orchestra

Program 6—Steel Industry G6706
starring
Brad Reynolds and Peter Donald
with
David Broekman and The Treasury Orchestra

Program 7—Textile Industry G6707
starring
Betty Mulliner, Brad Reynolds and Peter Donald
with
David Broekman and The Treasury Orchestra

Program 8—Cattle Men & Sheep Ranchers G6708
starring
Betty Mulliner, Jimmy Carroll and Peter Donald
with
David Broekman and The Treasury Orchestra

Program 9—Railroads G6709
starring
Jimmy Carroll and Peter Donald
with
David Broekman and The Treasury Orchestra

Program 10—Telephone Industry G6710
starring
Ray Heatherton and Peter Donald
with
David Broekman and The Treasury Orchestra

Program 11—Lumber Industry G6711
starring
Karen Kemple, Ray Heatherton and Peter Donald
with
David Broekman and The Treasury Orchestra

Program 12—Farming G6712
starring
Karen Kemple, Brad Reynolds and Peter Donald
with
David Broekman and The Treasury Orchestra

Program 13—Mining G6713
starring
Karen Kemple, Brad Reynolds and Peter Donald
with
David Broekman and The Treasury Orchestra

Program 14—Post Office Workers G6716
starring
Brad Reynolds and Peter Donald
with
David Broekman and The Treasury Orchestra

Program 15—Small Farmers G6717
starring
Betty Mulliner, Ray Heatherton and Peter Donald
with
David Broekman and The Treasury Orchestra

Program 16—Newspaper Men & Women G6718
starring
Betty Mulliner, Ray Heatherton and Peter Donald
with
David Broekman and The Treasury Orchestra

Program 17—Independent Merchants G6719
starring
Ray Heatherton and Peter Donald
with
David Broekman and The Treasury Orchestra

Program 18—Men and Women of the Entertainment Field G6720
starring
Audrey Marsh, Jimmy Carroll and Peter Donald
with
David Broekman and The Treasury Orchestra

Program 19—The Housewives of America G6721
starring
Jimmy Carroll and Peter Donald
with
David Broekman and The Treasury Orchestra

Program 20—Construction Industry G6722
starring
Jimmy Carroll and Peter Donald
with
David Broekman and The Treasury Orchestra

Program 21—Women Office Workers G6724
starring
Ray Heatherton and Peter Donald
with
David Broekman and The Treasury Orchestra

Program 22—Transportation Industry G6725
starring
Ray Heatherton and Peter Donald
with
David Broekman and The Treasury Orchestra

Program 23—Motion Picture Industry G6726
starring
Ray Heatherton and Peter Donald
with
David Broekman and The Treasury Orchestra

Program 24—Radio Industry G6727
starring
Jimmy Carroll and Peter Donald
with
David Broekman and The Treasury Orchestra

Program 25—Dairy Farms G6728
starring
Jimmy Carroll and Peter Donald
with
David Broekman and The Treasury Orchestra

Program 26—The Railroad Freight Workers G6729
starring
Jimmy Carroll and Peter Donald
with
David Broekman and The Treasury Orchestra

BASIC 4TH WAR LOAN FACTS

DATES—January 18 to February 15, 1944

GOAL—To raise $14 Billion—$5½ Billion from individuals

SLOGAN—"Let's All Back the Attack"

THEME—Sacrifice—Every one to buy extra bonds

Bond buyers in the Fourth War Loan campaign, which runs from Jan. 18 to Feb. 15, 1944, will be given their choice of seven U. S. Government securities. The securities to be sold under the direction of the War Finance Committee are:

Series E Savings Bonds
Series F and G Savings Bonds
Series C Savings Notes
2½% bonds of 1965-70
2¼% bonds of 1956-59
⅞% Certificates of Indebtedness

U. S. War Savings Bonds, Series E

This is the so-called "People's Bond," undoubtedly the most widely held security in the world, of which over 100 million pieces have been sold in the first three War Loan campaigns. From the standpoint of interest return, it is the most attractive of all the issues offered by the government, and is the ideal investment for the wage earner and the small business and professional man. Over $14 billions of these E bonds are now outstanding in the hands of the American public.

The bonds come in denominations of $25, $50, $100, $500, and $1000. The issue price is 75 per cent of the maturity value so that a $25 bond costs $18.75 and a $100 bond costs $75. They cannot be used as collateral for loans.

5-MINUTE ET CONTENTS

(These programs run 4 minutes, prox., leaving one minute open at the ends. All programs available for sponsorship.)

TREASURY SONG FOR TODAY—Master 6732

1. "My British Buddy" .... Ray Heatherton
2. "Bless Them All" .... Jimmy Carroll
3. "You'd Be So Nice To Come Home To" .. Mary Small

TREASURY SONG FOR TODAY—Master 6733

4. "Here Comes The Navy" .... Mary Small
5. "Let's Bring New Glory To Old Glory" .. Mary Small
6. "Johnny Zero" .... Mary Small

TREASURY SONG FOR TODAY—Master 6734

7. You're A Lucky Fellow, Mr. Smith" .... Mary Small
8. "In My Arms" .... Ray Heatherton
9. Comin' In On A Wing and A Prayer" Ray Heatherton

TREASURY SONG FOR TODAY—Master 6735

10. "Buckle Down Buck Private" ...... Ray Heatherton
11. "Jingle Jangle Jingle" .... Ray Heatherton
12. "Good-Bye Sue" .... Ray Heatherton

TREASURY SONG FOR TODAY—Master 6736

13. "I've Got Sixpence" .... Ray Heatherton
14. "This Time" .... Ray Heatherton
15. "There's A Star Spangled Banner" .. Ray Heatherton

TREASURY SONG FOR TODAY—Master 6737

16. "This Is The Army, Mr. Jones" .... Ray Heatherton
17. "He Wears A Pair of Silver Wings" .. Kay Lorraine
18. "Old Glory" .... Kay Lorraine

TREASURY SONG FOR TODAY—Master 6738

19. "Pennsylvania Polka" .... Kay Lorraine
20. "Praise The Lord and Pass The Ammunition" Kay Lorraine
21. "He's A-1 In The Army" .... Kay Lorraine

TREASURY SONG FOR TODAY—Master 6739

22. "I'm Getting Tired So I Can Sleep". Jimmy Carroll
23. "I'll Meet You At Duffy's Square" .... Jimmy Carroll
24. "Sempre Paratus" .... Jimmy Carroll

TREASURY SONG FOR TODAY—Master 6740

25. "Lili Marlene" .... Jimmy Carroll
26. "Johnny Doughboy Found A Rose" .... Jimmy Carroll
27. "White Christmas" .... Jimmy Carroll

TREASURY SONG FOR TODAY—Master 6741

28. "United Nations On The March" ...... Jimmy Carroll
29. "We're All Together Now" .... Jimmy Carroll
30. "With My Head In The Clouds" ...... Jimmy Carroll

Statement by

NEVILLE MILLER, NAB PRESIDENT

"Ours is a nation of radio listeners. Radio has both a unique opportunity for service during the forthcoming Fourth War Loan Drive, and an obligation. That is why we join with Secretary Morgenthau in urging the continued support of all broadcasters to the end that this campaign, as all those which have gone before, will achieve overwhelming success. There is no other medium which can be used with equal effectiveness to bring home to all our people the reasons for backing our boys at the front by the purchase of War Bonds. We've done it before. We can do it again."

ASSOCIATIONS COOPERATING IN 4TH WAR LOAN CAMPAIGN

Advertising Federation of America
American Hotel Association
American National Retail Jewelers Association
American Retail Federation
Beauty Industry Council
Chambers of Commerce of the United States
Cooperative Food Distributors of America
Limited Price Variety Stores Association
Liquor and Wine Industry War Bond Council
Mail Order Association
National Association of Chain Drug Stores
National Association of Food Chains
National Association of Retail Clothiers & Furnishers
National Association of Retail Druggists
National Association of Retail Grocers
National Association of Retail Secretaries
National Automobile Dealers Association
National Better Business Bureau
National Council of Shoe Chains
National Industrial Stores Association
National Restaurant Association
National Retail Dry Goods Association
National Retail Farm Equipment Association
National Retail Furniture Association
National Retail Hardware Association
National Shoe Retailers Association
National Voluntary Group Institute
Retail Credit Institute of America

For Your Information

STATE CHAIRMEN OF WAR FINANCE COMMITTEES

ALABAMA

Ed Leigh McMillan
1525 Comer Bl.
Birmingham 3

ARIZONA

Walter R. Bimson
Post Office Bl.
Phoenix

ARKANSAS

W. W. Campbell
Federal Bl.
Little Rock

CALIFORNIA

Charles R. Page
(Northern)
733 Monadnock Bl.
San Francisco 5

Robert H. Moulton
(Southern)
621 South Spring Street
Los Angeles 14

COLORADO

Clarence H. Adams
302 Colorado Bl.
Denver 2

CONNECTICUT

Eugene E. Wilson
36 Pearl Street
Hartford 3

DELAWARE

Henry T. Bush
1064 du Pont Hotel Bl.
Wilmington 99

DISTRICT OF COLUMBIA

John A. Reilly
852 Washington Bl.
Washington 5

FLORIDA

W. W. McEachern
404 Federal Bl.
Jacksonville 1

GEORGIA

Charles A. Stair
1202 C. & S. National
Bank Bl.
Atlanta 3

IDAHO

John Schoonover
423 First National Bank Bl.
Boise

ILLINOIS

Harold H. Swift
300 Bankers Bl.
105 West Adams Street
Chicago

INDIANA

Eugene C. Pulliam
816 Illinois Bl.
Indianapolis 4

IOWA

Herbert L. Horton
809 Walnut Bl.
Des Moines 8

KANSAS

W. Laird Dean
208 Federal Bl.
Topeka

KENTUCKY

Ben Williamson, Jr.
(Eastern)
808 Second National Bank
Bl.
Ashland

S. Albert Phillips
(Western)
510 Republic Bl.
Louisville 2

LOUISIANA

Leon G. Tujague
512 Pan American Bl.
New Orleans 6

MAINE

(Co-Chairmen)
Phillips M. Payson
Edward E. Chase
Federal Bl.
Augusta

MARYLAND

Howard W. Jackson
Calvert Bl.
Fayette and St. Paul Sts.
Baltimore

MASSACHUSETTS

F. Winchester Denio
79 Milk Street
Boston 9

MICHIGAN

Frank N. Isbey
600 Union Guardian Bl.
Detroit 26

MINNESOTA

O. J. Arnold
570 Northwestern Bank Bl.
Minneapolis

MISSISSIPPI

Rex I. Brown
1005 Lampton Bl.
P. O. Box 747
Jackson

MISSOURI

Walter W. Head
200 Federal Commerce
Trust Bl.
208 North Broadway
St. Louis 2

MONTANA

A. T. Hibbard
302 Federal Bl.
Great Falls

NEBRASKA

W. Dale Clark
636 World Herald Bl.
Omaha 2

NEVADA

Forest Lovelock
35 East 4th Street
Reno

NEW HAMPSHIRE

Winthrop L. Carter
Bell Bl.
922 Elm Street
Manchester

NEW JERSEY

Franklin D'Olier
Post Office Bl.
Newark 2

NEW MEXICO

Cale W. Carson
101 Federal Bl.
Albuquerque

NEW YORK

W. Randolph Burgess
1270 Sixth Avenue
New York City 20

NORTH CAROLINA

Clarence T. Leinbach
Federal Bl.
Greensboro

NORTH DAKOTA

F. L. Conklin
Neirling Block
Jamestown

OHIO

Phil J. Trounstine
693 Union Commerce Bl.
Cleveland 14

OKLAHOMA

A. E. Bradshaw
203 Drew Bl.
Tulsa

OREGON

Ed. C. Sammons
330 American Bank Bl.
Portland

PENNSYLVANIA

G. Ruhland Rebmann
12 South 12th Street
Philadelphia

RHODE ISLAND

C. Burton Hibbert
1812 Industrial Trust Bl.
Providence 3

SOUTH CAROLINA

Christie Benet
1401 Hampton Street
Columbia

SOUTH DAKOTA

Walter H. Burke
Post Office Bl.
Sioux Falls

TENNESSEE

Cecil Woods
Third National Bank Bl.
170 Fourth Avenue
Nashville 3

TEXAS

Nathan Adams
Dallas Power & Light Bl.
Dallas

UTAH

Charles L. Smith
Union Pacific Bl.
Salt Lake City

VERMONT

Levi P. Smith
Hotel Van Ness
Burlington

VIRGINIA

Francis P. Gaines
214 North Fifth Street
Richmond 19

WASHINGTON

Rene Odlin
209 Federal Bl.
Seattle 4

WEST VIRGINIA

A. C. Spurr
608 Security Bl.
Charleston 1

WISCONSIN

Walter Kasten
202 Federal Bl.
Milwaukee 1

WYOMING

Fred W. Marble
307 Federal Bl.
Cheyenne

The full text of this bulletin appears in this issue of the NAB REPORTS. Please route this copy to your Chief Engineer.

Broadcast Engineering Bulletin

FEBRUARY 5, 1943 ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ No. 1

1760 N St., N.W. NATIONAL ASSOCIATION OF BROADCASTERS Wash., D. C.

RADIO GETS AA PRIORITY

As first predicted in NAB Reports November 13, 1942, page 648, the preference rating applying to materials for maintenance, repair or operating supplies of the broadcast industry has been raised from A-1-J to AA-2X under Preference Rating Order P-133 as amended February 4, 1943, by the Director General for Operations, War Production Board. The amendment also raises the ratings allowed to those engaged in commercial sound recording and radio communications. Broadcasters and those engaged in commercial sound recording may now apply the preference rating AA-2X to purchases of recording blanks and other necessary replacement items used in recording.

The new order does not provide replacement materials for automotive replacement as defined by General Limitation Order L-158 (this has been interpreted as eliminating mobile police stations). NAB has been informed that the new preference rating is the highest generally obtainable for non-military requirements. The suffix letter X of the preference rating identifies purchases of a non-military nature.

The amended order requires that broadcasters "keep and preserve for two years copies of all purchase orders or contracts applying such rating," and that those "affected by this order shall execute and file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time prescribe." General instructions for the purchase of material in accordance with P-133 as amended February 4, 1943, are as follows:

1. Read Preference Rating Order P-133 as amended and become familiar with the provisions of the order.
2. Operate all tubes and parts to absolute failure, before installing replacements, in order to bring inventory within the limits of the order.
3. Hold best spare tubes for last use in the equipment thus minimizing the chance of failure while procuring replacements. In order to check the condition of spare tubes and to insure their immediate availability without conditioning, use all spares not less than one day every three months and not more than one day of each month. This practice is preferable to the rotation of spare tubes on an equal use basis.
4. Immediately upon the failure of spares which will reduce the inventory to less than one hundred per cent, as permitted by the order, place a purchase order with your supplier. This purchase order should bear the required certification assigning an AA-2X preference rating. When placing the purchase order request delivery prior to a definite date and ask your supplier to advise you immediately if for any reason the order cannot be filled on or before the required date. If notice is received from supplier that delivery cannot be made by the date specified, immediate *inquiry* should be made to all other known sources of supply concerning their ability to fill the order in accordance with your requirements. If these inquiries result in a satisfactory delivery promise from another supplier, the original order *should be cancelled* and another order placed with the new supplier (WPB Regulation 3, amended June 26, 1942, Section (b), paragraph 3. This regulation forbids duplicate orders.)
5. If after following the procedure outlined in paragraph 4 a satisfactory delivery promise is not obtained, an order should be placed with the supplier offering the best delivery promise. At the same time a PD-1A form should be filed with the War Production Board, Director of Industry Operations, Washington, D. C. Be sure to furnish all required information on the PD-1A form and outline in the covering letter the substance of your correspondence under paragraph 4 above.
6. If your station is actually off the air due to the failure to obtain spare tubes or parts or if the tubes or parts in use (for which no replacements are available) appear to be approaching failure communicate immediately by telephone or telegraph with the WPB Emergency Branch, Washington, D. C. The telephone number is REpublic 7500, extension 2333 or extension 2330. This communication should refer to your PD-1A application.

To avoid confusion it is suggested that the original P-133 dated October 5, 1942 be removed from your files and the amended order substituted. The revised sections of the order are printed in bold face type. The new order reads as follows:

Part 3037—Electronic Equipment

[Preference Rating Order P-133 as Amended Feb. 4, 1943]

§ 3037.5 *Preference Rating Order P-133*—(a) *Definitions.* For the purpose of this order:

(1) "Operator" means any individual, partnership, association, business trust, corporation, receiver or any form of enterprise whatsoever, whether incorporated or not, the United States, and the several states thereof, and any political, corporate, administrative or other division or agency thereof, to the extent engaged in any activity listed in Schedule A, hereof.

(2) "Material" means any commodity, equipment, accessory, assembly or product of any kind; exclusive, however, of automotive replacement parts as defined by General Limitation Order L-158.

(3) "Maintenance" means the upkeep of an operator's buildings, structures and equipment in sound working condition; and this, without regard to whether the expenditures therefor are for any reason required to be recorded in the operator's accounting records in accounts other than maintenance and repair.

(4) "Repair" means the reconstruction or restoration without expansion, improvement or change of design of any portion of an operator's buildings, structures and equipment when such portion has been rendered unsafe or unfit for service by wear and tear or other similar causes, but not including reconstruction or restoration of any portion damaged or destroyed by fire, flood, tornado, earthquake, act of God or the public enemy; and this, without regard to whether the expenditures therefor are for any reason required to be recorded in the operator's accounting records in accounts other than maintenance and repair.

(5) "Operating supplies" means any material which is essential to and consumed directly in the operation of any of the services specified in paragraph (a) (1) above, but does not include photographic film, fuel, office or building

supplies, or any material which is physically incorporated in whole or in part in the property or equipment of the operator.

(b) Assignment of preference rating. Subject to the terms of this order, preference rating of AA-2X is hereby assigned:

(1) To deliveries of material to an operator for operating supplies and for maintenance and repair.

(2) To deliveries to any supplier of material to be physically incorporated in other material required by an operator for operating supplies, maintenance or repair.

(c) *Persons entitled to apply preference rating.* The preference rating hereby assigned shall be applied where a preference rating is required to obtain material for maintenance, repair and operating supplies by:

(1) Any operator engaged in an activity in Schedule A hereof and may be applied by

(2) Any supplier, provided deliveries to an operator or another supplier are to be made by him, which are of the kind specified in paragraph (b) and have been rated pursuant to this order.

(d) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(e) *Restrictions on inventory and use.* The preference rating hereby assigned may be applied by any operator, provided:

(1) Such rating is not used to replace in inventory more than one spare tube for each active tube socket.

(2) Such rating is not used to replace in inventory any spare parts except:

(i) Those subject to frequent failure, deterioration or other exhaustion.

(ii) Those which are so unique that failure would inevitably result in long delay in resumption of essential operations.

(3) Such rating is not used in any case to increase the value of an operator's inventory of repair parts, other than tubes, above the value of such inventory on the date of this order.

(4) Such rating is not used to replace in inventory a new part if the defective part can be repaired with a smaller consumption of raw material.

(5) The tube which has been replaced from operator's inventory or for which replacement is requred has been operated to failure.

(6) The operator has returned to the manufacturer any power tube rated at 25 watts or more which has failed, unless such tube is to be repaired.

(7) Equipment which has failed has been operated within the ratings specified by the manufacturer.

(8) Such rating is not used to build up inventory of operating supplies other than tubes, in excess of requirements for a three-month period.

(9) Such operator was actively engaged in one of the activities listed on Schedule A hereof, on the date of issuance of the order, or has received specific authorization for his installation from the Director General for Operations of the War Production Board.

(f) *Application and extension of rating.* An operator or supplier, in order to apply the preference rating assigned by this order, shall endorse the following statement on the purchase order or contract for such material signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purposes.

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this purchase order, and that such application or extension is in accordance with Priorities Regulation No. 3, as amended, with the terms of which the undersigned is familiar.

....	....
Name of Purchaser	Address
By......................	....
(Signature and title of duly authorized officer)	Date

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(h) Records. All operators assigned a preference rating by or pursuant to this order shall keep and preserve for two years copies of all purchase orders or contracts applying such rating.

(i) Reports. All operators affected by this order shall execute and file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time prescribe.

(j) Communications. All reports to be filed, and other communications concerning this order, should be addressed to War Production Board, Radio and Radar Division, Washington, D. C. Ref: P-133.

Issued this 4th day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

SCHEDULE A

1. Radio communication, including broadcasting.
2. Sound recording for commercial purposes.
3. Radio direction finding.

EXECUTIVE ENGINEERING COMMITTEE

The following broadcasters make up the membership of the NAB Executive Engineering Committee:

John V. L. Hogan, Chairman, WQXR, New York
E. K. Cohan, CBS, New York, N. Y.
Franklin M. Doolittle, WDRC, Hartford, Conn.
O. B. Hanson, NBC, New York, N. Y.
G. Porter Houston, WCBM, Baltimore, Md.

The Committee held a meeting in New York City on January 27. Included in the discussion were the following subjects: training of replacement operators and technicians, availability of repair facilities for broadcast equipment and components, methods for the recruiting of new technical personnel, servicing of home receivers, consideration of standard coverage recommendations, priority regulations, batteries for farm radios, publicizing NAB recording standards and post war planning.

Much constructive progress was made through policy recommendations and outlining future activity of the Engineering Department.

The full text of this bulletin appears in this issue of the NAB REPORTS. Please route this copy to your Chief Engineer.

Broadcast Engineering Bulletin

MAY 28, 1943 ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ **No. 2**

1760 N St., N.W. NATIONAL ASSOCIATION OF BROADCASTERS WASH., D.C.

RMA TRANSMITTING TUBE CONSERVATION RECOMMENDATIONS

Percentages of rated normal filament voltages to be used under various operating and stand-by conditions to give maximum filament life.

	Operating Conditions		Recommended Stand-by Conditions (% of Normal Operating Voltage)				
Tube Type by Kind of Filament or Cathode	Normal Load Operation	Light Load; May Increase Life	Under 15 Minutes	15 Min. to 2 Hours	2 to 12 Hours	Over 12 Hours	Typical Tube Types
1. Pure Tungsten filament (small and medium types)	100*	Reduce	80	80	off	off	207, 891R
2. Pure Tungsten filament (large types)	100*	Reduce	80	80	80	off	895, 899A, 898
3. Thoriated Tungsten filament (small and medium types)	100	95–100	80	off	off	off	211, 803, 851
4. Thoriated-Tungsten filament (large types)	100	95–100	80	80	off	off	827R, 861
5. Oxide-coated filament (small and medium-gas, vapor)	100	100	100	100	off	off	866A, 872A
6. Oxide-coated filaments or cathodes (large-gas, vapor)	100	100	100	100	100	off	857B, 870A
7. Oxide-coated cathodes (high vacuum)	100	95–100	100	off	off	off	807, 837
8. Oxide-coated filaments (high vacuum, quick heating)	100	95–100	80	off	off	off	1616, 1619, 1624

* Normal load operation may be less than 100% as recommended in instructions.

Note: Recently the NAB Engineering Department asked vacuum tube manufacturers to submit recommendations covering the stand-by operating conditions that would assure the maximum life from transmitting tubes. It was found that differences of opinion existed among the manufacturers and that the problem was further complicated by the variety of tube types to be considered. The manufacturers coordinating through the RMA Transmitting Tube Committee have now released the above standard recommendations.

TUBES REPAIRED WITHOUT PREFERENCE RATING

The radio and radar division of WPB has just released the following interpretation of preference rating order P-133 and general limitation order L-265, insofar as the orders apply to the repairing of vacuum tubes:

"From time to time the question has arisen as to the restrictions of preference rating order P-133 with regard to the repair of vacuum tubes. The limitations and restrictions of P-133 apply only to the extension of ratings under that order.

"Order P-133 prohibits an operator from applying a rating to obtain a new tube as long as he has one spare tube for each active tube socket. *However*, there is no limitation on the number of tubes which may be repaired, or the number of repaired tubes which may be held as spares. It is permissible to repair any tube without the extension of a preference rating. It is also to be noted that if a burned-out tube is to be repaired, it is not necessary, under P-133, to return the old tube to the manufacturer in order to obtain a new tube.

"General limitation order L-265 specifically exempts from its provisions the transfer of electronic equipment for repair, as well as exempting any operations involved in the repair of a specific piece of electronic equipment. Thus, any number of tubes can be repaired without the extension of a preference rating. However, a preference rating under P-133 cannot be extended for the purchase of a new tube unless an operator has in his inventory less than one spare tube per socket."

NEW PREFERENCE RATING IS "AA-2"

Radio broadcasting now has AA-2 rating instead of AA-2X rating assigned last February 14, under P-133.

All other terms of P-133 still apply with one possible exception. This concerns the quantity of material you are now using for maintenance, repair and operating supplies. Quantity cannot be more than that used in 1942. This is covered in paragraph (f) of CMP Reg. 5 (page 238, *NAB Reports*).

In buying materials your new AA-2 preference rating is applied by use of the following certification appearing on order and properly signed:

> "Preference rating AA-2—MRO. The undersigned certifies, subject to the criminal penalties

> for misrepresentation contained in section 35(A) of the United States Criminal Code, that the items covered by this order are required for essential maintenance, repair or operating supplies; that this order is rated and placed in compliance with CMP Regulation No. 5; and that the delivery requested will not result in a violation of the quantity restrictions contained in paragraph (f) of said regulation."

Use form PD-1A for material not obtainable with AA-2. No change in this procedure.

The above is an interpretation of the new regulations obtained from WPB.

NEED TECHNICIANS?

The NAB engineering department has now been recruiting technicians, not presently employed in the broadcast industry, for several months. Several methods of recruiting both men and women for replacement technical positions are now being used. Currently, we are receiving more applications for positions than requests for assistance from broadcast stations.

It is important that these applicants be placed as soon as possible after registering with NAB or they will find employment elsewhere and be lost to the broadcast industry. In order to expedite the placing of these candidiates, a few applicants are being selected from the NAB files to be placed on regional availability lists. These lists will be mailed with the current issue of the *Swap Bulletin* addressed to chief engineers.

Stations in need of replacement technicians should first make every effort to fill vacancies locally. If it is found impossible to obtain the required replacements, stations are invited to write to the NAB Engineering Department for the names of several available persons. NAB has no knowledge of the applicants other than the statements contained in the registration letter and is therefore not in a position to make employment recommendations. The usual employment references should be obtained by direct correspondence with the applicants.

The full text of this bulletin appears in this issue of the NAB REPORTS. Please route this copy to your Chief Engineer.

Broadcast Engineering Bulletin

OCTOBER 22, 1943 ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ No. 3

1760 N St., N.W. NATIONAL ASSOCIATION OF BROADCASTERS WASH. 6, D. C.

New Priority Instructions

As first reported in NAB REPORTS (page 414, October 8, 1943), Preference Rating Order P-133 has been revised by WPB to make it the exclusive controlling order for obtaining maintenance, repair and operating supplies for radio broadcasting. The amendment continues the AA-2, MRO-P-133 symbol and preference rating to broadcast stations.

Recording blanks to be used exclusively for broadcast purposes may be purchased by broadcast stations under the preference rating AA-2, MRO-P-133. Blank discs to be used for purposes other than broadcasting are assigned the preference rating AA-5 by the revised order.

Section (e) (1) is a clarification of tube inventory restrictions. The language of this section has been interpreted to allow the use of these ratings or allotment symbol only if a similar tube has first been operated to failure and the purchaser has in stock less than one new and one rebuilt tube, or two rebuilt spare tubes per active socket.

PART 3289—RADIO AND RADAR

[Preference Rating Order P-133, as Amended Oct. 8, 1943]

ELECTRONIC EQUIPMENT

Section 3289.41 *Preference Rating Order P–133* is hereby amended to read as follows:

§ 3289.41 *Preference Rating Order P–133* —(a) *What this order does.* This is a complete revision of Preference Rating Order P–133. It gives preferences ratings to persons engaged in certain businesses. It also entitles some of them to use the allotment symbol "MRO". The ratings and symbol can be used only to get materials for maintenance, repair and operating supplies; and there are also certain special restrictions set forth in paragraph (e). The businesses, and the ratings and symbol assigned to persons engaged in them are:

(1) Radio communication—AA–1. Persons engaged in this business are also entitled to use the allotment symbol "MRO".

(2) Radio broadcasting—AA–2. Persons engaged in this business are also entitled to use the allotment symbol "MRO".

(3) Sound recording for commercial, educational or industrial purposes—AA–5.

(4) Operation and maintenance of public address, intercommunication, plant sound or other similar electronic systems. such as systems for the controlled distribution of musical programs—AA–5.

(b) *What is meant by maintenance, repair and operating supplies.* These terms include whatever is necessary to keep a person's business property and equipment in sound working condition, or to fix it when it has broken down or is about to break down. They also include those things which are normally used in the day-by-day operation of any of these businesses, being as a rule things which are consumed in use. On the other hand, there are some things which these terms do not include, and to which the benefits of this order do not extend. These are production materials, capitalized repairs, capital equipment, capital replacements, plant expansion, addition of facilities, and the construction and remodeling of buildings.

(c) *Relation of this order to War Production Board regulations and other orders.* This order and all things done under it are subject to the provisions of all applicable regulations and orders of the War Production Board, except that persons who are engaged in the businesses listed in this order to that extent are entitled to none of the benefits, and are subject to none of the restrictions, contained in CMP Regulations No. 5 and No. 5A. Any one using this order should read particularly Priorities Regulation No. 3, which tells how to apply and extend ratings, and which contains a list of things which blanket MRO ratings (such as those assigned by this order) cannot be used to get (Priorities Regulation No. 3, paragraph (f) and List B).

(d) *How to use the ratings and allotment symbol.* (1) Persons entitled to use these ratings and the allotment symbol "MRO" under this order may do so by placing on their purchase orders either the form of certificate provided in Priorities Regulation No. 3, or that provided in CMP Regulation No. 7. In every case those persons entitled under this order to use the allotment symbol "MRO" must place on their purchase orders in addition to the certificate the symbol "MRO–P–133".

(2) Any purchase order for controlled materials which bears such a certificate and symbol is an authorized controlled material order, and on such orders the preference rating should not be shown. The preference rating must, of course, be shown on orders for anything but controlled materials.

(e) *Restrictions on the use of the ratings and allotment symbol.* No person shall use these ratings or allotment symbol:

(1) To buy or to repair a tube unless a similar tube has first been operated to failure, or unless he has in stock less than one new and one rebuilt, or two rebuilt spare tubes for each active tube socket. All power tubes of 250 watts or more (plate dissipation), which have been operated to failure and are not to be repaired, shall be returned to the manufacturer.

(2) To replace in stock any spare parts except parts which are subject to frequent failure or rapid deterioration, or parts which are of such special design that their failure would cause a lengthy interruption of operations unless they could be immediately replaced from stock.

(3) To replace in stock a new part (other than a tube) if the old part can be repaired.

(4) To replace equipment which has not been used within the ratings specified by the manufacturer of the equipment.

(5) To increase the value of a person's inventory of repair parts (not including tubes) above the value of such inventory on October 5, 1942.

(6) To increase a person's inventory of operating supplies (not including tubes) above a ninety-day requirment.

(7) To get aluminum if the use of any other material is practicable, or to get more than five hundred pounds of aluminum in any calendar quarter in any event.

(8) To get materials for the maintenance, repair or operation of equipment for the account of War Emergency Radio Service.

(f) *Persons who service these businesses.* Any person (such as a service repair shop) who does maintenance or repair work for anyone engaged in any of the businesses described in this order may use the rating and symbol to which his customer would be entitled in order to get materials to do that work for his customer. In such a case the restrictions of paragraph (e) apply as to the customer and the customer shall be responsible if they are violated.

(g) *Special rule for international, point-to-point, radio communication carriers.* Any person engaged in international, point-to-point radio communication, as a commercial operation, may use the rating and allotment symbol given by this order to rearrange, modify or expand existing facilities and equipment (but not buildings) either to maintain his regularly established services, or to provide whatever new or modified service may be necessary to render services required by or for the account of the United States Army, the United States Navy, any agency of the United States Government, or any agency of any foreign government.

The cost of materials for any one project undertaken under this paragraph (g) must not exceed $1,500.00, in which case the restrictions of paragraph (e) of this order, and the rules of Conservation Order L–41 shall not apply, and an authorization to begin construction shall not be necessary.

(h) *Penalties for violating this order.* Any person who wilfully violates any provision of this order or falsifies the certificate prescribed in paragraph (d), or who conceals any material information or furnishes false information to any department or agency of the United States is guilty of a crime. If convicted, he may be punished by fine or imprisonment. He may also be deprived of any or all priorities assistance. For example, he may be prohibited from getting, delivering, processing, or using anything which is subject to priority control by the War Production Board.

(i) *How to appeal from any provision of this order.* Any person may appeal for relief from any provision of this order by writing a letter which explains fully what provisions he is appealing from and why he thinks he should be relieved from those provisions so far as they relate to him or his business. He should send this letter with two signed copies to the War Production Board.

(j) *Letters and reports about this order.* Any letters about this order, or any reports which persons subject to this order may be required to file, should be addressed to the War Production Board, Radio and Radar Division, Washington 25, D. C., Ref: P–133.

Issued this 8th day of October 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

General instructions for the purchase of materials in accordance with P-133 as amended October 8, 1943, are as follows:

1. Read Preference Rating Order P-133 as amended October 8, 1943, and become familiar with the provisions of the order.

2. Operate all tubes and parts to absolute failure, before installing replacements, in order to bring inventory within the limits of the order.

3. Hold best spare tubes for last use in the equipment thus minimizing the chance of failure while procuring replacements. In order to check the condition of spare tubes and to insure their immediate availability without conditioning, use all spares not less than one day every three months and not more than one day of each month. This practice is preferable to the rotation of spare tubes on an equal use basis.

4. Immediately upon the failure of tubes which will reduce the spare inventory to less than the maximum permitted, place a purchase order with your supplier. This purchase order should bear the required certification assigning the preference rating AA-2, MRO-P-133. When placing the purchase order request delivery prior to a definite date and ask your supplier to advise you immediately if for any reason the order cannot be filled on or before the required date. If notice is received from supplier that delivery cannot be made by the date specified, immediate *inquiry* should be made to all other known sources of supply concerning their ability to fill the order in accordance with your requirements. If these inquiries result in a satisfactory delivery promise from another supplier, the original order *should be cancelled* and another order placed with the new supplier (WPB Regulation 3, amended June 26, 1942, Section (b), paragraph 3. This regulation forbids duplicate orders.)

5. The following certification form should be placed on all orders:

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this purchase order, and that such application or extension is in accordance with Priorities Regulation No. 3, as amended, with the terms of which the undersigned is familiar.

....
Name of Purchaser Address

By.. ....
(Signature and title of duly authorized officer) Date

6. If after following the procedure outlined in paragraph 4 a satisfactory delivery promise is not obtained, an order should be placed with the supplier offering the best delivery promise. At the same time a 541 form should be filed with the War Production Board, Director of Industry Operations, Washington, D. C. Be sure to furnish all required information, including your purchase order number or the vendor's order number, on the WPB-541 (formerly PD-1A) and outline in the covering letter the substance of your correspondence under paragraph 4.

7. If capital equipment, such as turntables, microphones, amplifiers, monitors, transmitters, antennas, etc., is destroyed by fire, accident or other causes, it is suggested that the problem of obtaining proper authorizations for the replacement of the lost equipment be referred to the regional WPB office for instructions. A directory of regional WPB offices will be found in this issue of NAB Reports and Broadcast Engineering Bulletin No. 3.

8. If your station is actually off the air due to the failure to obtain spare tubes or parts or if the tubes or parts in use (for which no replacements are available) appear to be approaching failure communicate immediately by telephone or telegraph with the WPB Emergency Branch, Washington, D. C. The telephone number is REpublic 7500, extension 75052. This communication should refer to your 541 application, if previously filed.

To avoid confusion, it is suggested that Broadcast Engineering Bulletin No. 1 dated February 5, 1943, be removed from your files and this bulletin substituted. The complete text of the new order as amended October 8, 1943, is printed herewith.

DIRECTORY OF REGIONAL OFFICES RADIO AND RADAR DIVISION, WPB

REGION 1— Boston, Mass.	Michael Scott, Chief 17 Court Street Boston, Massachusetts Phone: Lafayette 7500
REGION 2— New York, N. Y.	Frank S. Misterly, Chief Empire State Building New York, New York Phone: Murray Hill 3-6805 Charles Eppleur Globe Indemnity Building Newark, New Jersey Phone: Market 2-0700 W. T. Croysdill 1138 Rand Building Buffalo, New York Phone: Madison 3-160
REGION 3— Philadelphia, Pa.	David Miller, Chief 1617 Pennsylvania Boulevard Philadelphia, Pennsylvania Phone: Locust 3400
REGION 4— Atlanta, Georgia	Guy Mankin 116 Candler Building Atlanta, Georgia Phone: Walnut 4121
REGION 5— Cleveland, Ohio	Howard J. Shartle, Chief 1318 Union Commerce Building Cleveland, Ohio Phone: Cherry 7900 M. G. Thomas 34 E. Fourth Street Cincinnati, Ohio Phone: Parkway 0100 Wm. H. Martin 1st National Bank Building Pittsburgh, Pennsylvania Phone: Grant 5370
REGION 6— Chicago, Ill.	Raymond H. Woodford, Chief 226 W. Jackson Boulevard Chicago, Illinois Phone: Andover 3600
REGION 7— Kansas City, Mo.	Fred H. Larrabee Mutual Interstate Building Kansas City, Missouri Phone: Harrison 6464
REGION 8— Dallas, Texas	R. C. Watson 1221 Mercantile Bank Building Dallas, Texas Phone: Riverside 5711
REGION 9— Denver, Colorado	George Joslyn Continental Oil Building Denver, Colorado Phone: Tabor 3137
REGION 10— San Francisco, Calif.	Harold S. Ayers 1355 Market Street San Francisco, California Phone: Klondike 2-2300 Herman Schmieter 1031 South Broadway Los Angeles, California Phone: Richmond 1261
REGION 11— Detroit, Mich.	John G. Carroll 7310 Woodward Avenue Detroit, Michigan Phone: Trinity 2-4900
REGION 12— Minneapolis, Minn.	H. M. Richardson 334 Midland Bank Building Minneapolis, Minnesota Phone: Main 3244

REPAIRED TUBES

Many stations have been able to maintain adequate tube inventories through the use of repaired tubes. When difficulties are encountered in obtaining new tubes (250 watts or more) it may be well to investigate thoroughly the repair facilities now available. A directory of firms engaged in this work will be found in NAB Reports of October 2, 1942, page 580, and October 23, 1942, page 611. If additional information is desired concerning either tube repairing facilities or the dependability of repaired tubes, communicate with the NAB Engineering Department.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON, D. C.

"PAT-ON-THE-BACK" BULLETIN

Here Are a Couple of Roses

OFFICE OF PRICE ADMINISTRATION

Mr. Neville Miller, President,
National Association of Broadcasters,
Washington, D. C.

Dear Mr. Miller:

I wish to take this opportunity to express on behalf of the Office of Price Administration and myself the deepest appreciation for the fine public service rendered by your industry during the past few months in helping explain to the American people the essential facts concerning recent rationing programs instituted by this agency.

We in OPA have been faced recently with the problem of implementing complex rationing programs covering footwear, processed foods, and meats and fats. The task of instilling in the American people an understanding of (a) the reasons underlying these programs and (b) the mechanics of their operation has been a difficult one. In certain cases we have had to get information out to every household and to thousands of merchants with a minimum of delay. We turned, of course, to our system of free radio for aid in this important work.

The industry has responded magnificently. You have helped us in three principal ways: (a) Through your regular news broadcasts you have enabled us to get basic information out almost simultaneously; (b) through your commentators you have aided us in dissemination of explanatory material designed to secure wide understanding and acceptance of our programs; and (c) by making available time on your stations for myself and other OPA officials you have made it possible for us to make detailed explanations of OPA problems.

Your cooperation has proved to be a vital factor in the success of these "home front" measures which are related intimately to the winning of the war. For that we in OPA extend to you our grateful thanks and appreciation.

Sincerely yours,

Prentiss M. Brown.

TREASURY DEPARTMENT

April 15, 1943.

Mr. Art Stringer,
National Association of Broadcasters,
1760 N Street N. W.,
Washington, D. C.

Dear Mr. Stringer:

On behalf of the Treasury Department, we want to express to you and all associated with NAB our heartiest thanks for the invaluable cooperation given us in planning and publicizing RADIO DAY to launch the 2nd War Loan.

April 12, 1943 should go down in radio history as the greatest all-out cooperative effort ever accomplished by the industry. The Treasury Department is deeply grateful to the nation's broadcasters who gave so unsparingly of their time and effort to make Radio Day such a tremendous success. Since it is impossible personally to thank the thousands of people who contributed toward the radio launching of the 2nd War Loan, we hope that you will pass on to all your stations our sincere and heartfelt THANKS.

Sincerely

Vincent F. Callahan,
Director of Radio, Press and Advertising.

Marjorie L. Spriggs,
Chief, Radio Section, War Savings Staff.

National Association of Broadcasters
1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

Third War Loan Bulletin

The Gauntlet Is Down In The Biggest Challenge Ever Given The Broadcasting Industry

New Guinea

This boy got it in the steaming mess that is jungle fighting in New Guinea. All we can do can't touch what this boy has done.

Sicily

Thank God that this isn't one of our homes and one of our children this soldier is carrying out the doorway.

These pictures were printed because they say a lot of things that we broadcasters are taking and have got to take to heart to accept this great challenge:

> **"The Third War Loan Is The Biggest Job Of War Financing Ever Undertaken In One Month In The History Of The World—Are You Equal To It?"**

Some folks think we aren't. Some in the government and elsewhere. They think it's just too big for radio or anyone else. Even the Treasury is only figuring on a 50-50 chance of you or anyone else making the grade. Here It Is:

Name of Campaign: Third War Loan
Starting date: September 9, 1943
Slogan: BACK THE ATTACK—WITH WAR BONDS

Objective: To raise 15 billion dollars to finance the war. All money to be obtained from sources other than commercial banks.

Theme: Invasion. Each person who possibly can do so is asked to buy at least an *extra* $100 Bond during September to back up the men in the armed forces.

Where the money is to come from: Current income and surplus accumulations of funds.

Activate Yourself As Issuing Agencies

The Treasury is issuing 65 million registered certificates for the Third War Loan Drive—a bigger job than the U. S. Census. There aren't nearly enough issuing agencies. Many broadcasting stations have registered as issuing agencies—BUT THEY'RE FALLING DOWN ON THE JOB AND EVEN WITHDRAWING AS SUCH! Let's about face on this thing and help the Treasury as issuing agencies—this is vital—put one or more of your best people on this.

Neville Miller Says—

"In war as in peace, sometimes a ray of sunshine cheers us out of all proportion to the threat of heavy, black clouds all around. There is a little sunshine in our war picture right now, but the storm still rages heavily, with great loss of life and physical destruction still impending.

"We must never forget that our war losses are directly proportionate to our ability to maintain a rapidly expanding, hard hitting military juggernaut. This is a tremendous responsibility. If we falter even for a moment, casualties and new dangers can be traced to our let down.

"The Third War Loan Drive of the United States Treasury is imminent. It calls for fifteen billion dollars to be raised from the people—NOT from banks and other financial centers, but from the people in your block and my block, in the coverage areas of radio stations, in all the streets and farm lands of this nation.

"It will be a challenge not only to radio, but to everyone to meet this goal. Radio has pledged itself anew to do everything possible in furnishing voluntarily time, talent and facilities without stint or qualification, both network and local.

"As a vital artery of communications, radio knows its job. Like the people it serves, radio will keep its eyes fastened to the balance sheet, showing materiel of war in the one column against casualties, defeats and despair in the other. We all know that it will take greater and greater effort to add up to final victory.

"The Third War Loan campaign calls for raising from the public four times the money raised in the last drive. We of radio shall set our sights accordingly and shall not let false optimism diminish our attack until the goal is achieved."

This Is It!

By

Vincent F. Callahan

Director of Advertising, Press and Radio
U. S. Treasury War Savings Staff

The Third War Loan drive to raise fifteen billion dollars in War Bonds, between September 9 and September 30, to finance the war, is the biggest and toughest job which the radio industry ever has had to face.

The success of the Third War Loan drive depends to a great extent upon how well the radio industry realizes the immensity of this challenge.

The radio industry was one of the prime forces behind the spectacular success of the 2nd War Loan Campaign . . . previously the greatest single money-raising campaign in the history of the world.

But, still, there are facts to show that the great April War Loan drive did not reach all of the American people with its message of the great need for more dollars invested in War Bonds.

By the same token, these facts show that there is a great, rich field left uptapped . . . and which must be tapped by radio if the Third War Loan drive is the success it must be.

Here are those facts:

More than one out of every five urbanites did not even know there was a War Loan drive on!

More than three farmers out of ten did not even know there was a War Loan drive on!

Of course, the answer to this situation lies in the hands of the radio industry. The radio is an intimate member of almost every family in America.

What's In the Book

Preliminary reports indicate that the radio industry will make every possible effort to meet successfully the challenge of the Third War Loan Drive. Here is what is in the "book" so far:

During the 22 days beginning September 9 (opening day of the drive), the greatest array of radio programs and personalities ever to go to work on any campaign will hit the airwaves in behalf of the effort to get every person who possibly can to buy at least one extra $100 War Bond.

Through the medium of national commercial and sustaining programs, local station announcements, and national spot programs the radio industry will register at least one and one-half billion listener impressions in behalf of the 3rd War Loan, from September 9 until the drive is finished. This coverage is expected to be at least 25% greater than the radio coverage of the 2nd War Loan.

The estimated total value of time and talent for the programs and announcements on the 3rd War Loan will mount up into the millions of dollars.

Two hundred and fifteen of the bigtime network programs . . . with a listener audience of 600,000,000 . . . will aim messages on the 3rd War Loan during the drive. In essence this amounts to three out of four of the bigtime network programs.

During these programs, radio's favorite stars and their guest stars will make personal appeals on the 3rd War Loan. Also, appeals on bigtime programs will be made by returned veterans of the fighting fronts.

In addition, almost 100% response is expected to the proposal that every big network schedule devote at least one entire program to the 3rd War Loan during the time of the drive.

The Army and the Navy also are marshalling their radio big guns in the armament of the 3rd War Loan. War and Navy Department press relations officers will give coverage on approximately 800 Local Service Programs during the 3rd War Loan.

Amazing as all this national coverage is, still this is not all—not by a long shot. At this moment all four networks are busy devising special programs and events to give complete radio life to the 3rd War Loan . . . and bring home the meaning of this drive to every American. These network special programs and events may take the form of individual network-and-affiliate 'round the clock broadcasts—sparked by personal appeals by radio personalities and war heroes. The tentative plans call for one such 'round the clock special event by each network. And there are plans underway for special pick-ups from the fighting fronts—talks by commentators on the scene of battle and our military leaders. Other programs in the tentative stage are broadcasts from military hospitals, broadcasts from scenes famous in American history.

And these are only a few examples of what is still in the network "hopper" for the 3rd War Loan Drive.

Radio Day

September 9, Radio Day, will explode the message of the 3rd War Loan through the following 'round the clock broadcasting events:

Every radio program slated to carry a Government message on September 9 will plug the 3rd War Loan.

Eighty per cent of the top network programs on this day will be 3rd War Loan programs.

At least twenty-six of the bigtime programs will give special treatment to 3rd War Loan messages—carrying these messages as integrated parts of the program or even basing the entire program on the 3rd War Loan.

All network affiliate stations will carry nine one-minute transcribed dramas or "live" announcements on the 3rd War Loan. All non-network stations will carry 12 one-minute transcribed dramas or "live" announcements on the 3rd War Loan.

The four networks' sustaining programs on September 9 will carry the ball for the 3rd War Loan.

Every local station in the country will devote station break announcements to the 3rd War Loan on Radio Day. In addition, a majority of local stations are planning special events connected with local rallies, speeches by community leaders, other special promotions designed to explode the 3rd War Loan locally with the biggest War Bond bang possible.

Throughout the Drive

Among the big guns in the radio barrage for the 3rd War Loan are the programs of the Treasury Star Parade—the most popular series of transcribed programs ever to go out over the air. Twenty-one Treasury Star Parade programs . . . one a day for the length of the drive . . . have been produced for the 3rd War Loan. Here they are:

Bing Crosby leads off the "Treasury Star Parade" program for the 3rd War Loan Drive as Master of Ceremonies and Singer of the nation's favorites, such as "You'll Never Know" and "Sunday, Monday or Always." John Scott Trotter conducts the orchestra, with The Charioteers and the Music Maids and Phil rounding out this all-musical program.

A visit to the Bumsteads is furnished in the next program called "Blondie Sells Some Bonds" with the radio favorites—Penny Singleton as Blondie and Arthur Lake as Dagwood.

Another comedy in the series is furnished by the beloved Baby Snooks. The "Treasury Star Parade" presents "Baby Snooks and Daddy," starring Fannie Brice and Hanley Stafford.

Comedian Eddie (Rochester) Anderson steps into a stirring dramatic role in "Big Jim" with Michael O'Shea.

Another dramatic presentation is "A Man's Memory" starring Martin Kosleck.

Fibber McGee and Molly add a lighter vein to the "Treasury Star Parade" in a program presented in their own inimitable manner.

The most popular tunes of today are brought to the "Treasury Star Parade" by the most popular orchestra leaders of today. Freddy Martin, Ray Noble, Ted Lewis, Jan Garber, Vaughn Monroe and Tommy Dorsey—all do two or more complete musical programs with their orchestras and individual soloists.

Another feature to be issued from Washington in the 3rd War Loan is the series of transcribed messages made by United States Senators. Radio stations in every state will receive three transcribed 3rd War Loan appeals by each of that state's own U. S. Senators. (Owing to unavoidable circumstances connected with the war it may not have been possible to record both Senators from your state.)

Saturday Night Bandwagon

As the paratroopers in the 3rd War Loan drive there are the Treasury Department's own programs: The Saturday Night Bondwagon, heard over the Mutual Broadcasting System, from 10:15 to 10:45 p. m., EWT, on Saturdays; Tommy Dorsey, heard over the Blue Network, from 12:30 to 12:55 a. m., on Fridays; Horace Heidt, heard over the Blue Network, from 5:00 to 6:00 p. m., on Saturdays; Guy Lombardo, heard over the Mutual Broadcasting System, from 11:30 to 12:00 midnight, on Wednesday.

Every radio station in the country will receive and broadcast an average of 42 one-minute transcribed dramas or "live" announcements weekly in behalf of the 3rd War Loan drive.

And, still in the works are many special events . . . to be arranged and broadcast by the Treasury throughout the length of the campaign, featuring Secretary Morgenthau and other government leaders.

Local Work Is Key

The greatest part of the preceding is the story of the radio industry's national participation in the Third War Loan drive. Such national participation is a credit to the radio industry and, without it, the Third War Loan could not succeed. But, equally important, if not more important, is the **local** picture of radio's cooperation with the Third War Loan Campaign.

> **Without wholehearted, one hundred per cent cooperation by local radio stations the Third War Loan cannot be a success no matter how much radio does on a network scale. The local radio station is the key to all successful local promotion of the Third War Loan drive and the actual sale of War Bonds to the amount of $15,000,000,000.**

What the local radio station can do in the Third War Loan drive is best known to the local radio station manager and the personnel of that radio station—based upon activity in the Second War Loan and activity in the general field of sales promotion. However, it must be emphasized, whatever has been done in the past must be judged as a springboard for doing more not as a "ceiling."

To assist local radio stations in their efforts to make a success of the Third War Loan Drive, the War Finance Division is preparing a special edition of the *Radio News* which will contain ideas and suggestions which originated in the radio industry itself.

Here are the Securities in the Third War Loan

Securities to fit every class and type of investor will be sold to the American people during the Third War Loan campaign opening September 9.

Salient facts about each type of security follow:

United States War Savings Bonds Series E: Now the most widely sold security in America. Known as the People's Bond the Series E War Bonds are issued to meet the needs of the small investor. No one person may buy more than $5000, maturity value ($3750 purchase price), in any one calendar year. For every $3 invested in Series E Bonds you receive $4 at the end of 10 years. They are dated the first day of the month in which payment is received by an authorized issuing agent. Due 10 years from issue date. Interest return: equivalent to 2.9 per cent compounded semiannually, if held to maturity. Denominations: $25, $50, $100, $500, and $1000. Issue price is 75 per cent of maturity value. Owners may redeem bond in whole or part at any time 60 days after issue date without notice at stated redemption values. Cannot be used as collateral for loans.

United States Savings Bonds Series F and G: For larger investors. Series F, issued at a discount, are commonly known as 12-year appreciation bonds. Redeemable at option of owner at increased fixed redemption values. Increase in value represents the interest return, which is approximately 2.53 per cent compounded semi-annually if bonds are held to maturity. Issue price is 74 per cent of maturity value. Issued in $25, $100, $500, $1000, $5000, and $10,000 denominations. Limit on holdings: $100,000 (issue price), of either series or a combination of both F and G, in any one calendar year. **Who may buy:** All classes of purchasers other than commercial banks accepting demand deposits.

Redemption: On first of any month, six months after issue date upon one month's written notice.

Series G Bonds are issued at par. They bear interest at the rate of 2½ per cent a year, the interest being payable semi-annually by Treasury check. They mature 12 years from issue date. They are redeemable prior to maturity at option of owner, at fixed redemption prices, which are less than the face amount of the bonds for interest adjustment purposes. In the matter of who may buy, limit on holdings, and redemptions they are similar to the F Series. Denominations are $100, $500, $1000, $5000, and $10,000.

Treasury Savings Notes of Series C: Issued at par in $1000, $5000, $10,000, $100,000, $500,000, and $1,000,000 denominations. Designed for Federal tax payments and short term investment. Due three years from issue date. Investment yield is 1.07 per cent a year if held to maturity; lesser yield if redeemed for cash or tendered in payment of taxes at earlier dates. May be redeemed at par and accrued interest, after six months from purchase date. May be used as collateral for loans from banking institutions only. May be purchased in unlimited amount by any individual, or bank, corporation or other entity.

Treasury Certificates of Indebtedness: Dated September 15, 1943, due September 1, 1944, paying ⅞ per cent. They will be available for subscription by investors during the entire period of the drive. The certificates will be in denominations of $1000 to $1,000,000 and will be issued in coupon form only. Not open to commercial bank subscription.

Two per cent Treasury Bonds: Dated September 15, 1943, due September 15, 1953, callable September 15, 1951. Available for subscription by investors for the entire period of the drive. These bonds will be in denominations of from $500 to $1,000,000 and will be issued in coupon or registered form at the option of the buyer. Not open to commercial bank subscription.

Twenty-six Year 2½ Per Cent Treasury Bonds: Dated September 15, 1943, due December 15, 1969, callable December 15, 1964. Will be issued in coupon or registered form at the option of the buyer. Commercial banks, which are defined for this purpose as banks accepting demand deposits, will not be permitted to own these bonds until September 15, 1953. There will be no limit to the amount of this issue and no restriction upon the issuance excepting the temporary exclusion of commercial banks from ownership for their own account. The bonds will be sold in denominations of from $500 to $1,000,000.

State Chairmen of War Finance Committees

ALABAMA
Ed Leigh McMillan
1525 Comer Building
Birmingham 3

ALASKA
Gov. Ernest H. Gruening
Post Office Box 110
Juneau

ARIZONA
Walter R. Bimson
Post Office Building
Phoenix

ARKANSAS
W. W. Campbell
Radio Center, 1st Floor
Little Rock

CALIFORNIA
Charles R. Page
(Northern)
733 Monadnock Building
San Francisco 5
Robert H. Moulton
(Southern)
621 South Spring Street
Los Angeles 14

COLORADO
Clarence H. Adams
302 Colorado Building
Denver 2

CONNECTICUT
Thomas Hewes
36 Pearl Street
Room 523
Hartford 3

DELAWARE
Henry T. Bush
1064 du Pont Hotel Building
Wilmington 99

DISTRICT OF COLUMBIA
John A. Reilly
852 Washington Building
Washington 5

FLORIDA
W. W. McEachern
404 Federal Building
Jacksonville 1

GEORGIA
Charles A. Stair
1202 C. & S. National Bank Building
Atlanta 3

HAWAII
Fred H. Kanne
Young Hotel Building
1055 Bishop Street
Honolulu

IDAHO
John Schoonover
423 First National Bank Building
Boise

ILLINOIS
Harold H. Swift
300 Bankers Building
105 West Adams Street
Chicago

INDIANA
Eugene C. Pulliam
816 Illinois Building
Indianapolis 4

IOWA
Herbert L. Horton
800 Walnut Building
Des Moines 8

KANSAS
W. Laird Dean
208 Federal Building
Topeka

KENTUCKY
Ben Williamson, Jr.
(Eastern)
808 Second National Bank Building
Ashland
S. Albert Phillips
(Western)
510 Republic Building
Louisville 2

LOUISIANA
Leon G. Tujague
512 Pan American Building, Camp and Poydras Streets
New Orleans 6

MAINE
(Co-Chairmen)
H. Nelson McDougall
Edward E. Chase
Room 607
Bank of Commerce Bldg.
Portland

MARYLAND
Hooper S. Miles
601 Maryland Trust Building
Baltimore

MASSACHUSETTS
Albert Evarts
79 Milk Street
Boston 9

MICHIGAN
Frank N. Isbey
600 Union Guardian Building
Detroit 26

MINNESOTA
O. J. Arnold
570 Northwestern Bank Building
Minneapolis

MISSISSIPPI
Rex I. Brown
1005 Lampton Building
P. O. Box 747
Jackson

MISSOURI
Walter W. Head
200 Federal Commerce Trust Building
208 N. Broadway
St. Louis 2

MONTANA
A. T. Hibbard
302 Federal Building
Great Falls

NEBRASKA
W. Dale Clark
636 World Herald Building
Omaha 2

NEVADA
Forest Lovelock
35 East 4th Street
Reno

NEW HAMPSHIRE
Winthrop L. Carter
Bell Building
922 Elm Street
Manchester

NEW JERSEY
Franklin D'Olier
Post Office Building
Newark 2

NEW MEXICO
Cale W. Carson
101 Federal Building
Albuquerque

NEW YORK
W. Randolph Burgess
1270 Sixth Avenue
New York City 20

NORTH CAROLINA
Clarence T. Leinbach
P. O. Box G2
Greensboro

NORTH DAKOTA
F. L. Conklin
Neirling Block
Jamestown

OHIO
Roy D. Moore
693 Union Commerce Building
Cleveland 14

OKLAHOMA
A. E. Bradshaw
203 Drew Building
Tulsa

OREGON
Ed. C. Sammons
330 American Bank Building
Portland

PENNSYLVANIA
Ellsworth A. Roberts
12 South 12th Street
Philadelphia

RHODE ISLAND
C. Burton Hibbert
1812 Industrial Trust Building
Providence 3

SOUTH CAROLINA
Christie Benet
Federal Land Bank
Columbia

SOUTH DAKOTA
Walter H. Burke
Post Office Building
Sioux Falls

TENNESSEE
Cecil Woods
Third National Bank Building
170 Fourth Avenue
Nashville 3

TEXAS
Nathan Adams
Dallas Power & Light Building
Dallas

UTAH
Charles L. Smith
Union Pacific Building Annex
19 W. South Temple St.
Salt Lake City.

VERMONT
Fred C. Martin
Hotel Van Ness
Box 108
Burlington

VIRGINIA
Francis P. Gaines
214 North Fifth Street
Richmond 19

WASHINGTON
Reno Odlin
901 Federal Office Building
Seattle 4

WEST VIRGINIA
A. G. Spurr
608 Security Building
Charleston 1

WISCONSIN
Walter Kasten
1st Wisconsin National Bank
Sixth Floor
Milwaukee

WYOMING
Fred W. Marble
307 Federal Building
Cheyenne

Morgenthau Letter of August 14, to Every Radio Station Manager

DEAR SIR:

As you know, the Third War Loan Drive starts September 9 and will continue for approximately three weeks. Its purpose is to get more money from the American people than ever before. The goal will be $15 billion, with none of it coming from commercial banks.

During the Second War Loan we had an opportunity to see the important job radio can do; and in expressing the Treasury Department's appreciation at the conclusion of that drive, I stated that the cooperation of the radio broadcasters of the nation was a great factor in the success of the drive. You can see, therefore, why we feel that the success of the Third War Loan depends to some extent upon your cooperation and the cooperation of your organization.

Plans for promoting the Third War Loan Drive through radio have been developed by the Treasury with the help of the Office of War Information and the War Advertising Council; and these groups, as well as ourselves, will appreciate your complete cooperation.

We are hoping that on September 9 all four networks and every individual station will devote the entire day to a round-the-clock selling drive by commercial and sustaining programs. This, as you will recall, was done last April 12 with tremendous success. We hope to have even a greater job done September 9.

We have prepared special material which will be of interest to all cooperating stations in the opening day's promotion, and therefore, we will appreciate hearing from you and would like to know what plans you may have.

Sincerely,

HENRY MORGENTHAU, JR.,
Secretary of the Treasury.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON, D. C.

SPECIAL BULLETIN

NAB DISTRICT MEETING REPORT

The series of District Meetings, which opened with the meeting in Philadelphia on October 18 and closed with the meeting in Boston on December 10, was the most successful series ever held. The primary purpose was to discuss war problems and the meetings afforded an excellent opportunity for broadcasters to discuss their problems with representatives of the Army, Navy, Marine Corps, Office of Censorship, Office of War Information, Selective Service, War Manpower Commission, War Production Board, Office of Civilian Defense and Treasury.

Broadcasters gained a clearer understanding of how they can assist constructively in the war effort. Conversely, these government representatives have gotten from broadcasters some understanding of the problems which confront the broadcaster. We are sure the results of these conferences will be very beneficial to all concerned.

On every side we heard expressions of appreciation for the wonderful cooperation given by broadcasters to every government department, campaign and war activity. Broadcasters have made a splendid contribution to the war effort and have reason to be proud of the record they have made.

Conference With Chairman Fly

President Neville Miller, upon his return to Washington on Friday, December 11, paid a personal visit to Chairman James Lawrence Fly of the Federal Communications Commission, to report to him pertinent information collected on the trip. The Chairman expressed great interest in all subjects discussed at the meetings and the manner in which broadcasters were handling the problems created by the war.

The resolution requesting an extension of the restricted operators licenses for the duration of the war and six months thereafter, originally adopted by the 17th District and at all subsequent meetings, was forwarded to Chairman Fly on December 3. A reply reading as follows has been received:

> "This will acknowledge receipt of your letter of December 3, 1942, enclosing a resolution adopted at certain meetings of the National Association of Broadcasters urging that the Commission renew or extend restricted operators' licenses for the duration of the war and six months thereafter without requirement of a comprehensive examination within the presently prescribed six-month period.
>
> "This matter will receive the careful attention of the Commission. As you state,

(Continued on page 2)

it is already under consideration by Committee IV of the Board of War Communications."

RETAIL PROMOTION PLAN

Designed to co-ordinate and implement the efforts of radio stations to sell department stores and retail establishments on the increased use of broadcast advertising, the Retail Promotion Plan was presented to station managers and sales managers at all the district meetings. More than 200 radio stations subscribed, with individual pledges ranging from $25 to $750 based on 1941 income. This response has been very gratifying to the NAB Retail Promotion Committee.

Although some broadcasters have succeeded in developing a substantial volume of business from the retail classification, the industry as a whole has done very little to convince department stores and retail establishments of the possibilities of broadcast advertising. For example, during 1941, department stores spent approximately $240,000,000 in newspaper advertising, while only $5,000,000 was devoted to broadcast advertising. On the other hand, in the field of national advertising, radio leads both magazines and newspapers in volume of business.

The proposed plan does not seek to supplant newspaper advertising with broadcast advertising, but to sell the advantages of broadcast advertising as such. In fact, the presentation points out that the two media can be used in combination with special effectiveness.

The Retail Promotion Plan was conceived after an impartial analysis of the problem had clearly shown that retailers and radio are kept apart because of:

1. A very definite lack of understanding of the retailers' problems on the part of broadcasters.
2. Too little knowledge of the uses of broadcast advertising on the part of retailers.

To meet this situation, the presentation starts with the problems of retailers under wartime conditions and shows how many of these problems can be met by the use of broadcast advertising. Thus, it sets a favorable stage for the presentation of individual radio station recommendations for the use of broadcasting by department stores and retail establishments. As one broadcaster put it: "This is the most forward-looking project the industry has ever undertaken."

Send in your signed pledge now to assure the success of the plan.

ATTENDANCE

The trip to the district meetings covered a period of eight weeks; and those making the entire trip traveled 10,307 miles. The total attendance was 1,485, consisting of owners, and employees of radio stations, representatives of government departments and agencies, others interested in radio. There were 456 stations represented, of which 340 were NAB members, and 116 were non-members. Two charts giving detailed information regarding attendance are on page 4 of this bulletin.

Now would be an excellent time for every broadcaster to consider himself a member of the membership committee and urge non-members in his district to join the NAB.

RADIO PLAQUE

Many broadcasters have expressed a desire to have for display purposes in their studios one of the plaques which was on the speakers table at each District Meeting. The plaque is a reproduction of the pin given to the Convention delegates at Cleveland last May by Station WGAR, and carries the words "Radio in Service of Home and Nation." The cost is $5.00, and the call letters of your station can be added at an additional cost of 10¢ per letter. Send order, with check, to: NAB Headquarters, Washington, D. C.

COMMENT FROM BROADCASTERS ON DISTRICT MEETINGS

"I believe this last NAB District meeting was the finest which has yet been held. We received some worthwhile information and the whole agenda of the meeting moved on at a splendid pace. I heard much favorable comment from others regarding the conduct of the whole affair."

"Frankly, I was very much impressed with the entire meeting. We always learn more about our industry from these meetings. However, I think one of the greatest assets to a broadcaster is the opportunity of talking with other broadcasters. We get a chance to find out what the other fellow is thinking and doing. How business is in other sections. New ideas, etc. However, it seems that we never have enough time left after or before the lengthy meetings to 'shoot the bull' with the fellow broadcasters. It would seem a good idea for NAB to plan for some time to be devoted to just such a purpose. Most of this time is valuable and when the meetings are over the men scatter very quickly to their various stations."

"In reply to your letter of November 21, the recent district meeting at the Ambassador Hotel in Los Angeles happens to be the second NAB meeting that I have attended.

"My reactions to both meetings have been that they were well planned and prepared, that nothing was left undone or unsaid, that they were very constructive in every way and highly inspirational."

"I would like to report that we have always felt that we derived something of advantage from all NAB meetings. It is always helpful for the station managers and sales managers to get together with managers and sales managers of other stations to iron out their individual problems.

"To give you a definite idea of how this recent Pinehurst meeting has been of value to us, I can say that we solved at least three of our many problems by talking to other radio men who had been bothered in the past by the same problems. It is my personal opinion that nothing could be finer for radio, especially for the smaller stations, than these NAB get-togethers which we have had in the past and intend to have in the future."

"I think the meetings were handled extremely well and were packed with good information for anyone in the broadcasting business and gave a fine opportunity to not only learn what is going on nationally but to air the views of our local members and their troubles.

"We sit pretty far out here on the West Coast and things that happen in the East, most things do happen first there, are extremely interesting to me anyway and to have them brought into closer focus by the holding of these meetings makes me very happy. I am only sorry that we cannot have them oftener but realize that is impracticable."

"We wish to inform you that we feel that this meeting was in every way a most successful one and we derived from it much information which will be helpful to us during the coming months. We were particularly favorably impressed by the breakfast meeting at which we were able to discuss informally various problems confronting the individual stations."

"Many matters of importance were presented and discussed informally at these meetings, and I believe much good came from these discussions. It seems as though more and more stations are becoming more interested in the sales problems, and the meeting of the Sales Managers Division was very interesting and helpful.

"The retail clothiers or department store presentation which NAB plans to prepare no doubt will be a wonderful thing for all stations, and we are anxious that a sufficient number of stations are interested to make this presentation possible."

"You asked for it—here it is! The 11th District Meeting was the best meeting ever held.

"Fundamentally, more concrete information pertaining to radio was enjoyed by the Minneapolis broadcasters attending and hob-nobbing with the out-of-town boys, which had never been done heretofore."

"It is my very considered opinion that this meeting was the best Fourth District gathering of broadcasters which it has been my pleasure to attend—and I have attended them all.

"I think the program as arranged was very constructive and made possible certain valuable information during these trying times for all broadcasters."

"I feel that these district meetings are of much advantage to the broadcasters and we came away from the meeting with many helpful suggestions in addition to having had the opportunity to get together with our fellow broadcasters which was in itself a good reason for these meetings."

"I think the meeting which I attended at Pinehurst was exceedingly well master-minded and a model of efficiency as far as the meetings were concerned. No one's time was wasted. It was constructive and completely justifiable even in these days of restricted travel. This was my first. If they're all this good, I hope to attend some more."

"We were fortunate in having three of the members of our organization to attend this meeting and each came back with the idea that radio had a definite part to play in the war effort and also that we were most fortunate in having an association that is interested in the welfare of smaller stations.

"Our commercial manager attended the sales session and came back with some very progressive ideas he had obtained from the speakers in these meetings.

"We always derive a benefit from these association meetings and wish it could be arranged so that we could have two or three meetings each year, especially for the smaller stations, whose problems seem to increase year by year."

It is our purpose to make these meetings of the greatest possible value to the industry. If you have any suggestions regarding the meetings, you are urged to send them to NAB Headquarters.

ANALYSIS OF ATTENDANCE—1942 NAB DISTRICT MEETINGS

OCTOBER 19—DECEMBER 10, 1942

District	NAB Member Stations	NAB Member Stations Represented	Per Cent of NAB Member Stations Represented	Non-Member Stations Attending	Total Stations Present	Government Representatives	Others	Total Attendance
1	34	26	76.5	6	32	14	18	102
2	32	22	68.8	10	32	16	52	160
3	25	17	68.0	13	30	23	23	88
4	55	33	60.0	1	34	13	7	80
5	47	31	66.0	7	38	14	19	107
6	23	15	65.2	3	18	11	13	54
7	23	22	95.7	10	32	7	18	91
8	21	11	52.4	2	13	13	16	59
9	25	17	68.0	5	22	18	38	84
10	32	21	65.7	10	31	15	43	128
11	21	20	95.3	3	23	11	16	60
12	19	13	68.4	5	18	5	9	52
13	20	14	70.0	12	26	18	13	84
14	22	15	68.2	2	17	12	8	48
15	23	21	91.3	2	23	14	17	79
16	23	15	65.2	9	24	17	19	84
17	33	27	81.8	6	33	12	9	87
TOTAL	478	340	71.1	106	446	*	**	1447

* Some Government Representatives attended more than one meeting.

** Some of those in column headed "Others" attended more than one meeting.

Government Wartime Agencies Represented at 1942 NAB District Meetings

District	Army	Navy	Marine Corps	Treasury	Censorship	OCD	OWI	WMC Selective Service USES	WPB	Total
1	4	1	3	....	1	1	2	2	....	14
2	1	3	1	3	1	3	4	....	....	16
3	1	2	....	1	1	1	14	1	2	23
4	....	....	....	1	1	6	3	1	1	13
5	3	....	....	1	1	2	5	1	1	14
6	....	....	....	1	1	1	7	1	....	11
7	....	3	....	1	1	1	1	....	....	7
8	2	2	....	2	1	1	3	2	....	13
9	1	2	....	2	1	4	4	4	....	18
10	4	3	....	2	1	1	1	3	....	15
11	2	2	....	1	1	3	1	1	....	11
12	....	....	....	1	1	....	2	1	....	5
13	4	2	....	1	1	1	8	1	....	18
14	5	1	....	2	1	1	2	....	....	12
15	....	1	3	1	1	2	4	2	....	14
16	1	2	4	1	1	1	6	1	....	17
17	....	1	2	1	1	3	3	1	....	12

NAB War Conference Bulletin

MARCH 19, 1943 ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ No. 1

1760 N St., N.W. NATIONAL ASSOCIATION OF BROADCASTERS WASH., D.C.

Event: NAB War Conference (21st Annual Membership Meeting, National Association of Broadcasters.)

Dates: Monday, April 26 to Thursday, April 29, 1943.

Place: Palmer House, Chicago, Illinois.

Purpose: To make the grand job radio is doing in the war effort even more effective.

How: By exchanging ideas; discussing ways and means with each other, and with government officials primarily responsible for the conduct of the war; by formulating policies based thereon.

TO THE STATION MANAGER:

The NAB War Conference has every aspect of a military assignment. The maintenance of a well integrated civilian communications system in wartime, keenly alive to Government objectives, is a responsibility of this industry which parallels the production of actual war materials.

Every station manager should give earnest and careful consideration to his attendance and the attendance of his Chief Engineer, Program Director and Sales Manager. Problems affecting these men in the conduct of their departments will be discussed and policies reached. Government or wartime agency representatives will participate in every session.

We cordially invite all broadcasters and networks, members or non-members of NAB, to have comprehensive representation at this War Conference in Chicago, April 27th to 29th, sending those who may contribute something to it and whose instruction will further the war effort.

Neville Miller

PLEASE NOTICE

This NAB War Conference is strictly a business and working session. We are arranging a program that will measurably contribute to better broadcasting in the war effort, and those who attend must come with a determination to get every possible advantage.

All features, including affairs usually arranged at NAB conventions for the entertainment of the wives are eliminated. The banquet is scratched. Any formal social gatherings will be matters of private concern only.

AGENDA

Following is the tentative subject agenda for the Conference:

Speakers' names have been omitted pending confirmation, but we have lined up outstanding war and industry leaders to address us on all phases of radio in the war picture.

MONDAY, APRIL 26

Pre-Conference Day

9:00 A.M. Registration
    10:30 A.M. Program Directors Committee
    10:30 A.M. Sales Managers Committee
    2:00 P.M. NAB Bureau of Copyrights
    2:00 P.M. Public Relations Committee
    2:00 P.M. Research Committee
    2:00 P.M. Engineering and Insurance Committees
    2:30 P.M. Code Committee
    3:00 P.M. Retail Promotion Committee
    4:00 P.M. BMI Board
    7:00 P.M. Accounting Committee
    7:00 P.M. Labor and Wage and Hour Committees
7:00 P.M. NAB Board of Directors Dinner

TUESDAY, APRIL 27

War Manpower and War Materials

9:00 A.M. Registration
10:30 A.M. Manpower
    1. Needs of the Army.
    2. Needs of Industry.
    3. Selective Service.
    4. How to meet the need.
12:45 P.M. Luncheon
2:30 P.M. War and Materials
    1. Operation of stations.
    2. Listeners.
    3. Operations under Fighter Command.
8:00 P.M. (1) The Clear Channel, Regional and Local Groups are offered the opportunity to have meetings at this time
    (2) NAB Women Directors

WEDNESDAY, APRIL 28

8:30 A.M. Breakfast Round Tables
    1. Selective Service and Manpower.
    2. Foreign Language.
    3. Tubes and equipment, gas and tires, listener problems, batteries, receiving sets.
    4. Music.
    5. Radio Management Club of Chicago.
10:30 A.M. Radio Problems and the War
    1. Censorship.
    2. The Government and Programs.
12:45 P.M. Luncheon
2:30 P.M. Sales Problems during War Time
    1. Retail Promotion Committee plan.
    2. Petrillo recording ban.
    3. NAB Annual Meeting.
        a. Election of Directors-at-large.
        b. Vote on by-laws changes.
8:00 P.M. "Sales—A Wartime Necessity"

THURSDAY, APRIL 29

8:30 A.M. Breakfast Round Tables
    1. Censorship.
    2. Training courses—48-Hour Week—Women.
    3. OWI.
    4. Sales Managers.
    5. The Recording Ban.
    6. Legislation and Taxation.
10:30 A.M. Recommended standards for coverage maps
    The role of advertising in wartime—a panel discussion
1:00 P.M. Luncheon

Resolutions and Adjournment of Conference

3:00 P.M. Meeting of New NAB Board of Directors.

A study of this agenda will assist station managements in determining what men from their staffs should attend the War Conference. In order that the fullest possible information and understanding may be brought to each discussion we desire to know at the earliest possible date what men the stations plans to send. TELL US IF YOU ARE COMING YOURSELF, IF YOUR SALES MANAGER, YOUR CHIEF ENGINEER AND PROGRAM DIRECTOR WILL BE THERE.

We want to select some men from each of these fields to assist in preliminary planning and to bring local information to particular problems. Will you cooperate with us by sending this information, together with the names of the various men, just as soon as you can.

Transportation

Travel is heavy. Immediate attention should be given to making train or plane reservations. Be sure to get them both ways.

Certification

NAB will hold its 21st Annual Membership Meeting in conjunction with the War Conference. Directors-at-Large and Network Directors are to be elected. The By-Laws require every active member whose dues are not more than one month in arrears to certify to the Secretary-Treasurer "the owner, a partner, an officer, or an agent, who shall be actively engaged in the business of such member to be its representative in the Association and who shall represent, vote and act for the member in all the affairs of the Association, including the holding of office therein."

With this bulletin is enclosed a certification. Please return it promptly.

Rules Governing Conference Hotel Reservations

1. Requests for hotel reservations may be sent direct to the hotel at which the applicant desires accommodations or to the NAB Housing Committee, 1 North La Salle Street, Chicago, Illinois.

2. The request should set forth in as much detail as possible:

HOTEL RESERVATION FORM

NATIONAL ASSOCIATION OF BROADCASTERS

WAR CONFERENCE

(21st Annual Membership Meeting)

April 26-29, 1943

NOTE: If you want rooms in the Palmer House, send this Reservation Form direct to the Palmer House, Chicago, Illinois. If you prefer some hotel other than the Palmer House, send the Form to NAB Housing Committee, 1 North La Salle Street, Chicago, Illinois, Attention: W. J. Hennessy.

Please reserve accommodations as follows:

..................Room(s) WITH bath for one person each — Room rate desired $.......... to $..........

..................Room(s) WITH bath for two persons each (double bed)) — Room rate desired .... to ....

..................Room(s) WITH bath for two persons each (twin beds) — Room rate desired .... to ....

..................Room suite ( ) WITH parlor — Room rate desired .... to ....
( ) WITHOUT parlor

First Choice Hotel..

Second Choice Hotel..

Third Choice Hotel..

IMPORTANT!!

Chicago hotels desire to serve you efficiently and promptly. You can assist by providing exact information as to the type of accommodation desired; the names of all persons who will be in your party and *most important:* the exact time of arrival.

Room or rooms will be occupied by:

Name	*Company or Business Connection*	*City*	*State*	*Time of Arrival*	
				Date	*Time*

(SEE REVERSE SIDE FOR LIST OF HOTELS)

	ROOMS WITH BATH		
HOTEL	*Single*	*Twin Bedrooms*	*Suites*
Palmer House (Headquarters)...........	$3.85	$6.60	2-Room—$15.40 to $16.50 single
	4.40	7.15	$17.60 to $18.70 double
	4.95	7.70	3-Room—$23.10 to $25.30 single
	5.50	8.80	$27.50 to $29.70 double
	6.05	(For single or double occupancy.)	
	6.60		
	7.70		
	(These rooms have double beds. If occupied by two persons, add $2.20 to each price.)		

	Single	*Double*	*Suites*
Atlantic	$2.75 UP	$3.75 UP	....
Bismarck	3.75 “	5.25 “	$12.00 Up
Blackstone	4.00 “	7.50 “	10.00 “
Drake	4.00 “	7.00 “	12.00 “
Edgewater Beach	4.40 “	6.60 “	11.00 “
Harrison	2.50 “	3.50 “	10.00 “
Knickerbocker	3.50 “	6.00 “	10.00 “
La Salle	3.30 “	4.95 “	7.00 “
Morrison	3.30 “	4.40 “	8.80 “
Sherman	2.75 “	4.40 “	8.80 “
Shoreland	5.00 “	6.00 “	....

a. The type of accommodations desired, rate, single or double occupancy, double or twin beds, etc.

b. The exact date of arrival and if possible, the time; the names of all people for whom reservation is requested.

c. The length of time which the party plans to stay.

d. If the reservation is not made in a firm name or the request written on a firm letterhead, the station or other business with which the reserving parties are affiliated should be given.

3. The Housing Committee and the Palmer House each has a complete list of NAB members. Reservation requests from parties or stations whose names are on this list will be given priority and assignments made in the order of their receipt. Requests from parties or stations not appearing on the membership list will be held in abeyance until April 15, at which time rights of priority will terminate and assignments made in order of their receipt. While NAB members will be given precedence, every effort will be made to suitably and satisfactorily care for the accommodations requested by individuals, firms and radio stations not on this list.

4. If the exact type of accommodations requested are not available in the hotel specified, the NAB Housing Committee or the Palmer House will immediately notify the individual, firm or radio station of that fact and give information as to the type of accommodation available which most nearly meets the specifications. Applicants should bear in mind that no assignments will be made in such cases until a confirmation is sent to the Palmer House or the Housing Committee.

5. Reservations for delegates or persons from member radio stations planning to attend the Conference should be sent in by the station itself and not by a third party. You are urgently requested not to have your station representative or anyone outside your station make a reservation for anyone from your station. This confuses handling of reservations and results in duplication. We ask your cooperation.

For your convenience we enclose a hotel reservation form on the back of which is listed the Chicago hotels which are cooperating with us through the Convention Bureau of the Chicago Association of Commerce. The rates of the various types of accommodations are shown. To facilitate the handling of your reservation request, PLEASE USE THIS FORM.

IF YOU DESIRE ACCOMMODATIONS AT THE PALMER HOUSE, SEND THE FORM DIRECTLY TO THEM; IF AT A HOTEL OTHER THAN THE PALMER HOUSE, SEND IT TO THE NAB HOUSING COMMITTEE, ONE NORTH LASALLE STREET, CHICAGO, ILLINOIS, ATTENTION: W. J. HENNESSY.

Reception Committee

NAB Ninth District Director Edgar Bill has appointed a Reception Committee made up of the following Chicago NAB broadcasters: J. L. Van Volkenburg, WBBM-CBS, Chairman; Harry Kopf, WMAQ; and Edwin R. Borroff, WENR.

From the station staffs in Chicago a number of men and women receptionists will be recruited. Some of these will be at each of the depots to greet you on arrival. Their location will be well identified so that you can easily find them. UPON ARRIVAL YOU ARE URGED TO CONSULT THESE RECEPTIONISTS FOR ANY DESIRED INFORMATION.

Promotional Display

The annual station promotion competition, a feature of NAB conventions, will not be held in connection with the War Conference. However, provision will be made for the display of promotion material issued for sustaining or sponsored war programs. To contribute to the most attractive and orderly display, the following simple rules will govern.

1. Material is to be mounted on board of sufficient weight to be self-supporting.

2. All panels are to be uniform in size—28 inches wide by 44 inches high, composed vertically.

3. Each panel must show the station call letters on the face.

4. All shipments must be made, charges prepaid, in time to arrive not later than Thursday, April 22. Address them to C. E. Arney, Jr., Palmer House, Chicago, Illinois.

5. If you wish the panels returned, pack in a carton or crate which can be opened without dismantling. Return shipments will be made freight collect unless otherwise specified.

Room Assignments

The following message from the Palmer House is self-explanatory:

"For those who are wondering what the hotel situation will be when they arrive in Chicago to attend the NAB War Conference, the Palmer House wishes to say that it will guarantee to deliver on every reservation it makes.

"With travel increased a great deal over other years, we will not be able to guarantee rooms immediately upon arrival but, with planning and cooperation, inconveniences can be kept to a minimum.

"(1) If our reservations show that it is necessary to open a special Registration Desk, we will set one up alongside the Registration Desk on the fourth floor for the convenience of all the members.

"(2) If your room is not ready when you arrive at the meeting, you can attend to other matters and your room assignment will be made during the day.

"(3) Several rooms will be set aside where you can clean up and go into the meeting without delay.

"The hotel suggests that, where possible, all registrants plan their reservation and arrival for the night before the meeting starts.

"Again, the Palmer House guarantees that they will 'deliver' on every reservation that is made, but asks your cooperation and patience if rooms cannot be had immediately on arrival in the morning hours.

"Very truly yours,

Edward T. Lawless,

Vice President & Managing Director"

Associate Members

As announced in last week's NAB Reports, plans have been made to care for associate members. Details and information forms will be sent out shortly.

Pre-Registration

Last year we inaugurated a plan of registering in advance of the opening of the convention. The results were quite satisfactory and speeded up registration considerably. We believe those who registered in advance last year will so testify. We will again offer the opportunity to pre-register for the NAB War Conference.

Within the next few days pre-registration information and forms will be sent to all stations and others concerned.

NAB War Conference Bulletin

APRIL 2, 1943 ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ No. 2

1760 N St., N.W. NATIONAL ASSOCIATION OF BROADCASTERS WASH., D.C.

Event: NAB War Conference (21st Annual Membership Meeting, National Association of Broadcasters.)

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Place: Palmer House, Chicago, Illinois.

Purpose: To make the grand job radio is doing in the war effort even more effective.

How: By exchanging ideas; discussing ways and means with each other, and with government officials primarily responsible for the conduct of the war; by formulating policies based thereon.

WAR CONFERENCE

Attendance Instructions

Wartime demands on the transportation facilities of the country are tremendous. Joseph B. Eastman, head of the Office of Defense Transportation, has emphasized the necessity for the most severe curtailment of civilian travel. He has made a plea for voluntary cooperation on the part of all.

We have discussed attendance at our NAB War Conference with officials of the ODT and have agreed to cooperate in discouraging attendance of any but absolutely essential personnel. Broadcasters, associate members and others are cautioned in planning their attendance at the conference and that of staff members, to consider the following questions:

1. Will the persons who go to Chicago contribute constructively to assist the broadcasting industry in more effectively aiding the war effort; or,
2. Will the persons who go to Chicago attend the serious sessions arranged for them and gain a clearer understanding of their responsibility and thus be able to serve more effectively the national interests through radio.

Unless anyone you send fits into one of the above classes, he should not attend. It is intended that this year's conference be limited strictly to those members of the broadcasting industry responsible for its continued functioning in the war program.

It is to be regretted no invitation can be extended to the wives nor are any plans being made for their entertainment for reasons which are most obvious.

Certification Card

Please send in the station representative certification cards as quickly as possible.

Promotional Display Out

After discussing the subject with the Office of Defense Transportation, we have determined to abandon entirely all plans to conduct any kind of a promotion display. Stations are, therefore, requested not to send any material to Chicago and not to expect to see any display of any kind there, except such as may be of purely local origin. We ask your cooperation.

Pre - registration

Take advantage of pre-registration by returning your registration cards with check as soon as possible.

Associate Exhibits

Any Associate Member who had planned an exhibit at Chicago is asked to abandon those plans. The need for conserving transportation space, both express and mail, is so urgent as to justify us in asking you not to exhibit.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

NO. 1 SPECIAL INFORMATION BULLETIN June 4, 1943

Radio In The War

A Report By The War Advertising Council

Following is an excerpt from the speech of Chester LaRoche, director of the War Advertising Council, delivered in New York City, Thursday, May 27, before 150 radio time salesmen. This is "results from radio" testimony which everyone in the industry will be proud to carry in his portfolio.

1. **The Network Allocation Plan**—A statement by OWI says, "From the beginning of our efforts to effect radio coordination it was clearly evident that the large network commercial and sustaining programs offered the best and most easily coordinated facilities for war information."

"Early in 1942, the Advertising Council presented to the Office of Facts and Figures (predecessor agency to the Office of War Information) a plan for systematic allocation of war information on network programs *both sustaining and sponsored*—a plan which received the approval of all networks and network sponsors."

Since April, 1942, 65 different war information subjects have been handled under network allocation plan. In an average week this plan provides 7,500 station broadcasts to a maximum number of 100 million listeners.

2. **The Special Assignment Plan** was created to render personal service to a limited number of established network programs—both sustaining and commercial—which have volunteered to serve the war information effort either full or part time, *over and above* the Network Allocation Plan. Sixty-five commercial network programs are handling war subjects under this plan. Typical illustrations are The Aldrich Family, Fibber McGee and Molly and We the People, which build an entire program around a war theme. In an average week the Special Assignment Plan receives 4,200 station broadcasts to a maximum audience of 100 million listeners. There are fifty-six such programs per week, eight a day—or two daily on each national network.

3. **The National Spot Plan** in an average week is participated in by thirty-six commercially sponsored programs with 800 station broadcasts per week to a maximum listening audience of 10 million.

These three plans for the utilization of commercially sponsored and network sustaining programs reach a maximum listener audience of 210 million per week. Another 44 million weekly listeners are reached through OWI's own programs under three plans:

1. **Station Announcements** — Twelve a day from stations affiliated with one of the four major networks and sixteen a day from each independent station.

2. **Special Features**—The combined networks produce these programs which have to do with general background war information. These programs average 1,500 station broadcasts per week with a maximum listening audience of 15 million.

3. **Station Transcription Plan**—OWI produces and distributes two major transcription programs to 820 stations.

   * A. Uncle Sam — five a week—under commercial sponsorship—on 226 stations.

   B. Other government transcriptions — both serials and one-time topical programs.

The Station Transcription Plan disseminates 8,000 station broadcasts per week to a maximum audience of 4,000,000.

In addition to the 5 types of regular weekly operation, OWI also arranges special events broadcasts and local live programs.

Undoubtedly you all want to know some of the specific results of this great war theme radio campaign. Here are some results of the "action" messages broadcast under the network allocation plan.

RADIO'S "BOX-TOP" RETURNS

Candidates for Marine Officers schools jumped 40 per cent after two weeks on the Network Allocation Plan, June 8 through 21.

"Glider Pilots" was on the Network Allocation Plan for two weeks from July 6 to 20. Up to this time all efforts to recruit glider pilots had failed because the boys wanted to fly motorized planes. At the end of this two-week period, however, 30,000 glider pilots had been turned up, and every CAA school in the country packed to capacity.

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* Uncle Sam is to be replaced by two 15-minute transcriptions per week. These will use radio's top-flight talent, and because of this cannot be sold to local sponsors.

Coast Guard after a three-week campaign, from July 20 to August 10, increased the number of applications being received for Reserve Officers training at least 40 per cent.

"Army-Navy Nurses" ran for three weeks, from July 27 to August 17. The Army and Navy were calling for 3,000 nurses a month, and it looked as if the pool might soon be exhausted unless new volunteers were secured. At the conclusion of the drive, volunteers were already coming in at 50 per cent above the pre-drive rate. Several weeks after the conclusion of the drive, the number jumped to well over 100 per cent—and in many communities as high as 250 per cent above the pre-drive rate.

Signal Corps drive, August 10 through 23, upped recruits over 800 per cent.

"Army Specialists" ran on the Network Plan from October 5 to 19, and on the Baseball Allocation Plan from September 21 to October 5. By mid-October quotas for these mechanics for three branches of the Army were passed. This was considered a particular achievement, in view of the enormous pressure from industry for this type of skilled technical personnel.

"Non-Combat Pilots" was carried for one week on the Network Plan, beginning November 2. The CAA hoped for 50,000 returns; at the end of the 7-day period a total of 104,000 inquiries was assured.

Don't Travel at Christmas—Breakdown of transportation during Christmas loomed unless civilian travel curtailed. Radio went to work. On many railroads less traveled than last Christmas. Mr. Joseph Eastman reported much-feared breakdown completely averted. And *all* soldiers who wanted to get home got there.

V-Mail—Army and Navy problem—one sack of V-Mail equals 65 sacks of regular mail. Week before campaign one-half million V-Mail letters, during third week of campaign one-and-a-quarter million—116% increase. Today increase is between 150 to 200%.

Shoe Rationing—This campaign was so secret OWI called it the Oyster Campaign. Had to be broken on Sunday at 3:00 P. M. to eliminate run on shoe stores. No Sunday newspapers (all printed Saturday night). Radio had to not only tell consumers they couldn't buy without ration coupons, it also had to tell shoe dealers they couldn't open Monday. Very few instances of dealers not hearing.

Recruitment of War Workers at U. S. Employment Service gained 21% in January over previous month.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

No. 2 SPECIAL INFORMATION BULLETIN June 11, 1943

What Radio Is Doing In The War

(This report was given by Walt Dennis, NAB news bureau chief, before the National Conference of Entertainment Industry for War Activities in New York City, June 3-4. The material in it is offered herewith to broadcasters for possible use in their public relations work in their communities, such as in civic club talks, etc.).

When the word radio is used today, it is generally used in a commonplace sense. Of all the miracles of science which have been developed in the last century, radio has been the greatest which we now take for granted. To me radio means power. The power to fashion and mold the minds, lives and emotions of men. It is an instrument of information and entertainment with a potential so vast we should stand in awe of its accomplishments and its future promise.

Some portion of that power and some portion of that future have been revealed during this war—for war is the crucible in which science labors at white heat to fashion the great devices of peace into the weapons of war. Radio has been and is so being used and worked so that when peace again blesses us, radio will step forward to serve mankind in many new ways.

But my purpose today is not to clothe the mystery of radio in the poor raiment of my words, but to talk about the use of radio in the entertainment and information fields and especially its use to those ends in war time.

American radio at war breaks down into three categories—the domestic, the shortwave for overseas and foreign consumption and the technical, such as radar.

In order that you receive my report as I should like to have you receive it, I must tell you that I feel that radio is merely the instrument through which men and women, such as you in the entertainment world, transmit their art to our services and allies here and abroad.

When I think of radio in that sense I think of people working—working hard and selflessly—day and night to do their bit in their way to lighten the burden now resting on the shoulders of those who wear the uniforms of U. S. soldiers, sailors and marines.

And now it is time to talk of you—for you are the people of whom I am thinking. Your work could be translated into columns of statistics about the numbers—the thousands of programs and appearances you have broadcast and made at our camps in this country—the thousands of broadcasts and appearances you have made to the troops overseas, but statistics have always seemed like skeletons to me, clanking around in cold symmetry with no flesh and blood to give them life.

Rather do I see Edgar Bergen and that scamp Charlie McCarthy up in Alaska doing shows—and, yes, doing something else. How many of you know we have a hospital up at Dutch Harbor where battle-shocked soldiers and civilians are being nursed back to sanity? Maybe some of you know what Edgar and Charlie did for one civilian there not long after the Dutch Harbor raid. This unfortunate person would constantly take off his clothes and try to bathe himself—he didn't know who he was—or much else. Charlie and Edgar visited him and did a bit of patter. Months and months of listening to the radio—to Charlie McCarthy—had their effect. Charlie registered. The sick mind snapped back and today the man is well again.

The National Association of Broadcasters
1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.
No. 3 SPECIAL INFORMATION BULLETIN June 25, 1943

How To Use Radio

(This report was given by Walt Dennis, NAB news bureau chief, before the New Jersey Federal-State War Conference on Social Protection on the theme "Venereal Disease—Saboteur of War Manpower." The report suggested the methods by which a campaign against venereal disease might be initiated via radio. It is presented to station managers in this form as pre-information of similar conferences to be held in all 47 other states this summer and fall.)

Under the American system of broadcasting, radio is licensed in the "public interest, convenience and necessity." This places every station manager in a position of public trust.

Since the courageous efforts of Doctor Parran to drive the clouds of bigotry and shame from the study of the prevention and cure of venereal diseases have born fruit in the last two decades, we should now dwell on the theory of how it might be possible to use radio as a weapon in conquering these diseases by education.

Public service is implicit in any means whereby the spread of venereal diseases may be stamped out and it is on this point that use of radio revolves.

You have a magnificent precedent in this field in the fact that one of the George Foster Peabody awards in 1942 for outstanding public service was made to radio station KOAC, Corvallis, Oregon, for its presentation of ten broadcasts on the topic "Our Hidden Enemy—Venereal Disease." These broadcasts were made by electrical transcription and originated from Dr. Charles G. Baker, syphologist of the Fayette county health department, Lexington, Ky. Stations WLAP, Lexington, and WHAS, Louisville, also have presented these lectures.

Generally speaking, however, access to a radio station on a matter of this kind is not simple. A station manager must be convinced that the source and authority behind such a campaign is first-rate and carries the eminence of dignified respectability. For, speaking practically, we just cannot ride rough-shod over four centuries of tabus.

Getting down to cases, let us take a community as an example and work out a proposed means of campaigning.

Let us suggest any average metropolitan community. Any such campaign must embrace at least the newspapers and the radio station or stations. There is little point in using any one to the exclusion of others (and in this talk I am assuming that you wish me to tell you how best to use radio and how to obtain its cooperation). Although we know radio can do almost any given job of education or information alone, we also admit that the more media participating the more penetration obtained.

In a campaign against venereal disease—and I am suggesting that any such campaign might resolve into a permanent part of the civic endeavor—indispensable participants are the health agencies, doctors and nurses organizations, medical and health societies and associations and related groups. Highly important supplemental organizations are the churches, the women's clubs, civic and service bodies and all the constructive organized power of a community, including the full resources of the city government.

When this power is organized behind such an endeavor, then a plan of procedure must follow. Most important part of this plan is transmitting its purpose and information to the public through available media—a process sometimes known as publicity and in certain cases as news. In this case it would be both combined under public education.

When these steps have been taken and the plan made definite, then committees should be designed to contact the radio station manager or managers of other media to enlist their cooperation. Such a committee can demonstrate the organization behind their request and display the working plan and material they have assembled.

> *And now to the crux of the discussion—this is the point at which the radio station manager takes charge. He knows radio; he knows how best to present material over his station—he knows who should be able to prepare it and present it most effectively.*

You show him the definite public interest involved—you show him the community organized to do something about it—you show him material and a plan—and he will take care of his end. He may call upon members of the community to serve; in this case he might wish to have an outstanding physician, or head of the city or county health department, make a talk or two—but if I know radio men, he'll do that and plenty more. He will pull out all the stops in his experience and lend the fullest production experience of his station to your purpose.

I have pointed out that precedent has been set. The stations which already have presented material on venereal diseases have received public and official acclaim. No criticism can come from public-spirited listeners on the worth of the fight—some may arise on the manner of its presentation over the radio. And it is here that I must inject a note of caution—do not attempt to impose the judgment of inexperienced but well-meaning nonradio people upon station managements. You certainly would not want a radio station manager to treat a syphilitic patient—nor is it logical to presume that a physician or layman with little or no radio experience can handle such a delicate—and I use the word in the presentation sense—subject on the air waves.

In closing let me summarize—don't send a boy to do a man's job. The fight against venereal disease is not only a clinical one, we also must eradicate forever the hush-hush mantle of shame which has impeded medical progress in this fight for centuries.

Therefore, when you approach a radio management for help, do not do so in the name of a small, but sincere, group which "wants to do something about this"—organize your community and plan the battle as a full-scale offensive. Then the cooperation of media is not only assured, but you will receive the fullest power of that cooperation in all its many phases.

The National Association of Broadcasters
1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.
No. 4 SPECIAL INFORMATION BULLETIN July 2, 1943

Public Relations of the Radio Industry

By **JAMES W. IRWIN**

Assistant to the President, Monsanto Chemical Co., St. Louis, Mo.

Address delivered to the Public Relations Committee of NAB, managers of Chicago radio stations and representatives of Chicago NAB Associate Members at the Palmer House, June 23, 1943.

(Additional copies available upon request.)

It is with a feeling of apology that I come before this NAB group today to discuss with you the matter of public relations for the broadcasting industry, because I am in the position of a listener and know very little about the inner workings of present-day radio.

When Mr. Egolf reached me in Milwaukee a week ago to ask me to join with you today he said that an address I had made before a group of industrial executives last March in Edgewater Park, Mississippi, had aroused some interest and it was the desire of your group that I express to you some of my philosophy as it might apply to the radio industry. I assumed, therefore, when I was gathering my notes, that you wanted a frank expression of the way I view the things that affect the operation of your industry, plus whatever constructive suggestions I might be able to toss into the hopper.

It happens that I was one of the original station managers of radio because back in 1922 I handled what little administrative duties there were for Station WGAY, at that time owned and operated by the Wisconsin State Journal at Madison. When I was tendered an opportunity to go on the rim of the Journal's copy desk at $15 a week instead of the $12.50 I was getting as a radio station manager, I decided that radio was only a fad anyway and that there was a greater opportunity in newspaper work. That was my last official contact with the management side of radio, although I have had considerable contact with sponsorship of programs over some of the networks.

Ever since the old crystal-set-earphone days, however, and up until a year or two years ago I had been an avid listener. I organized my social life to make certain that I would not miss such programs as Jack Benny and Bing Crosby. Then a year-or two ago I began to become fed up with the pap that the networks and the individual stations were feeding over the air lanes to the listening public.

I have radios in my cars, on my sleeping porch, in my bedroom, in my study and in my office. It used to be that wherever I was a radio always was playing. I have noticed in the last ten to twelve months that I seldom turn on the car radio, my office radio is turned on only in event of something of great importance, and the house radios seldom come on now except for a purely comedy or escape entertainment program.

I cite all of these things because I think possibly I come as near to being an average radio listener as a great many other people with whom you might consult and because I have heard my associates on my staff and my acquaintances out in the various fields of industry express somewhat the same thoughts.

And if I as an individual with purchasing power and the members of my staff as individuals with purchasing power are becoming fed up with listening to the radio then your industry is approaching a point where it is being weakened as a means of selling institutional good will and product acceptance.

I have the positive feeling in my own mind, and have had this feeling for the last several years, that radio has compromised with its conscience and has not fought back against the efforts of the bureaucrats and the 'do-gooders' to regiment and rule the industry for fear of reprisal in the revocation of station licenses.

I have not admired this attitude on the part of radio. Without referring to any name, I sincerely believe that a certain newspaper, the owners of which I know, supported the third term campaign in return for increased power and fulltime operation.

Over a period of years your industry has lived in fear and trembling of the Federal Communications Commission and the commissioners making it up. I know of one instance, although I cannot recall the date, when Mr. Fly desired to go on the network with some type of a statement, lines were cleared and he was permitted to run over the scheduled time so that the following programs were delayed—a courtesy you would not accord anyone else in the United States other than the President, or a visiting Prime Minister, or someone of equal rank. All of which gives me—and others like me—the feeling that you were afraid of Mr. Fly.

For example, I know that you are worried over the Frankfurter decision, because it so happens that my good friend Merle S. Jones, General Manager of KMOX, had mailed a copy of it to me on June 15, which I found on my return to St. Louis.

I believe that the fact that all three networks give Elmer Davis clear channels once a week impugns the confidence of the public in other commentators who have freedom of action uninfluenced by any apology from a badly run administration. I don't disagree with the policy that the air should be available at any time to give top officials the opportunity to disseminate to the public facts about the war, which the people are paying for. Still, it appears to me that we are getting entirely too near the Goebbels Nazi technique when we have an ordained minister of propaganda who takes every station in the country once a week and shoos every other program off the air; saying, in effect, "You will listen to me or else."

A broadcasting station or network, in my humble opinion, should insist upon the same freedom as newspapers to interpret the news to the public. Davis and the OWI and other departments should be placed in the position of giving a memorandum to the press and radio on a particular subject that they want to put across and leave the treatment or interpretation of such memoranda to the experienced editors and commentators who are on your private payrolls and not on the government payrolls.

I sincerely feel that the radio industry is approaching the point that has been reached by labor, namely, that you turned to government and surrendered some of your prerogative of freedom of action and now find that you have put handicaps on yourselves. Just as labor turned to the administration and obtained organizing support and one-sided legislation and regulations, it now finds the dictatorial attitude of the administration becoming troublesome because the pendulum is swinging the other way, and the public has become so fed up that the administration knows it has to do something to survive.

You might be interested in the reaction of another businessman who long has been a follower of radio, although having no connection with the industry.

His views are expressed in "The Spirit of Enterprise" which is being brought out by Charles Scribner's Sons on July 12. In this book Edgar M. Queeny, who is the Chairman of the Board of the company with which I am associated, said:

"We Americans pay for radio broadcasting by hearing how little tubules secreted under our armpits may frustrate an otherwise promising combination for winning friends and influencing people, or by listening to advice about our kidneys, our hair or our diet. Advertising pays for our broadcasts.

"As each advertiser wants his message to reach the largest number of people, his program of entertainment is designed to please. Elaborate systems of sampling of audiences gauge popularity. Programs with wide audiences remain on the air—others do not pay and are dropped. Hence public acceptance is the only criterion. The American public now gets the kind of broadcasting it wants, good or bad.

"Without advertising revenue, broadcasting stations would fall into the lap of the state. Competition between chains and stations would cease. A bureaucrat would provide the music he thought the people ought to hear and place before the microphone personalities whose views he thought would be good for the people, which, incidentally, would also serve his own vested interest. The American mind would lose its freedom of determining its own music and entertainment, and of choosing its political, economic and spiritual thought. We would lose one of our organs of freedom of speech.

"We would also cease to be the best-informed nation in the world. The cost of producing our magazines and newspapers is met in most part by advertising revenue. With advertising eliminated, much higher prices would have to be charged to maintain present standards. This in turn would force drops in circulation; again prices would have to be increased, which would be followed by another drop in circulation. This descending spiral would finally end in a new balance between a lower standard, a lower circulation and a higher price."

I don't think, however, that your cause is entirely lost, although I think you've got a pretty tough battle ahead.

If I were a radio property owner or an administrative executive of one of the networks I think I would cease compromising with my conscience, buckle on my armor and, at the risk of losing that job and/or my properties, give the administration and the Federal Communications Commission the damndest fight it's ever had. In organizing for that fight I would take some very positive steps because I believe most emphatically that if the radio listening public is given the true facts about the hamstringing and censorship and regulation of the radio industry by the administration for selfish gain, it will get up on its hind legs and scream to the high heavens. Certainly that has happened on a great many occasions when there have been attempts to throttle the free action of the press and silence editors.

It is my studied opinion that the radio industry and the press of the nation have so much in common, and are in such a dangerous position, that now is the time to forget all petty disagreements between the two great industries. Both need to recognize that they are the only two major channels for the dissemination of information to the people that make up this nation and that, therefore, they should bury whatever little hatchets they still use and form a united front.

I know that each of the major networks and a great many of the larger and better-financed stations have qualified public relations executives on their staffs, and I would like to stress here that I mean public relations and not publicity executives engaged in program promotion. It is the duty of these men, one of whom—Frank Mason—happens to be a very good friend of mine, to watch the broad trends of the industry they serve, and the national trend as well, and help guide policy and operating management in the making of decisions that will be to the best interests of the country and the industry.

I do believe, however, that each of the networks or the industry as a whole should also retain outside public relations counsel to give it a broader and more objective viewpoint. I believe that each of the networks should select for election to its board of directors a man who is chief public relations officer of some American industrial organization and pay him a salary as a working director. Then, the man so retained on each network board should serve on an advisory committee on public relations to the National Association of Broadcasters, thus bringing into your picture additional minds who can think a little bit more independently than can those who are so close to your operating problems. On this line some of the more successful railroads have gone to outside directors and, of course, the American Telephone and Telegraph Company has pursued that policy for years and found it very successful, so it is not a new departure.

I think that NAB and its advisory group and its outside public relations counsel should carry on a continuing listener opinion research program under the direction of some able poller of opinion, such as Dr. Claude Robinson, so that its activities in developing public support could be guided by reactions of the listening public.

I believe that radio should very seriously consider a national advertising campaign in which it would use radio as a media and also use daily and weekly newspapers and national magazines, telling the listener public its story and reasons why it must not be throttled. Thus, the public will get the story not only orally but visually. Some members of NAB probably will throw up their hands in horror at the expense involved, but if I am not mistaken, your industry as a whole is decidedly on the profit side and since you are not one-track minded bureaucrats it would pay you well to use all available media in a battle for survival.

Based on a very enjoyable experience I had for several years as a member of the educational advisory group of KMOX in St. Louis I believe that you should develop a grass roots activity by forming in each locality in which there is one or more stations a joint advisory board, the members of which have no formal contact with the radio industry. Such a board would sit with the members of the local radio stations regularly at luncheon or dinner to discuss problems of public relations affecting radio. Such groups should be made up of representative citizens who are leaders in the formation or influence of public opinion and should represent not only the business mind, but the labor mind, the educational mind and the civic activity mind. Granted you would have on such groups all shades of political completion and thinking, still you would have a working group that could go out carrying your spear. It would be an invaluable aid in helping to combat bureaucratic regimentation and development of bureaucratic control by obtaining for you the support of a great many influential groups of whom the 'do-gooders' and long-haired boys and short-haired girls down east live in fear and trembling.

It has been my experience in the last 23 years to have been editor of several rather important newspapers and to have dealt with industrial workers in the capacity of industrial relations officer. That experience leads me to think that many times we underestimate the intelligent thinking of our public. Often, we can be very pleasantly surprised if we take the trouble to carry to that public our problems and the reasons why we should not be subjected to certain types of legislation or regulation.

Your American industrial worker, your American farmer, your American business or professional man still prides himself in the fact that he can tell his boss to go to hell. He can tell the politicians to go to hell by voting against them at the polls at his next opportunity, and instinctively he holds to the belief he has a right to speak his mind as long as his speaking is not subversive.

He will even support an editor he does not like or a paper he hates if an attempt is made by the politicians or some pressure group or other to gag that editor or suppress that publication. He is not so well acquainted with radio, although it probably occupies a stronger position in his household than his newspaper. As a matter of fact, it is well known there are millions of people who have radios who never see a newspaper.

I don't believe your industry alone is being taken for a ride by the apologists for the New Deal and the Fourth Term planners, because I have become completely fed up also with the movies and I know that a great many of my friends and associates feel as I do. Hollywood has sold out to the administration and the propaganda that is being foisted on the American public which has paid its good money to the motion picture theaters is absolutely shameful.

I think that of the three great avenues for information, namely, radio, press and movies, that the press has held on the longest to freedom of action and has not prostituted itself to anywhere near the extent the other two have. I have read a great many newspapers for years and I now read daily not only the three newspapers in St. Louis but also the Chicago Tribune and the Chicago Sun and the New York Times. While I disagree with some of the things each of these papers does, at least there is some semblance of honesty to subscribers in attempting to tell a true story in an independent and free thinking way. Some national magazines, however, have gone down the river and I now do not find much of interest because of the propaganda.

Therefore, I submit these suggestions for whatever help they may be to you. I don't mind saying that I was willing to accept your kind invitation to join with you today on such short notice and to devote a week-end to putting these remarks into tellable form, for a very definite reason. I, as an American, as an officer of an American corporation charged with the responsibility of representing our employes in our policy thinking so that they will be fairly treated and fairly paid, believe strongly that something must be done to halt the bureaucrats from suppressing what little freedom of action there is left in radio, and then obtaining control of the press by ruling out brand names, discouraging advertising, and many other ways that already are visible. I am only too happy to devote some time and what little talent I have in an attempt to arrive with you at a solution of your problem, because I feel that I and the workmen I associate with have just as much at stake in this matter as you have as radio operators.

I realize thoroughly that some of these remarks may bring attempts at reprisal against me by some of the bureaucrats in Washington. But I have always felt that I would rather be purged for fighting for what I believe to be right than taking the easy way, compromising with my conscience and letting the social planners get away with murder by feathering their own nests at the expense of the American people as a whole.

Mr. Egolf did not make it clear to me when we talked this over as to whether there would be time for discussion, but I hope that there is because in discussion we probably can bring out a little bit more clearly my thinking on some of these points.

The National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

No. 5 SPECIAL INFORMATION BULLETIN July 16, 1943

WHITE HOUSE PRESS MEETINGS NOW 'PRESS AND RADIO'

(The following exchange of correspondence occurred between Walt Dennis, NAB news bureau chief, and Stephen T. Early, secretary to President Roosevelt. The correspondence is self-explanatory. Station managers are asked to act on paragraph 5 of Dennis' letter by advising their news editors. Similar letters have been sent to James F. Byrnes, Edward R. Stettinius, Harold Ickes, Mrs. Roosevelt, Secretaries Hull, Stimson and Knox, Donald Nelson and Elmer Davis.)

June 29, 1943.

Dear Mr. Early:

This is a small request in a time of big things, but having dealt with you as a newsman in several sections of the country on various occasions I know you will give it your usual generous consideration.

The conferences President Roosevelt holds with newspaper and radio reporters are generally referred to as "press" conferences. This does an injustice to what is now the greatest news medium in the world—radio.

I realize that the word "press" may be considered now to have a general meaning and not apply specifically to newspapers in connection with "press" conferences, but we offer an easy way out—

Substitute the word "news" and you have "news" conference.

The radio industry through our association is being urged to effect this changeover and to edit all copy for broadcasting to read "news" conference or "news" source, or "news" association, etc.

We ask your consideration on this matter and hope to have the favor of your approval so far as the White House official naming of "news" conferences is concerned.

July 1, 1943.

Dear Mr. Dennis:

This is in acknowledgment of your letter of June twenty-ninth. The suggestion that you make is entirely consistent and in principle I am quite willing to go along with you. Accordingly, we will hereafter at the White House designate the President's stated meetings with the news gatherers as "press and radio conferences."

The National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

No. 6 SPECIAL INFORMATION BULLETIN July 16, 1943

"BUSINESS AT WAR"

Donald Nelson, Elmer Davis, Judge Fred M. Vinson, Marvin Jones and Chester LaRoche Appeal for Advertising's Support of War—Laud Radio

REQUEST WAR MESSAGE IN EVERY ADVERTISEMENT

In a special broadcast to the business leaders and advertising executives of every state, city and community in the nation, prominent government officials, speaking from Washington, D. C., over the facilities of the National Broadcasting Company, 1:15 to 2:00 P. M., EWT, Wednesday, July 14, praised the part business and advertising are playing in the war and pleaded for even greater support with "A War Message in Every Ad."

Preceded by a closed circuit talk on July 6, this broadcast was directed at specially called meetings of luncheon clubs, business groups of all kinds and thousands of individuals, to mobilize advertising as never before on the war front.

Scripts of both the closed circuit talk and the special broadcast are reproduced in full, as follows:

NBC Closed Circuit Talk, July 6, Opened by Frank Mullen, Vice-Pres., National Broadcasting Company

Mr. Mullen: We in radio have long been proud of our public service record. We have recognized that radio, as a democratic institution, can count its progress only in direct proportion to the service it renders to the people of the nation. Throughout the years, we have expanded our program structure in terms of entertainment, education and information. These are the ingredients in our public service formula.

In arranging this closed circuit hookup, the National Broadcasting Company is motivated by a desire to acquaint you with a new opportunity for public service. We have a special message for you today. It is a vital message, not only because it concerns a critical phase of the war effort, but also because it concerns everybody who hears these words, whether he be station manager, salesman, production man or announcer.

We have asked you to gather in this studio today to tell you about a special program that will be broadcast next week—at 1:30 P. M. EWT, Wednesday, July 14. This program may well prove to be a milestone in the organization of our home front. It will also be a milestone in the relationship between government and business. For both of these segments of our democratic system will join forces to help all the citizens on the home front understand better the meaning of total war.

American business, which has already performed production miracles, is rapidly undertaking its second great conversion job—the job of converting its advertising to war needs. The focal point of this contribution to the war program is the War Advertising Council. This was set up immediately after Pearl Harbor to act as liaison between government and business in the development of home front information campaigns. Time does not permit a complete resume of the achievements of this organization, which represents all phases of advertising activity—Advertisers, agencies and the four great media, radio, newspapers, magazines and outdoor. But standing beside me is the man who has been the motivating force in this farsighted activity. He is Chester J. LaRoche, chairman of the War Advertising Council, whose energy and leadership have contributed so much to the Council's success. Mr. LaRoche will give you the details of next week's broadcast and will explain why it is so essential for every advertiser and media representative to participate in this program. Mr. LaRoche:

NAB, through the cooperation of NBC, ordered master recordings made of the broadcast, *"Business at War."* Pressings are available of the complete 45 minute program at a total cost of only $3.00, express collect.

A complete set includes one double-face record and one single-face record, 16", 33 1/3 R.P.M.

$3.00 brings you the complete set, express collect, which you may use locally before civic clubs, for private auditions in your studios, etc. The recordings are not to be re-broadcast.

Order your set today!

CLOSED CIRCUIT TALK
July 6, 1943

Mr. Chester La Roche: Thank you, Frank Mullen, for your generous cooperation in making these facilities available and for your desire to make this a cooperative, united effort of all media, rather than of radio alone.

The purpose of this closed circuit broadcast is to ask those who are listening to *organize* meetings of advertisers—national and local—and agency executives, to listen to a nationwide live broadcast over 138 stations of this network at 1:30 Eastern War Time on Wednesday, July 14th.

The subject of the broadcast will be "The Role of Business in Furnishing the People with Essential War Information." The speakers from the government will be Elmer Davis, Judge Marvin Jones, Donald Nelson and Justice Byrnes.

This broadcast may well be a milestone in the relationship between business and government. Certainly it will represent one of the most important gatherings of business leaders since the outbreak of war.

Why has this July 14th broadcast been arranged?

It is clear that our armed forces can do their job. The momentum of their might increases daily. It is also increasingly clear that our Home Front is sagging. The *certainty* of victory and its *nearness* is threatened, unless we act promptly.

What are we to do? Are we helpless? Must we wait until Washington has settled every policy, has every detail worked out? *No.* Fortunately, there is a greater power than any in Washington. That is the resourcefulness, initiative and will of the people.

Of course, it is important what Washington does about subsidies, inflation and food. The laws and directives that are issued are vital. But no matter what our leaders do, unless the people *understand* and *act*, Democracy cannot go all out in total war. But given understanding, our Democracy can be more efficient than any political organization known.

Tell our people the scope of a problem—the result expected and why—and soon unusual, ingenious solutions come along and the best solution of one is passed along until it often becomes the common method of us all.

What will bring about this understanding?

The speeches of our leaders and the news columns will play their part. But the part advertising can play,—its great responsibility and opportunity,—is not so clearly understood.

Now advertising does not seek to do the complete information job on its own. It should be coordinated with the news. *Both* news and advertising must be used in planned information programs.

But it is the function of the news columns to report. It is the function of advertising to get action; to clarify and interpret; to make readable to masses of people how large social, economic and military problems scale down and touch their daily lives;—to repeat and repeat and inspire until desired actions are taken.

What an opportunity we have to arouse this nation to a mighty wrath, and to finish this war with *amazing speed* and the *minimum loss* of our lives.

Not to understand the part advertising can play in this war job is the equivalent of a military error.

Through the individual actions of many, and through the War Advertising Council, advertising has already done much.

The War Advertising Council is composed of the owners and principals of magazines, radio, outdoor, the country's advertising agencies, and national advertisers. It is sponsored and financed by the following organizations, whose representatives also serve on its board.

Association of National Advertisers
American Association of Advertising Agencies
National (Magazine) Publishers
American Newspaper Publishers
Outdoor Advertising Association
National Association of Broadcasters

It should be made very clear that the War Advertising Council represents no political party, no pressure group, no special interest, no selfish axe-grinders, and it is not concerned with increasing appropriations. Anyone who thinks it seeks to make money for this business is MILLIONS OF DOLLARS WRONG as what follows will show.

The Council renders all services to government *gratis.* With the exception of a staff of ten principals, the work is done by volunteer experts, who donate their time. The council asks nothing and wants nothing except a chance to serve the nation in a field it knows best.

It may be fairly said that the War Advertising Council has placed at the disposal of the Federal Government since the outset of the war the creative talents of the entire advertising field. The government wisely saw that the huge machine advertising had built to serve the ways of *peace* was best qualified to do the *war* information job. The government, in this case, decided not to raise billions and create departments to spend these billions, if the advertising industry would do the job. Let's see what Advertising has done.

Since the start of the war, the public has over-subscribed two great War Loans, has turned in so much scrap metal as to create a huge national stockpile, has planted 2 million Victory gardens, saved and turned over to munition plants 57 million pounds of fats and grease, has volunteered by the hundreds of thousands for part-time work as civilian defense workers, as ration board members, as auxiliary helpers on farms and in food processing plants.

These things have not just happened. They are the result of an enormous amount of hard, tough fact-finding, opinion study and planning. Let me cite a few examples of this planning.

The entire mechanism by which the nation is given war messages over commercial radio programs was worked out by the War Advertising Council in close cooperation with the Office of War Information.

Every line of Washington-released Advertising supporting the Second War Loan was prepared by the War Advertising Council, without its costing the taxpayers a penny either for the creation of the material or the space and time.

To give you a quick idea of how much advertising is already being contributed at no cost to the government, I think you should know that since April 27, 1942, 120 advertisers have contributed time on 202 coast-to-coast network programs every week. On these shows 115 messages are delivered weekly to an average audience of 300,000,000 listeners a week.

On 85 *spot* programs 38 messages are delivered to 9,000,000 listeners weekly.

70 advertisers have contributed, at various times, their *entire shows* to war information projects and without any mention of their own products.

In addition to this national effort, 891 stations broadcast 8,000 messages locally per day.

Combined with the networks' contribution of time and talent for shows, like the Army Hours, This Is Our Enemy, business has made a total *contribution* of $100,000,000 through radio to the government's Information Program.

National Magazines, too, have contributed generously. 444 of them have given one page a month to inspirational messages concerning total war. These 444 magazines will continue to contribute a page a month to the *new campaign* on *inflation* worked out with Justice Byrnes and Judge Vinson, starting in August. Those anti-inflation ads will reach a circulation of 90,000 monthly.

The Newspapers of the country not only helped organize the scrap drive, but have been instrumental in organizing local and national advertisers to contribute toward the Treasury advertising. As an example of the type of support the government is getting, on the recent Second War Loan Drive, the newspapers through their soliciting efforts, secured from advertisers the equivalent of 36,000 full-page ads which ran during a period of three weeks. This was the largest newspaper campaign in the history of our business.

In 1943 it is estimated that 63% of all outdoor posters will be devoted to wartime advertising. Outdoor will contribute 100.000 wall panels and 30,000 twenty-four sheets to the Third War Loan Drive which starts September 9th, at no cost for space to the government, and has a soliciting quota of 20,000 twenty-four sheets to be secured from business firms.

More than 450 advertising agencies have contributed

$4,000,000 of the only thing they have to sell—time and skill.

National and local advertisers have devoted more than $100,000,000 in the past year in magazine and newspaper space to war themes. The drug industry alone devoted $2,000,000 to the sale of war bonds.

The total contribution of all advertising in the past twelve months was at least $250,000,000.

And now twice that amount is needed,—$500,000,000 or one-third of the total of all advertising; twice as much because the job this Fall is easily twice as big.

To help reach this goal, the War Advertising Council is launching a campaign which starts with asking your help to make the July 14th broadcast a well organized, resultful event.

The slogan of this campaign is "A War Message in Every Ad."

In order to make clear exactly what subjects advertising can deal with, our nation's leaders have agreed to participate in the special program on Wednesday, July 14th. These leaders will explain to business men the vital part their advertising can play in creating a better informed army of civilian fighters.

The keynote of next Wednesday's broadcast will be sounded by Justice Byrnes, Director of the Office of War Mobilization, who will tell the business men of this nation and the public at large how important the Home Front is to a successful and quicker completion of the war. Justice Byrnes will explain what the government's responsibilities are and what the people's responsibilities are. He is accustomed to speaking frankly and convincingly. I believe that he will adhere to this pattern next Wednesday.

Elmer Davis, Director of the Office of War Information, will discuss the many new problems that have arisen in connection with his office. He is both aware and appreciative of the help OWI has had from business.

Donald Nelson, Chairman of the War Production Board, whose support and suggestions helped organize the War Advertising Council, will give us the latest news on production, and his plans to keep our economy vital through production of needed things.

Marvin Jones, newly appointed War Administrator, will discuss the subject that directly affects more citizens than any other—food.

All these government spokesmen will make clear that they cannot do their jobs without understanding and help from the public. War advertising can bring that understanding.

What is war advertising? It is not brag advertising—not advertising which simply shows pictures of tanks, ships, planes. War advertising is advertising which interests people through information, understanding or persuasion to take certain action necessary to speedy winning of the war. It is this type of war advertising with which the July 14 broadcast will concern itself.

The July broadcast will obviously be more successful if in the listening audience there is a high percentage of *top management executives* as well as sales and advertising executives. For the most part advertising people are better acquainted with the role of advertising in wartime than are management people. But the story must be impressed upon both, if business is to discharge this public service.

For this reason, it is essential that every ounce of energy be exerted on the part of all media representatives to be certain that the top business men of the nation sit before the loud speakers at 1:30 P. M. Eastern War Time on Wednesday, July 14th.

I strongly urge everyone within the sound of my voice to constitute himself a committee of one to turn out the listenership that we must have if the objectives of this program are to be achieved.

The way to organize listening meetings is a matter for individual or company decision. In the smaller cities possibly the media will get together and arrange joint meetings of their own to which advertisers and agency men will be asked.

In the larger cities, *numbers* will make joint meetings difficult, so it is suggested that each media and each company work out its own method of separate meetings, preferably at luncheon time. There will be overlapping invitations, to be sure. But the advertiser is used to being approached by the different media for a share in his business, so he won't be confused or mind if he gets several invitations to lunch. In the West, the meetings can either be a *late* breakfast or an *early* luncheon. In all cases time should be allowed for discussion as to what follow-up action is suggested by the talks.

You, the members of the Radio Industry and all advertising men, carry a heavy responsibility to see it goes well. You have helped to create this great information machine. In effect, you are the West Pointers and Annapolis men of our information army. The importance and size of the audience of this broadcast is very largely in your hands. On its success depends the first organized attempt to create the fighting Home Front we must have to back up our invading armies.

"BUSINESS AT WAR"

WEDNESDAY, JULY 14, 1943

NATIONAL BROADCASTING COMPANY—1:15–2:00 P.M. EWT

ANNOUNCER: "Business At War" . . . the National Broadcasting Company, in association with the War Advertising Council, invites you to participate in one of the most important business meetings held since the beginning of the war. Gathered before radios and speakers in conference rooms all over the nation, in radio studios, and at special luncheon meetings, are the business leaders of America. In hundreds of communities management, sales, and advertising executives have met to hear this broadcast during which the leading government officials will speak to American business. Elmer Davis, Director of the Office of War Information will open the meeting and introduce the speakers . . . Mr. Davis.

DAVIS: The purpose of this broadcast meeting is to complete the mobilization of American advertising to help win this war. Each of the speakers to be heard on this program is in charge of one or more aspects of the home-front war effort that affect the lives of every citizen. Justice James F. Byrnes, Director of the Office of War Mobilization, who had hoped to be with us, is detained by unavoidable commitments; but you will hear from Judge Fred M. Vinson, the head of the Office of Economic Stabilization; from Donald Nelson, Chairman of the War Production Board; from Marvin Jones, War Food Administrator, and finally from Chester J. La Roche, Chairman of the War Advertising Council.

Now, these operations are very satisfactory beginnings; but the liberation of Europe, the Pacific Islands, and southeast Asia will not be briefly or easily accomplished. We can expect our offensive action to grow swifter and heavier, which means that we shall have to expend larger and larger amounts of material, and suffer heavier casualties. And that means that we need a better organized, more efficient home front.

Our Army and Navy have the tough part of the job, and they are doing all right. But it is up to the rest of us to help them just as much as we can. What the supporting cast of civilian fighters on the home front may do can either hasten the victory, or delay it; but the difference between an earlier and a later victory is worth working for just as hard as we can. Every twenty-four hours the government of the United States spends three hundred million dollars on the war. Shorten the war by one day, you save three hundred million dollars; also, almost certainly, you will save hundreds or thousands of American lives. Every man, woman and child in this country ought to be doing everything we can to shorten the road to victory.

To help attain this objective, some of our war leaders on the civilian front are today outlining some of the urgent problems they face. They are asking that business, through its advertising, help create the public understanding that is essential to whole-hearted cooperation by the people. We know from experience that if the people know what is expected of them, and why, and believe that it makes sense, they will rspond magnificently. But the job of bringing them essential war information, in a war so complex as this, is gigantic. It calls for the use of all the channels of communication—the news and editorial columns of newspapers and magazines; radio broadcasting —and the radio industry has done an immensely valuable job of transmitting war information to the public; the job needs also books, and posters; and it needs the technique that is the voice of American business—advertising.

The Office of War Information is fully aware and deeply appreciative of the help that business has already given us, by contributing advertising space and time for war messages. This would not have been possible without the help of the War Advertising Council—the voluntary, nonprofit organization representing all branches of advertising, which has served so ably and effectively since Pearl Harbor. We in the Office of War Information, who have worked with the Advertising Council ever since our organization was established, can testify to the work it has accomplished; for we have seen the results—results that can be measured.

In telling the people about every one of these home-front projects, the War Advertising Council, the Office of War Information, and the Federal agency or agencies involved have worked as a team; and this team work has resulted in advertising space and time contributions estimated at more than a quarter of a billion dollars during the past year. Yet all this, like our military offensive operations, is just a start. It is clear that our men on the fighting fronts can do their jobs; that is being made plain every day. What is not yet quite so clear is our ability to organize a home front which in energy, morale and fighting power is worthy to be compared with them. In the months ahead, the need for people to do and not to do certain things having a direct bearing on the war will multiply enormously. Every move by every citizen is a factor that will help determine the speed of the victory. The government leaders gathered at this microphone want to explain to the business men of the nation how urgent is this job of getting people to do what must be done, and how business can help enormously, by contributing even more space and time for war messages than heretofore.

Your government has adopted a policy on the use of advertising for war needs that seems to be sound and practicable. We have recognized the need for harnessing this great American force to do the job that all citizens, as well as the government that serves them all, want to get done. Two alternatives presented themselves: the government could either appropriate a huge advertising budget —hundreds of millions of dollars, perhaps a billion, would be necessary to do the job; *or* government could turn to the people who are experts in using the advertising mechanism that already exists, and ask them to assume this responsibility.

We decided against huge government advertising appropriations. We decided in favor of asking business to assume the responsibility of converting its advertising to war themes. And in view of the magnitude of the job ahead, we believe it is important that business should support the War Advertising Council's campaign—"A War Message in Every Ad"—of which you will hear more later.

Now here is Judge Fred M. Vinson, the new director of the Office of Economic Stabilization.

VINSON: On the home front, our deadliest and most insidious enemy is inflation. Inflation threatens the security of the people's savings. It is the mortal foe of every bank deposit, every insurance policy and every war bond.

To the average man and woman, inflation reveals itself in a soaring cost of living. You may rest assured that those associated with me and I will exercise all the powers which we possess to hold this line. If we allow prices and wages to rise, the cost of war will be materially increased. The resulting economic confusion and the bitter struggle among pressure groups which would follow from it, would reduce the effectiveness of our productive effort and cost needless thousands of American lives. Rising prices now mean falling prices later. Inflation in wartime means deflation after the war; and with deflation come panic, bankruptcy, unemployment and financial ruin. To speed the day of victory and to build a solid foundation for a prosperous peace, we must hold the line against inflation.

Here is the situation we face: Total war demands that we strain every nerve to produce the munitions of war. We can meet our production goals only by converting all our available resources to the production of military goods. In order to produce more of the things which the fighting forces need, we must produce less of the goods which we at home are accustomed to use. At the same time, we must put every available man and woman to useful work at longer hours.

The job of stopping inflation is almost unbelievably difficult. In all frankness I must tell you that, up to now, we have not entirely succeeded. Neither have we failed. Between May, 1941, and May, 1942, when the first General Maximum Price Regulation was imposed, the cost of living rose 12%. In the next twelve months, between May, 1942, and May, 1943, the cost of living rose only 7.8%. We did not lost as much ground during the second year as we lost during the first.

But we lost too much, and we cannot afford to lose more. Indeed, we must regain some of the ground we have lost, and that is the purpose of the so-called "rollback" program about which you have heard so much.

Most of the ground we have lost has been in the field of food costs, and we are fighting hard to hold this line. Simpler and more easily enforced ceilings have been placed upon food prices—ceilings which every housewife can understand. These new dollars and cent ceilings, along with the limited use of subsidies, should enable us more nearly to achieve our goal of stabilizing food prices at the level directed by the Congress last October.

In other fields, we have been more successful. Between May, 1942, and May, 1943, the level of rents was actually reduced by 1.7%. Clothing prices, during the same period, rose only 1.3%, despite the fact that during the previous year they had gone up 23%.

The battle is not won, but I believe that the tide is turning. To win, the Government must offer firm and vigorous leadership. You, the people, must also take firm and vigorous action. Those who are fighting inflation can act more firmly and more vigorously if they know that you are backing them in their fight against inflation.

In my job as Economic Stabilization Director, I must lead the fight against inflation. I cannot win without the energetic support of an informed public opinion. For our country's sake, I ask you business men who are listening to me now to make full use of Advertising—that powerful information machine which serves you so well in peacetime—to help secure for us the support which we now must have.

There is not a single battlefront in this struggle against inflation where the support, the understanding and the informed opinion of the American people are not more important than any law or regulation.

There are some who doubt the willingness of our people to accept the hardships and restrictions that total war requires. On this score I have no doubts. But I am not so certain that all of our people have yet been given sufficient information to understand the specific needs and the specific requirements of total war on the home front. I realize that it is difficult, at best, to determine how far a free Government can go in guiding the opinions and the habits of a free people. I realize also that there are many who honestly and sincerely disagree with the Government's anti-inflation policy.

But, regardless of what we do in Washington, it is essential that we have the understanding cooperation of you, the business leaders of this nation.

Perhaps I am a special pleader, but I shall run the risk of being called a special pleader to suggest that, in considering controversial economic questions, we must take special account of the other fellow's difficulties. To hold the cost of living, we must hold wages, prices and profits, and we must impose a heavier burden of taxation. Naturally, therefore, each of us is likely to be slightly more eager to hold down the other fellow's prices, wages or profits, and to raise the other fellow's taxes. Each of us will feel the squeeze of total war, each of us is only human, and each of us will be looking for the moat in the other fellow's eye. Yet, unless we all stand together, there will be little or nothing for any of us. If the American people understand exactly what we are doing and why we are doing it, I am convinced that they will stand together. Our people need to know why they should buy and hold war bonds, why they should pay higher taxes and save more money, why they should abominate black markets and chiselers, buy only what they need, at only ceiling prices, and only, in the case of rationed goods, with ration stamps, and why they should not demand higher prices, higher wages or greater profits.

In large measure, this is an advertising job. Advertising is not a charitable institution—it is the handmaiden of business. And there is no business in this nation so strong that inflation will not work havoc and ruin upon it.

That is why the War Advertising Council has seen the issue so clearly. Cooperating with that Council, almost 450 magazines are going to contribute a full-page advertisement every month. These advertisements will spread information as to what every American citizen can do to help hold the line. It will not cost the Federal Government a single cent.

I am also informed that the insurance companies of the nation are considering a similar major advertising effort. I hope that others will join in the procession. I am making a special plea that you business men everywhere work with the War Advertising Council and the Office of War Information to inform every individual in America how he can help fight inflation. As advertisers, each one of you can, like Paul Revere, warn that inflation is coming unless the American people take up arms against it.

DAVIS: Thank you, Judge Vinson. The Office of War Information is, of course doing all it can to help in this campaign, but the job is so enormous that it needs the help of everyone in a position, as advertisers are, to reach the public eye and ear. Judge Vinson, do you think the job of holding down the cost of living can be done successfully?

VINSON: It can, Mr. Davis—but we can't do the job without the help of every citizen. And we'll get that help to the degree that the people understand the importance of fighting rises in the cost of living, and how they can join in the fight. Advertising can give them that understanding.

DAVIS: Our next speaker is a man who is an expert on the relationship between government and business. He was one of the nation's leading management and merchandising executives when he came to Washington to tackle one of the biggest of all war jobs. As head of the War Production Board, he is perhaps in closer touch with business men than any other leader in Washington. From the outset Mr. Nelson recognized the tremendous importance of war information. He played an important role in the creation of the War Advertising Council.

Mr. Nelson. . . .

NELSON: One of the questions which every American should ask himself these days is this:

"How are we getting on with war production?"

It is about the answer to this question that I want to talk for a few minutes.

Let me make it clear at once that there is no one, quick, glib, easy answer. When talking about a program so complex and so vast as ours, oversimplification is full of hazards, and it is easy to select a few random figures and produce a series of different answers.

Here, for example, are two facts:

> First, we are still behind schedule in our production effort, and we face a really staggering job in the months immediately ahead if we are to meet those schedules.
>
> Second, production in May, as I reported, was not so good, and the preliminary figures for last month, though better, did not show enough improvement to satisfy me.

These are the kinds of facts which give daily, hourly concern to those of us in Washington who are engaged in the production effort. But now, let me give you two other facts that sound a little different:

First, we produced over 7,000 airplanes last month, according to preliminary figures, and that means about 270 every working day, or about ten very hour, around the clock. Compare this 7,000 plane figure for June with the production of 5,000 planes back in January, at the start of the year. The increase in the January-June period for planes is about 40 percent.

Second, our munitions and construction program for last month ran over the $6,000,000,000 mark, compared with an output of only $5,293,000,000 during the first month of the year. And remember that the construction part of this figure is declining according to plan. The munitions figure alone increased about 25 percent during the first half of the year.

Such figures, you see, when considered alone, are likely to give only part of the picture. For the real fact of the matter is that the picture is mixed—production has risen greatly this year; some important items are *on* schedule; other items are *behind* schedule. I might sum up with a paradox and say that, although American industry has done a job which in part is amazing, it is just not nearly amazing enough to suit me, or to suit the high goals we have set. We must do better—a lot better. I cannot say with too much vigor that we have not done enough.

It is true that some problems have been solved and are behind us, such as building the basic plants and factories for war production. But these problems give way to new ones, and we must still struggle over such tough problems as steel production, and airplane building, and petroleum questions, and the job of adequately engineering some of our newer devices of war. Perhaps it will serve to clarify the distinction between the rather creditable job we have done and the harder task that lies ahead if I remind you of what I said last week in an address I gave in Toronto. At that time, I said that the United Nations output this year will probably be nearly three times as high as total Axis production and that some of our production figures for certain important items are almost astronomical. But in that same speech, I went on to say—and I must emphasize it again today:

> "We can clearly see that the hardest part of our job remains ahead, both for our fighting men and for the producers of the home front . . . this is no time to speak of easing up in our efforts. . . . Our production schedules for this year and the next will tax us to the utmost."

All of you who are listening to these figures may wonder what they have to do with the subject of this especially arranged broadcast—advertising and the war. Well, the connection is simple, for advertising is one of the instruments that can be used to get more facts before the people and thereby help the people cooperate on the home front in getting the production job done.

Let me show you why this is true. The War Production Board does not produce airplanes with a magician's wand, nor by waving the big stick of legal power. We get planes, in the final analysis, by the cooperation of the men and women who make them. And the same thing is true all along the line. In case after case, war production succeeds because of the cooperation of *all* the people—not just the people on the production line, but also the people who quietly save tin cans and metal and who join car pools and who insulate their homes to make precious oil go farther and who save waste fats.

I need not list all the many campaigns in which the War Production Board is interested, but I must emphasize that the programs just mentioned, together with such other efforts as industrial safety and the correction of absenteeism, are all extremely important to the winning of the war.

Moreover, every one of these campaigns is a job that cannot be done merely by rules and regulations; every one is a task that can only be done on the basis of willing cooperation—a cooperation given willingly, because the facts have been made clear, and because the cooperators are well informed.

Since the fulfillment of our goals in these fields depends on a free flow of accurate and clear information, it is fitting during this special broadcast to point out that industry's own special medium—advertising—can benefit both the people and the Government by the inclusion of war messages. I have no hesitation in saying that, in my opinion, the well coordinated use of advertising to give the people more facts about the war will mean an earlier victory, faster solutions for our production problems, less bloodshed, and less red tape for industry.

It has already been demonstrated that the American people, once they know what is needed, and why, will do a tremendous job. Think back, for example, to the newspaper scrap salvage campaign, in which the War Advertising Council had a part, when more than 6,000,000 tons of metal were collected. Or recall that just last month, despite the rationing of meats, housewives turned in an estimated 8,000,000 pounds of waste fats and grease. These things came about not by accident, but because the people were informed of the need—and in my opinion no request that we make can be effective unless that request is made clear to the people who must answer the call.

So far on the information front, as in the case of war production, a mixed job has been done. And, frankly speaking, I think that there is also a much bigger job still to be done here in informing the people about the progress of the war and in letting them know *concretely*, how they can help. Industry has converted its tools and machines to war production—yes; but now there is an opportunity for industry to convert its *advertising* to the same goal.

I have a special interest in this kind of conversion—not only because of the immediate help it can give us in solving some of the problems I spoke of, but also because I have been interested in the War Advertising Council since it was created in those days when advertisers and advertising men and magazine and newspaper owners and others came together to make their facilities available to the war effort. Now, because of the continuing and growing problems we face, this kind of cooperation is more important than ever, and we all have an opportunity to make the cooperative effort more effective.

One final note: During the next twenty-four hours, by the middle of the tomorrow, this nation will turn out 270 more airplanes to hurl at the Axis. That is not enough. If everyone in America knew all the issues, knew exactly *what* to do and *how* and *when* to do it, and knew *why*, we might be making 300 or 350 planes a day. We could use them. And one quick way of boosting that production total higher and higher is to complete the conversion of advertising—by putting "A War Message In Every Ad."

DAVIS: One question, Mr. Nelson. Are your WPB problems such that they can best be handled in the so-called mass-media, which carry messages to the general public?

NELSON: Not at all. *Some* of our campaigns require the help of everybody—like car-sharing—but others, like conservation of cutting tools, and the absenteeism, and industrial safety, are particularly good for handling in the business press and trade journals.

DAVIS: Among all our war problems, none strikes home to the average citizen so intimately as does the question of food. Whereas many a war problem may seem remote and abstract, the subject of when, where, and how much do we eat is as personal as breathing. We have had 100 years of thinking in this country behind the point of view that our food supply was inexhaustible. Now, in our first total war, we find that there is a bottom to our food basket just as there is a bottom to everything else.

The men charged with the responsibility of shaping the country's food program is War Food Administrator Marvin Jones. No one knows better than Judge Jones that he faces an educational job of enormous scope, that he must adjust the food producing and eating habits of 130 million Americans to war conditions. Judge Jones, in his first radio broadcast since taking office, will tell you how he sees the picture.

JONES: Today we are announcing the allocations of canned fruits and vegetables for the coming 12 months. Because of increased war demands, civilians will get considerable less canned fruits and somewhat less canned vegetables than average. On Monday we announced allocations of dairy products. Civilians will get less than average of several products including butter, cheese and condensed milk.

Is this because farmers are turning out less? No, far from it! Farm Production is on the increase and new high records have been set in each of the past six years. But war is a very hearty eater. As it increases in size and overseas strength the armed forces require greater quantities of canned fruits and vegetables. Our armed forces and our allies require large amounts of dairy products. To make food fight most effectively civilians are limiting their consumption of foods like these so that these other claims may be met. We are going to try to push production even higher than in the past. The July crop report indicated that farmers have increased their crop acreage by 7 million acres more than in 1942. They have done this in the face of adverse Spring weather and shortages of labor and equipment. Yesterday, we announced a food production program for 1944 that calls for planting the largest acreage of crops ever put in by American farmers.

But great as is our accomplishment in production, we could not last year, we cannot this year or next year produce enough to supply all claimants with all the kinds of food they want. This year, our food stocks are called on to supply the people at home, our armed forces on 60 fighting fronts, our fighting Allies, and the liberated peoples. Still, of our total food supply, three-quarters will be consumed on our home front. All remaining claimants will get one-fourth of our output.

Every group would like to have more than can be apportioned to it. If we can provide more, we can help shorten the war. Therefore, the management of food is a wartime job of top importance. It is a front for all of us. Every one of America's 40 million families has a battle station on the food front.

For example, in peacetime the average American wastes some 380 pounds of food each year. Multiplied by 130 million, this represents almost 50 billion pounds of food thrown out into American garbage pails—enough to supply a large part of our Army and Navy and our Lend-Lease commitments as well. This waste is criminal in wartime and must stop.

As we study the wartime food problem we find there are four pillars upon which our program must be built. First, we must secure maximum production of the needed crops and livestock; second, we must conserve food and use it wisely; third, we must share—share with our armed forces and allies, share fairly among civilians; and fourth, we must change food buying and eating habits as required by wartime circumstances.

We must see to it that our citizens understand the facts about how our food is being used to fight this war. We must engender a new respect for food as a crucial weapon of war and establish a wartime code of food conduct so that every American—whether he be a farmer—producer—a processor or packer—a food distributor or consumer will help make our food fight by doing their best with what's available.

Helping citizens understand and adopt such a wartime code of food conduct is one job on which we are asking the assistance of business, through its advertising. This is one of the vital problems I hope you will think about, as you proceed with the work of putting "A War Message in Every Ad." If you will roll up your sleeves and become partners with us in this task, it is not too much to say you will be helping to shorten the war. For there is not just food at stake; there are the lives of tens of thousands of American fighting men.

DAVIS: We have heard Judge Marvin Jones, War Food Administrator. And before he leaves this microphone, I'd like him to answer one question for me. Judge, am I correct in summing up the points you have just made by saying that as the war progresses and we come closer to final victory, the more all of us may have to tighten our belts?

JONES: That is right, Mr. Davis, but if we can make the best possible use of our food at home and accept calmly and cheerfully the changes and inconveniences in our eating habits, we'll be helping food help win the war.

DAVIS: Our final speaker on this program comes not from government, but from business. He heads a voluntary non-profit organization that enjoys a semi-official status in Washington—the War Advertising Council. This group of earnest, public-spirited business men is one of which American business may well be proud. They have been serving the interest of the war unselfishly, almost before the echo of Pearl Harbor died away. I, for one, think the work of the War Advertising Council typifies in the best sense the teamwork between government and business with the common aim of winning the war. Here is Mr. Chester J. LaRoche, Chairman of the War Advertising Council.

CHESTER J. LAROCHE: As Mr. Davis and the previous speakers have recognized, we have, in this nation, channels of communication unmatched anywhere in the world. Through the combination of news and advertising—news to report, advertising to inform and persuade—we can reach the eyes, ears, and hearts of 130 million Americans. We can secure a degree of unity, understanding and fervor which can help us end more quickly the waste and slaughter of war.

The organization formed by business to harness the great power of advertising to the war is the War Advertising Council. The War Advertising Council is a peculiarly American organization. I know of no other country where such a group could be brought together, or so much combined power could be geared to an entirely unselfish purpose. The Council is composed of owners and principals of magazines, newspapers, radio, outdoor, printing and direct mail, the country's advertising agencies, and the great industrialists who use advertising.

I want to emphasize here that the War Advertising Council has no selfish axe to grind. It is a business group representing no political party, and no pressure groups. Anyone who thinks it seeks to make money for the advertising business is wrong—*millions of dollars* wrong—as the following facts will show:

The advertising agencies of the country—the people who have written the Washington-released advertising on war bonds, scrap, black markets, etc.—have contributed more than four million dollars worth of the only thing they have to sell—their time and skill. Radio advertisers and the radio industry have contributed $100,000,000 worth of time and talent during the past year to promote war messages. 440 magazines have been contributing at least one page of space a month for a campaign on total war. The newspapers of the country during the Second War Loan drive organized the contribution of 36,000 full pages of advertising, 25% of which they contributed themselves. 63 per cent of all outdoor posters are devoted to war messages. The car-card industry contributed 100,000 units of space monthly for war messages. In addition to their contribution on radio, national and local advertisers have contributed more than $100,000,000 worth of space in magazines and newspapers. The drug industry alone is devoting $2,000,000 for a special war bond drive.

The total contribution of the entire advertising field in the past 12 months was at least $250,000,000.

And now *twice* that amount, or $500,000,000 worth of space and time—is needed. Twice as much because the job ahead is twice as big. $500,000,000 is roughly one-third the total annual amount of all advertising expenditures.

Our goal for the coming year is therefore two-fold:

First, one-third of all advertising space devoted exclusively to war messages.

Second, a war message in *every* ad.

As an advertiser this means that *some* of your space should be devoted entirely to war messages, and *all* of your space should *contain* a war message.

In other words, because your ad devotes most of its space to a product is no reason why a war message cannot also be included. A lot of information can be packed into a few paragraphs.

Let me say right here that this proposal does not in any way conflict with the radio network allocation plan or the various other radio allocation plans of the Office of War Information. These need supplementing, not disrupting.

One-third of all space devoted *exclusively* to war advertising. And a war message in *every* ad. If these two goals are realized, the cumulative power behind war messages will penetrate into every community and every home in the land. Understanding will replace uncertainty. There will be no room for indifference and life-as-usual. No longer will one-half the population say about the other half, "They don't know there's a war on."

Nor is this a program for national advertisers alone. The biggest percentage of advertising is local advertising. Dislocations in life and living strike into every community. Our great national problems are merely the sum of hundreds of thousands of local problems.

This is why local advertising media and local business men should arrange pools of space or money large enough to cover the local war advertising needs for the next six months. Such cities as Houston, Cleveland, Louisville, Portland, Hartford have already done this. No community in this country can fairly say that it is doing its war job until its is similarly organized.

During these talks, you have heard many references to "war advertising." When we speak of war advertising, exactly what do we mean?

We do not mean advertising that simply shows pictures of planes or tanks or guns. Everybody knows we're at war—it is eighteen months since Pearl Harbor. Is war advertising that which tells how a company's products are helping win the war? Generally no. It certainly is not if it doesn't help get action by the people. In the midst of a struggle for survival, while American boys are dying by the thousands, blatant brag advertising is in questionable taste.

By war advertising we mean advertising which induces people, through information, understanding or persuasion, to take certain actions necessary to the speedy winning of the war.

War advertising follows agreed-upon themes. As every advertising man knows, best results are achieved when all advertising on a given subject adopts the same approach, tells more or less the same story, makes more or less the same appeals.

These official campaigns are all things that virtually anyone would agree need doing. They have nothing to do with *politics;* they have a lot to do with winning the war.

What are some of these official campaigns? In the months ahead we will be called upon to help recruit housewives by the millions to leave their kitchens for the jobs men left behind, we will have to persuade millions to help harvest the food, can and process it, see that it is shared; we will have to persuade Americans to eat nutritious foods, to shun black markets, to understand the overall food picture; we will have to recruit part-time volunteers by the hundreds of thousands for rationing boards, Civilian Defense Councils, Army ground observers or spotters; we will have to help get our people to buy more and more war bonds, to spend less; they will have to learn to conserve—to eat it up, wear it out, make it do. We will be called upon to quicken public responsibility to stay on jobs every working minute, to work harder, without grumbling. We will need to make the meaning of the war clearer, to curb disunity, to halt loose talk, to de-bunk rumors. These are the action messages which badly need consistent mass circulation.

The War Advertising Council and the Office of War Information are ready and eager to assist advertisers in the development of war theme advertising. Many of you will receive shortly a booklet entitled "A War Message in Every Ad" which will, we hope, enable you to make an immediate start on advertising that is really "converted for war." If you wish further information on any war campaign, get in touch either with OWI in Washington or the War Advertising Council, 60 East 42nd Street, New York City.

On the other side of the world, our invasions have now begun. During the hard months to come, American boys from your home town and mine will fight and die on foreign soil. As they endure suffering and hardships that put our petty inconveniences to shame, we who stay at home—if we have a spark of conscience—must form a solid front line behind them.

There must be an end to bickering, petty jealousies, suspicion of one group of Americans for another. At this time, of all times, we must have unity. That is why this group of war leaders have taken time from their busy lives to speak to you today. We can achieve that unity, provided only that our people understand clearly what must be done, and why.

What will an invading soldier see as he looks to his homeland? Will he see a nation aroused—effective in action? Upon what he sees depends in no small part his morale. And upon his morale, his fighting spirit, depends our way of life.

DAVIS: Thank you, Mr. LaRoche.

ANNOUNCER: (WASHINGTON—WRC) The National Broadcasting Company in association with the War Advertising Council has presented a special program broadcast as a meeting between American business and the United States Government. The speakers included Judge Fred M. Vinson, Director of the Office of Economic Stabilization; Donald Nelson, Chairman of the War Production Board; Marvin Jones, War Food Administrator; Elmer Davis, Director of the Office of War Information, and Chester J. LaRoche, Chairman of the War Advertising Council. This program came to you from Washington. This is the National Broadcasting Company.

The National Association of Broadcasters
1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.
No. 7 SPECIAL INFORMATION BULLETIN July 23, 1943

Labor Transcriptions

Transcriptions offered to stations at commercial rates by the United Automobile Workers and CIO necessitates consideration of the NAB Code of Ethics, with respect to the following provisions:

Controversial Public Issues

"As part of their public service, networks and stations shall provide time for the presentation of public questions including those of controversial nature. Such time shall be allotted with due regard to all the other elements of balanced program schedules and to the degree of public interest in the questions to be presented. Broadcasters shall use their best efforts to allot such time with fairness to all elements in a given controversy.

"Time for the presentation of controversial issues shall not be sold, except for political broadcasts. There are three fundamental reasons for this refusal to sell time for public discussion and, in its stead, providing time for it without charge. First, it is a public duty of broadcasters to bring such discussion to the radio audience regardless of the willingness of others to pay for it. Second, should time be sold for the discussion of controversial issues, it would have to be sold, in fairness, to all with the ability and desire to buy at any given time. Consequently, all possibility of regulating the amount of discussion on the air in proportion to other elements of properly balanced programming or of allotting the available periods with due regard to listener interest in the topics to be discussed would be surrendered. Third, and by far the most important, should time be sold for the discussion of controversial public issues and for the propagation of the views of individuals or groups, a powerful public forum would inevitably gravitate almost wholly into the hands of those with the greater means to buy it.

"The political broadcasts excepted above are any broadcasts in connection with a political campaign in behalf of or against the candidacy of a legally qualified candidate for nomination or election to public office, or in behalf of or against a public proposal which is subject to ballot. This exception is made because at certain times the contending parties want to use and are entitled to use more time than broadcasters could possibly afford to give away.

"Nothing in the prohibition against selling time for the presentation of controversial issues shall be interpreted as barring sponsorship of the public forum type of program when such a program is regularly presented as a series of fair-sided discussions of public issues and when control of the fairness of the program rests wholly with the broadcasting station or network."

Manifestly any movement to influence public opinion on the subject of the actions of Congress is not "broadcasts in connection with a political campaign in behalf of or against the candidacy of a legally qualified candidate for nomination or election to public office, or in behalf of or against a public proposal which is subject to ballot." Therefore broadcasts of this nature should not be classed as political under the Code, nor should they be presented on paid time.

Station management should accept the responsibility of considering this matter as a controversial issue and allot time to both sides or schedule it on a public forum broadcast, if consistent with the public interest.

WILLARD D. EGOLF,
Assistant to the President and
Acting Secretary to the Code
Compliance Committee

The National Association of Broadcasters
1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.
No. 8 SPECIAL INFORMATION BULLETIN Sept. 3, 1943

United States Radio, War and Post-War

By Paul Hollister

(Vice President, Columbia Broadcasting System)

(This speech was given by Mr. Hollister before the St. Louis Advertising Club and contains information which may be of use to station managers in their public relations work.)

The safe guide to the direction of post-war radio is a projection of the trends and techniques of the past and present. The intelligent layman's guess is likely to be as accurate as the research professional's, provided the layman accepts the potentials and limitations of finite radio engineering, and the professional researcher accepts the no less realistic but far less finite potentials and limitations of human nature, human relations and consumer reactions.

So your reporter in this series of post-war weather forecasts will not do much flapping around in prediction of specific facilities and services which radio will provide after the war has ended. To be sure, television (still around that corner) is within easy reach of production and actual broadcasting . . . but it will not serve widely unless it provides a form of entertainment, of instruction, of cultural and spiritual resort equivalent in quality at least to the standard of service provided by the invisible air today. A logical community of interest seems to be appearing over the horizon between the industry that knows best how to make pictures and the industry that knows best how to broadcast sound waves. Again, it is self-evident that another contrivance, called "radar," will serve the mass public in many and interesting ways—ways which cannot be described without telling the present enemy a lot of things he'd like to know about how radar is seeking him out and knocking him off. It ought not to take very long to put on the market improvements likewise in receiving sets of all sorts. Any engineer in radio can tell you some pretty sensational stories about other superhuman mechanisms that will perfect the services of broadcasting. Your speaker today is no engineer. He is no prophet. Instead of the road of forecast, marked "Passable But Unsafe," he chooses the conventional graded highway in spite of occasional signs reading "Beware of Falling Rocks." He asks you simply to look back down the long steep grade up which radio has come so far, to observe the gradings and turns, and to guess with him what the general direction of radio's further progress upward may be.

Asks 'Modern' Radio Law

Constructive changes . . . that is, changes in the interest of most of the people, will not come abruptly. Restrictive changes, in the disinterest of the majority of the public, may come unwarned at any time through the capricious application of bureaucratic power, and further restriction of that freedom of speech upon which press and radio base inseparably and wholly. Let us assume that such lightning will not strike, though that is certainly an optimistic assumption until Congress passes a modern and equitable radio law. Let us concern ourselves not at all with the electrical gadgets under cover today. Let's take a glimpse of that path that radio has come to date.

Remember that public-serving radio, serving most of the people most of the time, is only about 20 years old. In that short span some 31,000,000 American families have come to depend enormously upon the 900 free radio stations and upon the American "fair-bargain" method of advertising goods and services over those stations so profitably as to furnish a fabulous daily total of entertainment, instruction and culture without "admission fee" to all who care to listen in our nation. In 20 years American free enterprise has built a radio system which cannot be degraded to the position of mouthpiece for any administration, any pressure group. During those same 20 years there broke upon our people the greatest of all wars in the history of our self-preservation, and for the first time there was ready for instant use a means of communication to all the people.

Less than 24 hours after the Japanese attack on Pearl Harbor, President Roosevelt spoke not only to the assembled Houses and the press and the representatives of the foreign nations, but to some 63,000,000 rank-and-file American listeners. He was heard abroad, too. He was heard in Berlin and Rome and Tokio. The next evening he spoke again from the White House and some 70 million Americans listened. Thus within a couple of days of actual war, the people of our nation got their marching orders from the heard voice of their commander-in-chief. And from that voice the peoples of the world knew exactly where the United States of America stood.

No Radio 'Retooling' Necessary

From the moment the first news flashes from Pearl Harbor broke into that Sunday radio program on December 7, 1941, the full force of American radio swung into war action. No retooling was necessary. There isn't much question that radio's swift distribution of every flicker of developing war news made the American people the best-informed, as well as the largest, company of freemen on earth concerning the immediate fortunes and hazards of their country suddenly plunged into war.

Now at the risk of trying your patience with numbers, I propose to make that statement specific . . . for upon its proof will base your own easy projection of where radio is to go when peace comes. I shall now report to you certain war-time accomplishments of radio broadcasting, as these accomplishments are reflected from the records of a single network (CBS).

This report will take us from Pearl Harbor Day down through March 30, 1943 (the latest date of summary record), and it will go outside the CBS records to cite certain totals of joint accomplishment in radio by the Advertising Council and the Radio Division of the Office of War Information. The only reason why the records of all four major networks are not included is because they are not available to this reporter. The totals run up by the single network which I shall recite are impressive enough alone; they are typical, I believe, of the pattern of activity followed on the other three networks; let their moral, therefore, be multiplied by four.

To the least of the 900-odd stations in the United States, radio volunteered, and to the least of the thousands of national and local advertisers using radio, their services were instantly placed at the disposal of the single common cause.

They sprayed the air morning, noon and night with a volume and variety of war information which no nation before had ever received in such proportion to its diverse and gigantic need. Quality and finesse and subtlety had to stand aside for quantity, for when a dam breaks it is common sense to block the flood before you try to purify the water upstream. No use to quibble now, or any time in the future, unless you're an academic historian, a professional dilletante, or a disgruntled politician, as to whether there was during those first months of radio, too much, or too little, on the air, for the average shocked mind to absorb and to react to.

Radio Converts National Mood

One result is plain: never before had the *mood* of so large a democracy been so swiftly converted to a war footing, pointed in the direction of its most effective volunteer war behavior, or stimulated to project its volunteer tradition to greater result.

Out of the fog of mobilization, certain forces began to loom clear: (1) In government the departments and usable agencies most directly concerned with war, and with total civilian support of it based on the complete dissemination of essential war information. (2) In civilian life, the 900-odd radio stations who provide 31,000,000 of the 34,000,000 homes in America with constant free radio-listening of all sorts. (3) In civilian life too, the thousands of manufacturers and stores and services who alone implement the radio industry with the funds for providing broadcasting. The major problem became (and it is today much the same problem multiplied) one simply of collecting the information, sorting it, putting it into the best form to broadcast, persuading the network or station or advertiser to pay for it and putting it out on the air . . . and thus getting the information to the people.

The Office of Facts and Figures took over the Herculean job of bringing some sort of orderly flow into this torrent. The Office of War Information took over from the OFF, improved on its methods, staffed it with people somewhat more seasoned to their technical tasks (in its domestic radio division in particular) and produced a strikingly heavy and smooth flow of traffic in clearing the information output of 30 separate Government agencies (and two quasi-governmental agencies, the National War Fund and the Red Cross) to the total of the people.

Now to bring that flow down to realistic figures, let us see how war information of all sorts actually went to the American people over the CBS network alone during the period December 7, 1941, to March 31, 1943—a total of 480 war days.

CBS Is Active

CBS broadcast during that period a total of 11,880 programs containing war matter.

These 11,880 separate programs treated 16,055 war "items."

These 11,880 CBS programs used 2,165 hours 42 minutes of radio time, donated wholly by the network or the advertiser.

In addition to these 11,880 programs, CBS broadcast 6,221 programs of war *news*.

The grand total of *war broadcasts* of this single network, therefore, was (during this period), 18,101; they treated of 22,276 war items; they used 3,349 hours 39 minutes of broadcasting time, for which Government paid not one penny.

Of these 18,101 war programs, 9,272 were bought and paid for and volunteered to the war-effort by advertisers.

The remaining 8,829 war programs were bought and paid for and volunteered by the network . . . that is, they were sustaining programs.

Now to sharpen the focus of the effect of this upon the morale of the American people, let us take a cross-section . . . an average day . . . during this period, on this one network:

During an average, typical day . . .

12 times the audience heard a sustaining war-program.

22 times the audience heard a war program volunteered by an advertiser.

8 times the audience heard also a sustaining war *news* program.

5 times the audience heard also a sponsored war *news* program.

Thus . . .

47 times a day the radio audience of this single network heard war information.

What's more, the total of *war information* broadcast during an average CBS day was 37.6% of the entire broadcasting clock of the day.

Exclusive of war *news*, 91 different major war topics were treated in the subject matter of the program itself during the first 480 days of the war. In addition, seventy war topics were handled via straight war announcements. In all, CBS broadcasts aided 99 mutually exclusive major war campaigns during this period.

No man who has the faintest knowledge of the dependence of the American public upon radio, and who knows that the average family listening reflects that dependence by using its radio over 4 hours a day, can sneer at the power that radio has used with self-discipline and forthright patriotism since we went to war. It is important to bear in mind that the OFF and the OWI have never deviated from their basic policy of **guided voluntary effort.** It is equally important to recognize that the voluntary response was forthcoming to a degree no prophet could have foretold.

Now let us open the diaphram of our lens so as to get a picture, if we can, of the combined war effort of *all* the networks and *all* the individual stations, as those records come off the diary of the Office of War Information.

OWI receives its broadcastable material from 32 government agencies. It sorts this inflow into eight classes, or eight different methods of most suitable *treatment*. Out of OWI, to the networks and stations and agencies and advertisers, these eight great "pipe-lines" carry the war information to the radio transmitters, where it is broadcast incessantly to all America.

Public Gets the Low-Down

Through this "processing and clearing" technique, the U. S. radio public receives (according to the circulation estimates of the OWI itself) during each average week:

74,450 station war-information broadcasts.

It is the OWI's reasonable calculation that these broadcasts amass a total of Listener-Impressions each week amounting to 474,800,000.

Huge as that figure is, if you divide it by total population, it provides no more than the exposure of the total of the American people about four times a week to a war message. Maybe it's not "too much," but really little after all. This is a 7-day war, isn't it? I haven't heard that the men in uniform get three days off each week.

The plan for sorting and clearing this mass of war information is the joint development of the OWI and the Advertising Council; it isn't any more complex than an International Business Machine, but like that machine it sorts out, adds up, and works. Here's a typical week's schedule broadcasting during March, 1943; the estimate of Listener-Impressions is OWI's own, and it must be noted that the OWI confesses that "these figures cannot possibly take into account the spontaneous efforts by *commercial* programs which we cannot always trace." But look at that typical week:

WAR BONDS got	165,320,000	(Listener
MEAT RATIONING	154,960,000	Impressions)
U. S. CROP CORPS	132,750,000	
WAAC RECRUITING	94,820,000	
VICTORY GARDENS	44,960,000	
SOCIAL SECURITY CARDS	44,960,000	
RED CROSS	42,800,000	
HOME FORCES	23,210,000	
UNITED NATIONS	19,450,000	
FIGHTING FORCES	16,570,000	
WORKING FORCES	11,680,000	
THE ENEMY	9,530,000	
WOMANPOWER WAR JOBS	9,000,000	
LEND LEASE	4,800,000	
POST WAR WORLD	2,910,000	

The mass of voluntary war-information broadcasting adds up to a large sum of hard money.

87 Millions Donated

"Broadcasting" (the magazine) on March 29, 1943, estimated the time volunteered by networks, stations and advertisers to programs cleared through OWI, at $71,570,000 at card rates and best discounts; the talent donated at $15,330,000; the total contribution for a single year of war broadcasting under the OWI-Council plan of clearance at $86,900,000.

The actual out-of-pocket is considerably more than that figure today. One little item in the calculation worth noting is that the total of U. S. radio stations were estimated to broadcast 400,000 quarter-hour Government transcriptions in a year . . . an out-of-pocket of some $7,740,000 for those stations themselves.

It is impossible to do more than hit the high spots of results. The intangibles are brilliantly apparent to everyone who has the eyes to observe. But some of the tangibles are unusual.

The radio campaign on Victory Gardens helped raise the decision-to-plant from 48% (1942) to 59% in 1943 (about 2 million families).

A concentration on V-letters increased the processing 116% in 3 weeks.

Fat-and-grease collections went up, under radio advocacy, from 3,016,338 pounds in August, 1942, to 7,273,016 pounds in March, 1943.

The Coast Guard says that the applications for reserve officers' training rose 40% following the radio network time allotted the service.

Prentiss Brown called the radio broadcasting of point-rationing "an outstanding job." Norman Davis says the 1943 Red Cross Drive was "successful due to the splendid cooperation of radio and other media."

A Victory Food Special drive on cheese moved cheese "into the millions of pounds," according to the administrator. In fuel oil (Mr. Ickes testifying), in War Bonds (Mr. Morgenthau speaking), in Community War Chest Mobilization (Mr. Tom Smith on the stand), the witnesses all confirm the force voluntary radio added to the solution of an emergency. Radio in a few months trebled the number of citizens who believed that gasoline and mileage rationing *was* necessary. Radio discouraged Christmas travel so thoroughly that Mr. Eastman said radio averted a railroad breakdown.

The Army and the CAA wanted glider pilots, and a 2-weeks' radio campaign got 30,000 grade-A candidates. . . . In a 10-day radio campaign, 92% of the country was convinced that a Victory Tax was not only tolerable, but did so without drawing down the sale of War Bonds. Shoe rationing had to be kept so secret that the OWI called it "the oyster campaign" . . . but when it was announced it was announced by Sunday radio . . . the stores were closed. When they opened Monday morning, radio had averted stampedes and chiselling.

Red Cross Recruitment Booms

The Red Cross needed 3,000 nurses a month, and in 3 weeks of radio enrollments went up 100%. The Office of Defense Health and Welfare needed student nurses, and the radio industry and the advertisers of the country got 23,972 applicants, of whom 19,000 were eligible. In the spring, radio urged immediate though unseasonable coal purchase, and deliveries went up 70%. The CAA wanted non-combat pilots, and though every previous recruiting effort had failed, radio got them 104,000 new applications. Recruitment of war workers at U. S. Employment Services gained 21% in January over the previous months . . . under skillful radio exposition. And so on. . . .

The short paragraph of "results" is a flea-bite on the total. The total, no mind, no set of adding machines, can encompass. But a good deal of what radio has done . . . through voluntary effort all down the line, mind you . . . can be sensed by everyone here as he goes about his daily life. It is apparent, it is plain as day, in the attitude of every real patriot you know . . . every clamorous, impatient, let's-go, common-sensible, self-confident American citizen who has forced himself to think this thing through despite his indifference to "being told," his jealous grip on the right of free speech, his resentment of coercion of all sorts.

Someone said one night, pre-war, in the presence of a great general of the old Army, "We're a peaceful nation." "Peaceful, hell," said the General officer, "we are a damn war-like nation! Step on our toes or shut our mouth or try to order us around without showing us how and why, and look out!" Radio, I think, has helped to "show us how and why." Not all we want to know, by a long shot, but it is possible that we could talk so much that we might tell the enemy something of aid and comfort.

And radio hasn't told us unpleasant things in the manner we all like best, either. But figures like those I have recited, and they are indeed fragmentary, cannot be construed as apology by any but the mischievous. They stand on their own bottom. It would at least be equitable if the experts who want to tyrannize the radio structure, or to sand its machinery, could stand so securely on their own record of performance.

We Have Just a Glimpse

Now we've had a glimpse . . . and I repeat it is only a fractional glimpse of the impact of radio upon a people at war. We have had no glimpse at all of the steady daily service provided to take people to churches-of-the-air by the millions, to pour out to them the music of half a dozen first-rate symphony orchestras, to carry to the total electorate with rigid impartiality both sides of all controversial questions, to invite the mass of the American public to attend regular schools of the air, and to provide the mass of the public with a daily bill-of-fare of outright entertainment the like of which has never been offered to any people on earth. But all those services went forward, pursued with extra skill and extra zeal by the broadcasters who knew that it's just twice as important to support the human mind and spirit in wartime as in peacetime. We have not time to glimpse the short-wave operation which has presented the American viewpoint to the world, nor to glimpse the job that has been done to short-wave special entertainment to our men in the field all over the world.

On the train last Tuesday I met a Marine corporal, a kid, from Indianapolis, and on his sleeve was a patch marked Guadalcanal. "Get any radio?" I asked. "Sure, sure." "What's best?" "Well, I *guess* that 'Command Performance.' One of the boys got a little receiver and man, we sure didn't miss that one!" "How many listen at a time?" "Oh," he said, "many as could git within hearing. Not less than three or four hundred. And boy, I want to tell you, when they played that Star-Spangled Banner you see plenty of 'em crying right into their whiskers. It shore does something *to* you."

What Is Ahead?

I could stand here till the war ends reciting facts and figures. I won't. I'll take a long running guess ahead, and look out for falling rocks.

Radio hasn't begun to start to commence to approach its horizon. It's going to help rip the sides off the colleges and universities, so the folks outside who support them can see and hear what's going on inside them, and apply it to their own lives, and receive a *quid pro quo* for their contributions, especially to the endowed and private institutions and laboratories.

Radio can be a major force in a renaissance of reliance upon religion. Radio has already learned ways to translate academic book-larnin' into audible forms and dimensions more "graphic," therefore more memorable, than the printed page. Radio can do things the press cannot, just as the press can do things radio cannot . . . and the sooner the sophomores in both industries throw away their brass knuckles and accept the nobility of joint responsibility which is inherent in their community of interest, the better.

Radio can continue to fashion, out of a nation of human beings who find it a little hard to carry a tune even in a bathtub, a nation of real musicians . . . as radio has already begun to do. These are a very few of the things radio can do, if (and only if) the American people wish it. Radio can collect and disseminate live news from here to Singapore and back, it can acquaint people with each other as no other medium short of physical travel can do. If you want radio post-war to help heal the world radio is ready . . . and there will be new techniques as forward of today's as today's are forward of the programming you heard on your crystal set back in 1923.

Radio Creates Demand

It is pretty generally agreed that if we are to adopt a national policy of low-priced productive abundance after the war . . . and there is no other policy conceivable if this country is to go on a free democracy . . . it will base on full employment, at a wage which will buy the low-priced abundance that can be produced only by full employment. This implies a volume distribution of goods and services which makes the prewar consumption look palid by comparison. But before there can be consumption (even granted money in the pocket) there must be demand. Radio has already proven its power in creating demand. It can create new demand for Kishlar's food and Irwin's plastic and Bowes' glass and Dunn's railroads as well as for Miller and Proeser's ideas.

The price level of radio itself to the distributor must not exclude the small distributor of goods and services. Radio, from the start, has been challenged to produce programs which would certainly follow, preferably the veering tastes of the public; the challenge is greater today, and will be greater tomorrow. After all, nothing in the world causes the average radio-owning family to spend an average of four or five hours a day listening except that the average programming is *wanted.*

Radio broadcasting as a producing industry is itself deeply interested in turning out a product *demanded, because it is "better for less," by most people;* the radio industry is wholly selfish in intending not only to serve as a medium for sustained employment in the other productive plants and systems of our economy, but in its own plant as well. For two years past CBS has been studying post-war; CBS has no "package plan" to solve the world's ailments. But when the whistles blow, this network of ours, and every other network, and every station that is of no network but that is somewhere serving its community with its best possible product . . . they'll all be there doing their best to adjust to the new order as they adjusted that Sunday afternoon December 7, 1941.

Now, gentlemen, thank you for your patience. Add up your own guess. It's the correct, or 64-dollar, answer. Now let the rocks fall where they may.

The National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

No. 9 SPECIAL INFORMATION BULLETIN Sept. 24, 1943

Radio Newscasting and News of Radio

(Herewith are presented two addresses given before the first meeting of the NAB Radio News Committee at the Waldorf-Astoria Hotel, New York, Sept. 15-16. Because both talks contain information of interest to station operators, news personnel and publicity personnel, NAB is presenting the full texts below. Titles and identity of the speakers are listed with each address.)

"After 12,000 Newscasts"

By Charter Heslep, News Editor, Broadcasting Division, Office of Censorship

Mr. Chairman and Gentlemen:

This meeting is not concerned directly with war-time censorship and I wish the record to show plainly that I am not here representing the Office of Censorship or the government. Some of these remarks may be critical and it should be understood that any opinions ventured or suggestions made do not in any particular reflect the views—official or otherwise—of Censorship Director Byron Price or of the Assistant Director who heads the Broadcasting Division, J. Harold Ryan.

In fact, the Office of Censorship not only has no criticism of Radio's handling of news but is proud of the record being made by the industry as a co-partner in the unprecedented experiment of voluntary, civilian censorship. As of last Saturday, this record showed only 177 confirmed violations of the Broadcasting Code in a total of 12,044 news shows heard or read by the Broadcasting Division's radio news desk. That's a batting average of 98.3 per cent for the radio news editors of the nation acting as their own censors. It is convincing evidence that Radio, working with an equally alert Press, has succeeded so far in throwing up an effective security screen around our global war operations.

My only fear in telling this is that you may get overconfident, complacent or careless. Any violation—tho it may be the *only* one in a hundred broadcasts—can be tragic. Just last month, there was a serious breach of the Code which may have endangered the lives of a group of Army communications specialists. We must not relax our day-to-day, hour-to-hour vigilance for a single newscast, commercial or continuity. And the Code should be required reading for every new staff member as well as for the veterans. A veteran of today, according to *The New Yorker*, is an employe who has served loyally for a full six weeks!

Monitor Millions of Words

Walt Dennis asked me to talk shop with this committee from the viewpoint of an experienced newsman who has had an unusual opportunity to observe news broadcasting. The topic assigned—"After 12,000 Broadcasts"—means that through the operation of two simple controls set up to check on Code observance throughout the country, the radio news desk of Censorship has monitored, reviewed or precensored every one of those 12,044 shows I mentioned earlier.

The two controls are a monitor of network programs which enables us to catch 400 to 600 shows a month and spot checking of selected groups of stations which brings us about the same number of news scripts every 30 days.

These uncounted millions of words include, up to now, the outgivings of more than a hundred network commentators and newscasters and at least one entire week's news production from more than a third of all the stations of the country. These stations include everything from 100 watters to 50 kilowatters. Some have been checked in every state in the Union.

These remarks may seem heavily slanted on the newspaper side. This is because of 15 years as a newspaperman and less than 3 years in Radio. And because I feel that Radio, to use a mixed metaphor, is today the world's widest read newspaper. And that Radio should live up to the opportunities and responsibilities that go with this newly acquired position in the life of our nation.

The National Association of Broadcasters is making a sound move in setting up this distinguished committee to formulate standards to be set before the industry that will improve the overall presentation of news on the air. And any apparent shortcomings that may be discussed here do not represent an indictment of all broadcasters. In most cases, the practices cited are found in relatively few stations. I may even be accused of fly specking. But if any points made here help this committee in its important task, the effort will have been worthwhile.

I had instilled into me by editors I almost worshipped, some high standards of journalism. Working the various beats, departments, news desks and finally as a managing editor, I tried to live up to these ideals. We realize that no paper or service ever achieves perfection. Sometimes my paper fell down miserably. There were moments when I felt cheap, mean and discouraged. But always there were these guiding standards, these goal posts, to give me a fresh start.

The standards that seem pertinent to this committee's discussions are ACCURACY, HONESTY, INTEGRITY AND RESPONSIBILITY. Let's start with ACCURACY.

Accuracy

A well known newspaper buys a lot of spot announcements. The punch line of these messages has been: "When You Read It in The Star, It's TRUE." Some cynics scoff at this paper as dull and uninteresting. But I was part of its opposition for 12 years. I know that this insistence on accuracy built up a remarkable reader confidence—a blind loyalty that would cause me to boil when some of my friends just couldn't conceive that our paper could be equally as accurate as its older competitor. And advertisers have reacted to this prestige by making this paper the nation's lineage leader for more than a decade.

How can radio achieve such an enviable position? Especially when it must carry the burden of the careless listener. The records of Censorship do not reflect the hundreds of inquiries we have from listeners—sometimes including generals and admirals who are willing to take an oath they heard the Code being violated. Most of you in this room have had requests from us to check on such charges. And most of the time we find it was imperfect listening. How to deal with the careless listener is more a matter of style and technique of radio writing but Radio always can have one complete answer—the story as actually broadcast was ACCURATE. And—as long as the war lasts—didn't cross the Code!

No single move will do more to achieve accuracy than *copyreading*. I hope this committee will recommend that no broadcaster ever put a line of news on the air unless it has been read carefully by someone. Consider the care a well-edited paper exercises. Every story is read by the city editor, telegraph editor, or department head. Then a copyreader goes over it, word by word. The news editor gives it a look-see. The composing room proofreads it and the managing editor or some editorial executive checks the proofs before the paper locks up. That's five operations. No wonder bad bulls in the Press are collectors' items.

'Bust It, Bust It. . . .'

What happens in some radio stations? The ticker buzzes merrily in a corner. Shortly before the next newscast, an announcer bounds over, measures up on his arm the amount of copy he needs or snips off the last roundup and rushes to the mike. Before NBC sent me to Censorship, I had a spot on a small station right here in New York. One afternoon, while mulling over some stuff for the next day, I heard this: "San Francisco—The Western Defense Command today ordered the evacuation of all bust it, bust it . . . I beg your pardon." The announcer hadn't even glanced at the copy to notice that there had been a wire break.

This case, I hope, is an extreme one. But of the 340 stations spotchecked to date, more than half originate NO news. That means several million listeners get only what comes over the tickers and what is fed from the networks. It seems reasonable to conclude also that in many of these same stations there isn't a single person employed who possesses much newspaper experience. This situation places a terrific responsibility on the networks and the news services serving radio. Doubtless the manpower shortage explains some of this lack of enterprise by individual broadcasters.

Copyreading comes as natural as breathing to a newspaper. A $40 a week desk man has no inferiority complex about cutting the stuff of a $1000 a week columnist. Even a printer will come to the copy desk, holding a pencil smeared piece of copy of perhaps a famous writer and ask: "Isn't this dope all wet here or do you want it to go that way?" But in radio, there is too much reverence for big names, too much standing in awe of the name commentator or newscaster. One night a top news analyst violated the Code. When the originating station was called, the news editor on duty said: "Gee, Mr. Heslep. I thought it was wrong but who am I to question Mr. X. I'm just an announcer here in charge of news."

Station managements should give their news editors complete authority to copyread all material and have the final word—even if that word means ordering control to cut the program if a commentator tries to use material the editor has ordered out. No commentator, analyst, ace reporter or expert who is not a complete stuffed shirt or afflicted with a messiah complex is going to resent competent and intelligent copyreading.

Check Wire Stuff

Don't take your wire service as the last word in perfection. This is no reflection on the great news organizations serving Radio and Press. But any telegraph editor worth his salt is quick to detect inaccuracies that inevitably appear on any news wire. I recall that while night editor for NBC, one news service began winning the war every night in its roundup. After steering news writers along a more realistic approach for a few nights, we protested to the service. I presume some managing editors did likewise. The situation was corrected.

Dozens of stations, particularly those in semi-rural communities, are attempting considerable local coverage. The police blotter, courts, city government, community meetings and that lifeblood of the small newspaper—the personals—are being used. The station usually pastes up clippings from the local paper or just marks up a copy of the paper—a throwback to the early days of newscasting. A few really are doing a neat job of processing this news in interesting fashion. Here, too, accuracy should be paramount, especially where the relation between station and listener is apt to be very personal.

We've all acquired habits as voluntary censors that should be carried over to post war broadcasting. I refer to the Code requests to verify all messages sent in by telephone, to check the source of emergency notices, to edit letters from overseas and to check personal items to see that no clues are given to troop or ship movements. All of these checks promote accuracy—as well as security. Accuracy should be one of the cornerstones in any set of radio news standards.

Honesty

Honesty is the next standard. When debating over making the switch from city room to radio news room, an old broadcasting veteran said to me: "The biggest thing you've got to realize is that you're going into the show business." Well, after I got into radio, and especially after a year on an observation post in Washington, I wonder if radio management wouldn't do well to forget it is in the show business when it is promoting its news department. Legitimate promotion of commentators and services—yes. Frenzied overwriting and extravagant claims for this or that "news boy"—no.

Today, Radio tosses around the words "commentator", "news analyst," "editor," "newscaster" and "reporter" like so many balls kept in the air by a juggler. I know this committee will attempt to evaluate these terms and give them definite meaning to the public. Here is some comment that may be useful. An opening commercial or top sheet breathlessly tells you that this or that "international expert, famous newspaperman, ace reporter" and so forth is about to give his keen analysis of the news and comment on the great events of the day. And what comes next? A collection of from 10 to 15 stories clipped from a wire service. In some cases there isn't a single pencil mark on the copy! This phoney buildup also hits a network now and then. A commentator fairly new to the airwaves is a good newspaperman and a friend of mine. However, like most newsmen who haven't made a trip abroad, my friend has a fairly obscure background. Both of us get a chuckle and then feel a little uneasy over the false glamor that the network press agents weave around him.

Then, there is the plagiarist. A wire service man comes up with a good think piece. Or a correspondent gets a real beat. Or a rewrite man happens to do a particularly fine piece of writing. How many commentators give the service or the man credit? In one instance, a Washington correspondent did an excellent piece of deduction on a night when newsbreaks were few. I happened to listen to three commentators that use this service. The first analyst appropriated the story completely as his own. The second merely read the story. The third had the honesty to report it as an excellent story on the wire service he was using—even giving the writer credit.

Give Source Credit

This deception also extends in a lesser degree to the stations. Your newspaper labels most of its material. The press and picture associations call you quickly and loudly when you omit that log or agate credit line. But some stations blithely present the news "as gathered by the WWWW newsroom." This committee may see fit to recommend that all material be identified where such labeling contributes to more honest news presentation.

A station discovers it has an announcer who is very facile in reading news. He may never have written a story or handled a piece of copy in his life. But in no time at all he may become a commentator. Why, he'd be paralyzed if he had to write his own script. I recall an instance when an excellent news announcer—newscaster seems to be the right word—was asked to address a prominent women's club. He rushed about the newsroom seeking to get some lowly scribe to ghost the speech for him.

Take another amusing case. It was shortly after the fall of Crete and the top news had shifted suddenly to Russia. A "news analyst" was looking over the copy served up to him neatly by a newsroom writer. "Say," he exclaimed, "there isn't any news from the Mediterranean tonight, eh?" Before the writer could explain, there came this explanation from the bogus commentator: "Oh well, THAT war down there is over now, anyway."

Remember how you cursed in the old days when you put out a nickel for an extra that amounted to a fake? Well, Radio has abolished most of the newspaper extras—both legitimate and spurious—but has appropriated this vice as its very own. One salutary effect of the war is the virtual banning of the word "flash." I shudder every time I read a show whose format calls for insertion of a last minute bulletin. Some radio men seem to think they can order news to break to suit station schedules. This vicious practice often forces a news editor to prostitute his judgment and give listeners a completely phoney bulletin. A famous network show used this trick for a while. One night, it inserted a "bulletin"—a story taken from the previous day's edition of a New York newspaper—and incidentally ran smack into a Code violation! Another night, a sports result came in just as a newscast went on the air. It was included in the news show—complete result. Thirty minutes later—on the same station—a sportscaster shouted: "And here is the result of that game just torn off the news ticker . . ." I don't think the listening public is so dumb that it isn't going to catch on and lose faith in the honesty of radio news.

Radio Has Speed, Freshness

Speed and freshness is one of the greatest advantages Radio has over the slower paced press. But I wonder if some radio operators realize that even tho it has the pace of a tortoise as compared with broadcasting, a good newspaper that gets a break on edition time can get on the street in 20 to 30 minutes? Today, with newscasts on the hour, quarter-hour, half-hour and sprinkled in between, the bulletin quality of any news break fades quickly. New millions have become regular radio news listeners—but we don't have to bulletin them to death to hold their interest. A good news writer can revamp his show smoothly to put a new top on it within 30 minutes of air time. Why not restrict the use of the word "bulletin" to those newsbreaks that occur within 30 minutes of airtime? It's so easy to keep the freshness of radio news before the listener by phrases like "less than 2 hours ago, a dispatch from North Africa said. . . ." If such a standard were accepted in the radio newsrooms of the country, the word "bulletin" would again come to mean something to the public.

This committee might well recommend definite standards to eliminate these petty frauds and trickery from news programming. If the public is to develop complete trust in radio's presentation of the news, we've got to be honest with it.

Integrity

The next goal post is INTEGRITY. Here, let us look at sponsor censorship, controversial issues, propaganda and time chiselers.

Just last week a friend asked me to read the manuscript of a proposed text on radio news writing and supervision. Several pages were devoted to "sponsor's rights." The author inferred that if a news spot was sponsored by an airline, for example, and a crash occurred on that line, the news should be played down!

Here's an angle that timid broadcasters (and newspapers) might be overlooking. It so happened one year that within a few months, I ran into some hot stories involving local business concerns. The first one caused an advertiser to cancel a 25,000 line contract. The second sent a smaller contract out of the window. The third resulted in the withdrawal of a 50,000 line account. The "front office" was getting dazed. But the stories were accurate, truthful and newsworthy. The editor stood firm and the paper's policy didn't change. And do you know, that within six months, all three of those accounts were back in the paper—one with a lineage boost? It seems fair to assume that respect for the paper's integrity plus its value as an advertising medium that couldn't be passed up must have figured in the return of this business.

All of us know of a large oil company that sponsors many newscasts. This firm has been in the spotlight on many occasions—sometime a most unfavorable spotlight. To my knowledge, the agency placing this radio business never has protested the use of stories critical of its client. I hope this committee will take a firm stand against any so-called sponsor's right or sponsor censorship. And that station managements will stand resolutely behind the judgments of its news editors if demands are made to suppress a story.

Editorializing

There is the much discussed problem of editorializing on controversial issues. As I understand it, the broadcast practice aims primarily at preventing the possibility of political control by any party over any segment of broadcasting. But if you had read all the scripts that have passed over the radio news desk in Censorship, you would conclude this theory is a dead letter in many cases. Network commentators certainly reflect almost every shade of opinion on controversial subjects. And you don't often hear a disclaimer by the station or the chain. Two outstanding men appear to voice the views of extreme conservatives. A half dozen others expound the liberal viewpoint with the fervor of a crusader. The most conspicuous example has been the battle raging over our foreign policy.

There are stations who boldly label certain of their programs as "editorial." Several news programs devote a section to what is called openly "the editorial page." And this is not confined to national issues. In a western city, a local commentator poured out purple passages of vituperation against certain members of the City Council for a week. I've wondered if the station was sued for libel! But during the week reviewed, there was not a single word of rebuttal.

What appears to be a possibly dangerous practice is presentation of only one side of a question while claiming that what is said is the whole picture. The lead-ins may say there is much confusion about a certain issue. Then comes the punch line, delivered with finality: "Here to give you the FACTS on this issue is Mr. So-and-so." And then Mr. So-and-So proceeds to give all the facts—favorable to one side of the issue. The listener is NOT told that what he has heard is only one side of the question. If he has only a casual interest in the topic, he may think he has just heard the complete story. He has not, and I think this is a serious breach of any standard of integrity of radio news that this committee may set out.

Propaganda is a much abused word that means many things to many people. Some charge that all the government releases funnelled thru OWI into the stations are propaganda. Without discussing the merits of that contention, I think it fair to point out that other governments are bombarding radio news desks with free material. Some of it is definitely slanted to give the government's point of view. And it is being used. We have had numerous inquiries about this material. In a week's scripts from one station, there were eight newscasts consisting entirely of verbatim reading of handouts of governments other than our own. Three were from the Swedes, two each from the Dutch and the Belgians and one from the Australians. A very internationally minded station, you may say. But what of this broadcaster's ability to protect the integrity of his news? This is not said in criticism of the excellent information services operated by the neutral and allied governments. But it is a red flag to radio news editors to weigh carefully all propaganda. Pressure groups and minorities in this country are active. Many have powerful backing and plenty of money. The flow of handouts and transcribed features to stations is going to increase. And all this imposes a heavy burden on the station management and its news editors to keep their judgments keen and sharp.

Adopt High Personnel Standards

Many of you will recall the scandal that resulted when a congressional investigation revealed certain interests were paying off renegade newspaper men behind the counter to write articles favorable to these interests. The expose was damaging to the prestige of journalism. If we are alert, we can prevent anything like that happening in Radio. A sound policy would be to adopt as qualifications for a station news editor the same high standards required for admission to the Radio and Press galleries of Congress. Require the news editor to divorce himself of outside promotion, lobbying, publicity and other work—and pay him accordingly. There aren't many stations today—even those originating no news—that cannot with profit to their service to the public employ a full time man in charge of news and coverage of special news events. And if they get the right man, the broadcasters will be taking a major step toward safeguarding the integrity of their news.

Now, for the time chiselers. At a cocktail party recently, a "public relations counsel" boasted that he was getting his clients' products plugged on 205 stations every week for only $3.50 per station. That's the cost of producing a 15-minute show, the platter and mailing charges. The vehicle is a well written news feature with the free advertising worked in very skillfully. The press agent added that he was not dealing only in teakettles—that he had many big stations on his free list. All of us have been following the current argument about railroads buying thousands of lines of newspaper space but getting the same advertising free over the radio. Also, there are many anecdotes about commentators and newscasters "paying off" for free merchandise, free meals, free hotel bills and the like with sly plugs on the broadcaster's time. I don't know how true these stories are and haven't seen much evidence of this in my brief years in radio. But news editors should be alert to guard against such infringements that may occur in their bailiwick and against subtle or cleverly concealed plugs that smear the integrity of the station's news.

Responsibility

The last goal post is RESPONSIBILITY. Perhaps here is where a plea should be made for more aggressiveness by individual stations in news handling. Several times "no broadcast" slugs have been slapped on stories on the wire services thru misunderstanding or just plain stupidity. But I have yet to hear the first complaint from a radio news editor.

Again, it sometimes appears that almost any shave-tail or one striper can scare the wits out of a station with a single phone call. Cases are on record of an officer—way out of bounds—ordering a broadcaster to suppress a program or story. Willy, nilly, it is done. Not many months ago, an Intelligence officer called up a network and said an innocent little show was dangerous to security. Without investigating, the network immediately ordered the format changed in such a way that the main feature of the show was killed. The next day, the owner of the show tossed the problem in the lap of Censorship. It did not remotely cross the Code. There was no security factor not already provided for. The show was restored to its original form—but not thru any aggressiveness of the network in protecting its rights.

I should state here that we have a huge Army and Navy with many newly indoctrinated officers. It is to be expected some will make mistakes or that some will try to throw their weight around. We always get 100 per cent cooperation in such cases from the top ranks in washington.

I'll wager that if a general walked into any country weekly and started issuing orders, the editor would tell him to stick to running the Army or take the responsibility of declaring martial law. Once, while I was a managing editor, a three-star general practically demanded our paper not run a certain story. We weren't at war then. And the story wouldn't violate today's Code. Well, when the General refused to give the Army side of the issue and continued to insist on suppression of the story, I had to inform him acidly of a certain warm region where I was consigning him and his ancestors. It is the responsibility of news editors to defend their stations against any unreasonable demands involving news.

Balance News Schedule

Is a station licensee obligated to provide news for his listeners? Most stations now find the news department they once kicked around is now a good money maker. It's so profitable that some of them are losing all sense of proportion and scheduling newscasts and commentaries in such profusion over the broadcast day that it is a wonder that the ratings of all news shows aren't dragged down by a bored public. But what about the leaner days that may come?

Well, I don't suppose any station will lose its license because it drops all its news shows. But can you think of any type of programming that provides such a complete answer to that much discussed phrase ". . . in the public interest . . ." as a well balanced schedule of newscasts and commentaries with special news events handled with judgment and intelligence?

War has brought us the biggest audience in radio history. It was news that did it. Is it going too far to say that it has become the duty of every broadcaster to provide his listeners with the best and most complete news coverage he can afford? Also, I feel that the radio news editor of today and in the future should rank as the equal in importance with other department heads. Of course, probably all of us here may not be unbiased judges of this question. But in pointing up some possible shortcomings of our present handling of news, we have only emphasized the vast importance of this segment of the broadcasting picture, especially in its impact on the public.

As soon as the war is over, many stations probably will not be content any longer to tear copy off the ticker and plug in the network. Of course, some stations are fat, rich and lazy. They may feel: "That's all I need. That gives them the whole story. Why put out more money for news?" Well, it isn't the whole story as I shall explain later. And I think it is unworthy of 50,000 watt stations—which should be the leaders in the industry—to follow such a course. But I can name a half dozen in this class that are content with this kind of coverage. Here's another angle of radio measuring up to its responsibilities—and opportunities. Some leaders in the industry are mystified that the public and Congress appear to have so little interest in the welfare and advancement of Radio. The average citizen will run a temperature when freedom of the press becomes an issue in any part of the nation. But all of us know how little he bothers about matters affecting the freedom of Radio—which is freedom of Speech.

I understand that a survey is to be made to find out why Mr. and Mrs. Citizen seem to care so little for an institution that brings them so much. Some critics blame this condition on lack of an aggressive public relations policy of the industry. Some psychologists say it is because Mr. and Mrs. Citizen will have to pay out money for their newspaper and that radio is free. And that a person always feels a proprietary interest in something he pays for. Perhaps that factor will disappear in some future year when everyone owns a television and facsimile set and has to pay service charges to keep the receiver supplied with paper.

Need More Local News

But here I make a plea for a more adequate local coverage of news, for local commentators translating the news into terms of their own particular main street and crossroads, for objective but authoritative discussion of local problems. Perhaps I'm still a city editor who can't get out of the habit of thinking that, in normal times, local news sells the most papers. You will find that Army and Navy PRO's have drilled into them the importance of providing the home town paper with personal news about the boys and girls in the armed services. Any college press agent, and I was one, knows that altho it may be drudgery, home town items are tops in building interest in his school.

At least two small stations recently have hired reporters to gather just this kind of news and put it on the air. A few are devoting one spot a day entirely to local items. I'll wager a reasonable sum that the listeners of such stations will come to feel a more personal interest in the welfare of these broadcasters. And it is my belief that if station managements will assume the responsibility for developing adequate local coverage; if they will pay less money for promoting second rate commentators who parrot the news or rehash what the network men have said and give more thought to developing good local commentators, if all this happens, I believe you will see developing a closer relation between radio and its listeners that may serve Radio well if its welfare is imperiled—either by government or any combination of other interests.

In all of this finger pointing, I am speaking as one who is completely converted to Radio, who hopes to live the rest of his life with it. I have tried to set out four important goal posts to which can be nailed practical suggestions looking to raising the standards of news handling by Radio.

Under ACCURACY, were discussed the importance of copyreading and complete authority of the news editor.

Under HONESTY, have been listed several petty deceptions such as phoney buildups, false labels, lack of credit lines, the overworked bulletin coupled with a suggestion for a 30-minute deadline for use of that term.

Under INTEGRITY fall the important topics of sponsor censorship, fair play in handling controversial issues, an alertness to propaganda and a ban on all time chiselers.

Finally, under RESPONSIBILITY, I have pleaded for more aggressive defense by news editors of their rights and contended that it is the duty of every station to present the most complete coverage within its means. I have asked for more local coverage—both from the angle of listener appeal and as a cataclyst to bring radio and its audience into a closer bond of friendship.

I wish to thank this committee for the honor of being asked to talk with you. And may I repeat, in conclusion, that my remarks are based on the study of those 12,000 broadcasts; that they represent only my personal views and have no official connection with my duties as a radio news editor for the Broadcasting Division of the Office of Censorship.

Thank you—and "Thirty."

"News of Radio Within the Industry"

By Bruce Robertson, Associate Editor, Broadcasting Magazine

Looking at the radio trade press—but why should I pretend to be modest?—if I'm going to talk about industry news I'm going to talk about the way it's handled in the sheet I work for, so I might just as well start out by saying BROADCASTING MAGAZINE and not go to a lot of trouble to think up fancy synonyms which would mean the same thing, anyway—looking at the current issue of BROADCASTING MAGAZINE, then, a reader who was not familiar with the broadcasting business might think that a broadcaster's lot is not a happy one.

Here are a few headlines: "Cox Probe to Charge Fly with Contempt; Report to Suggest License Powers Be Stripped." "FCC Turns Down NBC Petition." "Way Calls Meeting in Chicago to Discuss Hitch Hike Problems." "Disc Net Plan Offers Hope in AFM Fight; Threat of Petrillo Would Hit 160 Stations." "New Definition of FCC Power Urged; Senator Smith Asks Radio Law to Nullify Supreme Court Blow at Free Speech". The poor broadcaster, our innocent reader would think, every hand turned against him, not a friend in the world, how does he stand it?

But then he might look at some other headlines in the same issue: "Local Food Disc Series Starts on 80 Stations." "Tobacco Sponsor Announces Plans." "Wine Discs." "Healthaids Promotes." "Vick Renews." "Information Please Returns." "Sun-Rayed Series," and so on at great length, and he'd begin to think that maybe his first impression had been wrong and that this broadcasting business is not a headache but a goldmine.

Of course there are a lot of other headlines in the issue such as "Italy Armistice Gives Radio New War Role," "Radio War Effort Is Lauded by Hoyt," etc., which I omitted bcause they didn't fit into the point I'm trying to make, which is that we don't have to worry about naivety on the part of our readers because they are definitely hep to what goes with radio.

Readers Are Broadcasters

Our readers are broadcasters—station and network owners, managers, department heads; advertising agency executives, particularly radio directors and time buyers; advertising managers and their assistants of the companies with national or regional distribution who pay most of radio's bills by advertising on the air, and then there's a fringe of Congressmen, radio attorneys, university libraries, etc., who make up the balance of our subscription list. I should of course have included the station reps and other service organizations in our list of readers, and at the moment there are quite a few copies going to men who are temporarily employed by Uncle Sam on an extermination project, but who want to keep in touch with what is going on in the industry they hope to come back to one of these days.

In other words, a trade paper is a business paper, written and edited for members of the industry, who want to get all of the news and who can add up apparently conflicting headlines and articles into a composite picture of the industry as it is at the moment. They know what it's all about, so we can go ahead with our work without stopping to explain the implications of every news development.

Probably in no other business is there as much interest in the whole field as there is in radio. Radio lives in a goldfish bowl. Everybody in the business, it seems, knows everybody else's business. Radio has more rumors and more crises than any other area of human endeavor except possibly show business, per se, which radio isn't. Broadcasting is a hybrid of journalism, show business, the pulpit, the school, the dime novel and the continued story, not to mention the corner drug and grocery stores, from which all box-tops flow.

Such a business naturally produces a considerably varied flow of news from week to week which a good card-cataloger would probably cross-index under a thousand or more headings. But for my purpose today, I'll deal with them in 3 classes. First, there's industry news, which might be described as covering the relationships of the broadcaster to the rest of the world—for instance, the broadcasters contacts with the public both directly and through the public's elected representatives in Congress and its appointed representatives on the FCC and other government commissions and agencies; the broadcasters contacts with the American Federation of Musicians, with AFRA, ACA, IBEW and other labor organizations; the broadcaster's dealings with music licensing groups, news services, transcription library services, networks and other sources of programs and, perhaps, revenue. Station reps might also be included under the general industry news heading, or they might come under the second classification—business news. As long as they are definitely included in the picture, which they certainly ought to be, I don't think it matters very much which group they get put in.

Business and Personal News

Business news covers news about advertisers using radio for the first time, advertisers renewing and expanding and changing their use of radio, even on very rare occasions, advertisers discontinuing their radio campaigns—always because they've been so successful that the advertiser can't keep up with his orders, of course.

The third classification is personal news. This includes every thing from a Behind-the-Mike note that Joe Jolley has joined the announcing staff of WJUN, Juniper Patch, Ga., to a biographical sketch in which BROADCASTING MAGAZINE pays its respects to Joseph J. Jolley, president of the Rural Regional Network. Seriously, the personal columns of the MAGAZINE over the last 12 years contain the business histories of a good many of today's big shots from the time of their first jobs in radio. The only reason they aren't all there is that a lot of them were already big shots when we started publishing in October, 1931.

Before going into more detail about the handling of these three types of news for industry consumption, I'd like to read part of a memo I got Monday from Sol Taishoff when he told me about this assignment. Here's how he outlines our MAGAZINE'S general editorial policy:

"BROADCASTING magazine always has had a purpose and a mission. It has a definite editorial policy. It is 100% broadcasting industry; it does not owe its allegiance to any other field or business.

"BROADCASTING magazine's mission is to preserve a free, competitive industry, operated by the American Plan. It has been, and I hope always will be, the champion of an industry dedicated to public service but with the profit motive. That's the democratic way.

"We are a trade journal and a business paper. We have pioneered in the field. I think our formula has been right, though there is plenty of room for improvement.

"When we started out, radio was still regarded as a passing fad, something like the miniature golf course. The movies were on our tail; so were the newspapers. Radio had to sell the hard way.

"It gave to the public something it wanted. The educators early saw the prospects of the medium as a disseminator of information. They tried to get their cut of the wavelengths. So did other special groups and interests. Those were the knock-down drag-out days of the industry, happily about over. But some of the boys still are pot-shotting.

"We think radio should stand on its own hind legs. It should not play second fiddle to any other group or industry. By the same token, there shouldn't be any discrimination among classes of people or industries on station ownership. That is what the newspaper ownership fight is all about.

"So we get down to this on our editorial policy and overall philosophy:

Radio Must Be Independent

"Radio must be maintained as an independent entity. That goes for any radio development or invention having to do with the dissemination of information to the public. Radio is not a common carrier like the railroads or busses; it can't take all comers. When television comes along, it should be part of the radio industry, not a subsidiary of the motion picture field. It will get its greatest development that way.

"These constitute the reasons BROADCASTING magazine has always hammered away at independence for the industry. I repeat, it isn't the show business, it isn't the newspaper business, and it isn't a Government vehicle. It embodies all these fields.

"I think all of you know about our policy on industry problems, both regulatory and dollar-gouging. In the former, we have had a running fight about Government inroads in the form of radio regulation. In the second category follow such groups as AFM, the music licensing societies and others out for their pounds of flesh.

"It isn't that we feel the industry can do no wrong. We want to dispel the idea that radio is a key to the mint and that it is a sucker for these outfits. Publicly we defend radio at every turn. Privately, on occasions, we may hold a different view about certain things. But there is a certain amount of linen that shouldn't be washed in public."

Other News Handling

That pretty much sums up the treatment of industry news, under the limited definition we gave it as our first general classification. Most of this kind of news originates outside of your control; War Labor Board hearings on the musician's union ban on recordings, for example, is a story which we and the other trade papers will cover by having reporters present at the hearings; we don't expect to find that kind of news in station and network releases.

But occasionally you will have a good public service story which the station publicity man will write up and send to us. At the moment this story will probably concern the cooperation of the station with the Treasury Dept. in putting over the 3rd War Loan Drive. As soon as this drive was hinted at we at BROADCASTING began checking the Treasury for any information they had about the part radio would be given in the drive, and as soon and as fast as this information was available we published it for your information and so you and all the other broadcasters could make your plans for promoting the drive in your areas.

Well, the drive is now on and we are being flooded, deluged and almost submerged with War Bond publicity stories and pictures from the national and regional networks and from some 900 individual radio stations, according to a memo I recently got from our managing editor, Frank Beatty, a very nice guy although somewhat of a professional pessimist, which seems to amount to an occupational disease for managing editors.

His memo said: "There will be hundreds and hundreds of pictures—War Bond Sales wagons, platforms and thermometers and other structures set up in the town square, guys on stilts and girls in or out of bathing suits. Out of great flocks we will try to cull with fairness and editorial judgment, a couple of good ones here and there, although there's a strong temptation to say to hell with the whole thing, as every one we print will make 890 other stations sore. So any war bond stuff we handle during this drive is merely designed to typify the sort of job the entire industry is doing and every publicity man whose stuff isn't included will figure we have no sense of news values and that we cater exclusively to our big advertisers."

About Pictures

I'll come back to that advertising angle later. It's a pat alibi for any publicity man whose stuff isn't used—and don't we all love pat alibis? But first let's get back to this industry news coverage. Every station is rightfully proud of its public service programs, rightfully pleased when some organization which it has helped gives it a public pat on the back by awarding the station a plaque or scroll. Usually the presentation ceremony is broadcast and the station publicity man naturally arranges to get a photograph of the station manager receiving the award from the head of the awarding organization. The picture is good for space in the local press, unless a radio-newspaper feud is going on, and it's also space-worthy in our magazine, *the first time.*

But so frequently the plan is worked out on a national scale. For instance, about a year ago the American Legion posts throughout the country began making awards of merit to stations which had given time to the Legion. The first picture came in; it looked pretty good; the caption said that this legion chapter had awarded this station a plaque for its outstanding service to the cause, etc.; so it got printed. The next week we got two dozen duplicates, except for names and call letters. They did not get used because the story just wasn't news any more.

Speaking of pictures and repetition, I want to beg you to use all the influence you have to see that your station, at least, doesn't send us any more pictures showing a renewal contract being signed with the advertiser, station manager, salesman on the account and the artist on the program all standing around grinning like toothpaste ads. Oh, yes, the agency man is also usually on hand to show his teeth 15% worth.

Now, everybody knows that when the salesman has got the client to agree to renew, the contract is mailed out and signed without any ado about it; but everybody also knows that one of the major purposes of BROADCASTING MAGAZINE from our inception has always been the education of advertisers and agencies about radio as a new, virile and aggressive medium. Recently we have occasionally substituted "established, virile and aggressive medium," but you get the idea. Radio is good; radio advertising is good advertising. And there's no better way to prove it than by a commercial success story.

Business Pictures

Sometimes these success stories run to a page or more. But not necessarily. A one paragraph item can be a helluva success story. Every new account helps sell radio to other accounts. At least that's what our advertiser and agency subscribers tell us, and they can't both be wrong. And every renewal account is another good sales argument.

Certainly it's legitimate and welcome news. And certainly we like business pictures. But there ought to be some way of getting over the idea that a contract has been signed without actually depicting the pen-in-hand pose. Every once in a while some ingenious guy proves that it can be done. For example, a few weeks back we got a picture about a new milk account, with the boys drinking a toast to the sponsor in his own product. And the "boys" were good—president of the company, ditto of the agency, station manager and salesman. No trace of Milky Moe, your smooth-as-cream crooner.

And just this last week another smart publicity man worked a new twist by having everybody in the picture offering his pen to the client. So it can be done. And the boys who do it get the breaks with us, which may account for a seemingly disproportionate number of pictures from a few stations. This brings me back to the squawks that we cater to our advertisers. We don't. We give in to the guy with the ideas. I was going to add that there isn't any connection between him and advertising, but it occurs to me that the station that is smart enough to work out new variations on a familiar theme will also probably be smart enough to be a consistent user of space in our magazine.

The same thing is true about stories as about pictures. The easiest thing for a station publicity man to do is to send us a carbon of what he's written for the local radio column, blithely ignoring the fact that the local columnist would be almost certain to delete the very part that we are most apt to use. Let me pass along a few remarks from managing editor Beatty, over whose desk all your copy goes, except that which is given a preliminary sifting by one of our branch offices.

Tips on Publicity

"I wish you could tell the boys how tough it is from our end to process some of the stuff they send out. For instance, we'll wade through a couple of windy paragraphs and after sifting out the cigars, diapers, future announcers and spurious emissions we discover that Bill Jones, announcer of WOOF, Wisteria, Del., is the father of a boy born Sept. 16.

"My special curse goes to the publicity man who writes a whole page of single-spaced stuff about Mary Belle Crooner who has a nifty new yellow sweater—keep your eyes on your copy, boys; Harry McGonigle is strutting high these days as he fondles a new 52-week contract with Dangerous Dan's Delicatessen. And we have to read through the tenth carbon they sent us to find out in the last sentence that Charles Coughin, formerly of WOOF, Wisteria, Del., has joined the announcing staff of KOWF, Throttlebottom, Cal.

"The boys who really click in feeding us are those who study what we print and then go about sending us news that conforms to our style. If all publicity men were on a string basis, they would use the keen judgment of the experienced freelancer as he maps a story to submit to an editor.

"You might remind the boys that we operate as a trade magazine for the commercial broadcasting industry and that we deem the industry an advertising medium as well as a purveyor of information, news and entertainment. Therefore we face a very considerable sifting and sorting job several times a day as we get tons of publicity and handouts. We want all the stuff they put out, but they must remember that we can't come up with a four-column head every time station WOOF sells another station break to Freddie the Furrier. We are doing a national job, but still want to give a cross-section of what is going on in the thousands of localities served by broadcast outlets. And if we happen to use WOOF's story when we have the same tale from a hundred other stations at the same time, we're thinking in national terms and hope the other hundred aren't peeved."

That pretty much covers the personal news category too, completing the third of the three general classifications into which I divided the whole field. I realize that I've only touched the highspots and if any of you would like to ask any questions I'll try to answer them. But before I stop to do that I'd like to quote a little platform that we used to carry on our editorial page masthead:

> "American radio as free as the press.
>
> Maintenance of a free, competitive system of broadcasting.
>
> Programs providing greatest good for the greatest number.
>
> The right to render public service without undue restraint.
>
> Maintenance of highest moral, social and economic standards.
>
> Stand aloof from political partisanship on the air.
>
> Build radio circulation to saturation in 30,000,000 American homes, with radios in every classroom, office and automobile.
>
> Keep abreast of modern technical developments.
>
> Foster sound and progressive development of commercial television and facsimile."

"That was back in Jan., 1940. It holds good today."

The National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

No. 10 SPECIAL INFORMATION BULLETIN Oct. 8, 1943

National War Fund

The Facts:

1. **The National War Fund Drive Is Now On and Will Extend Through November.**
2. **It Is the First Time a Group of Patriotic Fund-Raising Activities Have Been United Into One National Effort.**
3. **The Goal Is $125,000,000.**
4. **This Drive Is for the Benefit of United Nations Relief (including such groups as British War Relief, Belgian War Relief, United China Relief and Russian War Relief and others); Service to the Forces (including United Service Organizations, War Prisoners Aid, etc.) and Home Front (including American Women's Voluntary Services, local defense recreation committees, etc.)**
5. **Our Armed Forces and Our Fighting Allies Are the Principal Beneficiaries.**
6. **This Is a National Job, but Its Success Depends Squarely Upon the Kind of Job Done Locally.**
7. **Radio Is Being Called Upon to Do Its Best in Support of This Drive. Let's Do It!**

(For the information of station managers and war program directors, we are reprinting the following excerpts taken from the National War Fund's "Radio Kit," which has been sent all War Fund campaign committees in cities with local radio stations:)

The radio program of the National War Fund represents the cooperative thought and effort of the Radio Bureau of the Office of War Information, experienced in war time campaigns; the Radio Committee, a cross section of network and local station operators of the country; the Radio Advertising Committee, composed of specialists in the commercial radio field, and the Radio Department of the Fund.

For a period of one month nationally starting October 4th, and three weeks locally beginning October 11th, the OWI has given the National War Fund a "green light" on the radio over all governmental and semi-governmental projects.

The national network programs will be arranged from National Headquarters, in conjunction with the OWI. But the success of the radio campaign of the War Fund depends on the combined successes of all local radio efforts. The importance of local stations and local programs cannot be overemphasized and local committees are urged to take full advantage of this potent means of education, entertainment and news dissemination in their communities. Along with the press, local radio outlets exert great influence. Sometimes the local impact will be more powerful than that made by network programs since local personalities and interests are involved.

The radio manual, containing program suggestions, spot announcements and talks, is intended only as a guide. There is plenty of room for originality in projecting the story of the National War Fund, its seventeen member agencies and the various home front activities of local community campaigns, to local station audiences. But local radio stations rightfully want good programs and committees should keep this in mind in formulating their plans.

THE LOCAL RADIO COMMITTEE AND ITS FUNCTIONS

In cities where local radio stations are located, the Campaign Director should appoint a strong committee to develop a local radio program which will tie in with the national and local radio allocations assigned to the Fund.

Remember the entire radio industry is back of the Fund and patriotically interested in taking an active part in the drive to raise the money.

Be sure to include the heads of local stations on the radio committee, along with radio editors, representatives of advertising agencies, the musicians union and others whose professional activities are identified with this medium. Whenever available, a local representative of the Office of War Information should be added.

To this committee, which should work in close cooperation with the Field Representative of the Office of War Information in your area, should be assigned the entire task of developing and carrying through a comprehensive radio plan in behalf of the appeal in your community.

One of the important functions of the Radio Committee will be to work out with local sponsors the most effective means of projecting the War Fund story on local commercial programs during the allocation period.

The Radio Committee also can assist the State Director in placing electrically transcribed programs which are available for local stations during the campaign. These records feature both instructive talks and entertainment. The speakers, most of whom are limited to five minute spots, include John D. Rockefeller, Jr., Prescott S. Bush, National Campaign Chairman of the Fund, a war correspondent to be selected, and Raymond Massey, distinguished star of the stage and screen. There has also been recorded a fifteen minute program representing labor-management endorsement of the National War Fund, with Eric Johnston, President of the Chamber of Commerce of the United States, speaking for management and William Green, President of the American Federation of Labor, and Philip Murray, CIO head, voicing Labor's active support.

In the entertainment field, Gracie Fields and Dick Haymes have contributed their musical talents in behalf of the Fund. A fifteen minute dramatization, starring Helen Twelvetrees and Ralph Bellamy and highlighted with human interest material, is available for local stations.

As the campaign develops there will be additional transcribed material for local radio committees.

TYPES OF PROGRAMS

Based on experience, the following program notes may be of value. Of course, local tastes vary and should be taken into account.

TALKS. The shorter the better! There are few speakers who can hold the attention of the radio audience for a quarter of an hour. A five minute talk following a news broadcast or national hook up tieing in the community angle in the latter is very effective. Don't forget to broadcast your campaign opening and your victory dinner or meeting.

INTERVIEWS AND ROUND TABLES. All radio stations have competent interviewers and commentators, as well as women's broadcasters with home making programs whose interest may be kindled in inviting War Fund or Chest Representatives as guests. These impromptu question and answer interviews have a spontaneity that makes for good radio. The guest should be provided with background material on which to base the answers. Soldiers home on furlough or citizens who have been in the war zones offer good possibilities. Remember however that military personnel must be cleared with the Army or Navy Public Relations officer in your city before going on the air. A round table discussion on the national and local aspects of the Fund, projecting the three fronts—the military, the United Nations and the home—should result in an interesting half hour.

DEDICATED PROGRAMS. Recent experience has proved that it is often more effective to participate in sustaining programs with established audiences than to attempt to build special shows.

Local commercially sponsored programs, of course, may be contacted by the local Radio Committee.

Programs which are the local favorites produced by the local station—the classical hours, the popular music periods and the like should be utilized.

It is often possible to persuade the Program Director to dedicate some of these programs to your local United War Chest, with brief opening and closing announcements urging support of the campaign. Sometimes a speaker reading a "case history" or interesting factual material on the need, may be introduced during the program for a three minute spot, with telling effect, particularly on a lengthy musical program.

QUIZ PROGRAMS. There are many variations of this popular type of radio entertainment which have been found productive in campaigns. With a bow to Clifton Fadiman and his group of experts one may develop a local "Information Please" using a panel of prominent local men and women and having every fifth question relate to the War Fund and the local United Community Campaign. Other possibilities: three campaign workers pitted against three plain citizens who will be contributors, three men in uniform against three women in uniform or three representatives of Management matching their quiz wits against three representatives of Labor.

COMMENTATORS. Don't forget to supply your local news commentators with brief human interest material regarding your campaign and the agencies. Keep them informed with the progress of the campaign. Quite often commentators have guests who speak for a minute or two.

LABOR MANAGEMENT PROGRAMS. There are 2,300 Labor-Management committees in plants of the country. Many of them have orchestras and talent groups which entertain the workers during lunch hour or when the night shift has a rest period. This offers a source of radio entertainment but remember if the program is carried from the plant there will be a telephone line charge to the radio station which must be absorbed. Because the radio stations contribute so much in valuable time, it is not expected they will pay this charge. It may be feasible, though not as effective, to put on this kind of a program from the studio of the station.

NATIONAL WAR FUND RADIO CAMPAIGN

Office of War Information

Herman S. Hettinger, Deputy Director, Office of War Information
Donald D. Stauffer, Chief, Domestic Radio Bureau
Philip H. Cohen, Deputy, Domestic Radio Bureau
William Spire, Chief, Allocation Section, Domestic Radio Bureau
John Hymes, Chief, Station Relation's Division

Radio Committee

Neville Miller, President, National Association of Broadcasters, Chairman
Burridge Butler
WLS, Chicago, Illinois
Martin Campbell
WFAA, Dallas, Texas
Carl M. Everson
WHKC, Columbus, Ohio
Leo Fitzpatrick
WJR, Detroit, Michigan
Clarence T. Hagman
WTCN, Minneapolis, Minnesota
Wiley P. Harris
WJDX, Jackson, Mississippi
Harold A. Lafount
730 Fifth Avenue, New York City
Miller McClintock, President
Mutual Broadcasting System
Clair McCollough
WGAL, Lancaster, Pennsylvania
Paul W. Morency
WTIC, Hartford, Connecticut
William S. Paley, President
Columbia Braodcasting System
Eugene Pulliam
WIRE, Indianapolis, Indiana
Harry Spence
KXRO, Aberdeen, Washington
Major E. M. Stoer
Hearst Radio, New York City
Niles Trammel, President
National Broadcasting Company
Lee B. Wailes
KYW, Philadelphia, Pa.
Lewis Allen Weiss
Don Lee Network, Los Angeles, Calif.
Arthur Westlund
KRE, Berkeley, California
Mark Woods, President
Blue Network Company, Inc.
Ed Yocum, KGHL, Billings, Mont.

Radio Advertising Committee

Joseph R. Busk, Ted Bates, Inc., Chairman
Hubbell Robinson, Young and Rubicam
Cadwell S. Swanson, J. Walter Thompson Co.
S. Heagen Bayles, Ruthrauff and Ryan
Harold Wengler, H. M. Kiesewetter Agency
Maurice H. Bent, Blackett, Sample and Hummert

Radio Department, National War Fund

Jesse Butcher, Director
Rene Kuhn
Jane Moore
Joan MacDonald

The National Association of Broadcasters
1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.
No. 11 SPECIAL INFORMATION BULLETIN Oct. 15, 1943

A Great 'First' For Morgenthau

Henry Morgenthau, Jr., Secretary of the Treasury, has recorded, for broadcast purposes, a personal message of thanks to the manager of each radio station in the United States, its staff and its advertisers, for the great job done in the Third War Loan Campaign.

This is the first time each radio station has been thanked in this singularly effective manner and it reflects a unique appreciation and adept use of radio's facilities on the part of the Secretary of the Treasury.

Secretary Morgenthau's personal message to each station manager will be heard in the middle of the Treasury Star Parade record number 291, featuring Vincent Lopez, which will be shipped on or before October 23 and may be broadcast immediately upon receipt by your station.

Properly localized by the announcer on the record, who says, "Here is a message to the management and the personnel of this radio station from the Secretary of the Treasury," the Secretary's remarks are as follows:

> "This is Henry Morgenthau, Jr., speaking. I want to thank you, as manager of this station, for the help you gave us in the Third War Loan. Your staff and your advertisers and your stars worked hard, and the results of the Third War Loan—the greatest financial undertaking in the history of the world—reflect your energy, effort and enthusiasm. You have served your country well. Because of what you have done, perhaps you have helped to shorten the war, and to save the lives of American fighting men. I think there could be no greater reward than that. Again thank you—thank you all."

Permission to Dub Off and Use As Local Spot

The Treasury Department has given each station permission to re-record the Secretary's statement and use it as a local announcement, preceded by a local introduction identifying the manager and station by name, as follows:

LOCAL ANNOUNCER:	(FROM SCRIPT) We take pleasure in presenting Mr. Henry Morgenthau, Junior, Secretary of the Treasury, in a personal transcribed message to ...., manager of ....
RECORD:	This is Henry Morgenthau, Junior, speaking (etc.).

Good Taste

Good taste requires that the Secretary's statement, used as a local spot, be handled with great care and diligence to avoid needless repetition.

All Stations Should Obtain Treasury Star Parade No. 291

Some stations are not receiving regularly the Treasury Star Parade. To be certain that you receive number 291, address your request at once to the Radio Section, War Finance Division, Treasury Department, Washington 25, D. C., or to NAB.

WILLARD D. EGOLF,
Assistant to the President.

The National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

No. 12 SPECIAL INFORMATION BULLETIN Oct. 22, 1943

The Following Material Pertaining to and Including Representative Mundt's Remarks in the House on October 18 Are Reprinted in Full as Taken From the Congressional Record of That Date.

Mr. MUNDT. Mr. Speaker, in these days of global warfare news stories of great significance tumble over themselves so rapidly that frequently a matter of primary importance on the domestic front gets far from the publicity it deserves. As a result, many citzens are sometimes months behind in the business of getting caught up with far-reaching developments on the home front.

I believe, Mr. Speaker, that the recent announcement of the Columbia Broadcasting System by which it self-imposed upon itself a voluntary code of radio good behavior and impartial performance is an item of this kind. Judging from the almost universal acclaim which this public-spirited action has won from Members of Congress and from impartial editors who have commented upon it, I believe this move on the part of C. B. S. is an epochal step in the direction of protecting free speech and fair play on the American radio. C. B. S. should be congratulated and supported on its patriotic decision to protect its listeners against propaganda and politics and to give all sides of all controversial issues an equal opportunity to be heard over its great radio network. It is hoped that the other radio networks will quickly follow this wise policy as enunciated by the Columbia Broadcasting System.

In my opinion, Mr. Speaker, the decision of C. B. S. to prevent the use of a semipublic monopoly such as radio by private individuals or commercial sponsors of propaganda or political purposes will do more to preserve private ownership and operation of radio in this country than anything which has happened since the advent of broadcasting.

Perhaps a few wealthy radio tycoons who own or control big radio outlets feel secure in their power and believe it to be reference to but a straw man when it is declared, as I am about to declare, that private ownership and operation of radio in this country is not a guaranteed certainty for even the next 4 years—to say nothing of the permanent future.

Let these big men of radio scoff if they want to—I happen to know that the danger that privately operated radio in this country may have a short life is not something to be blithely overlooked. Stockholders and officials of large radio corporations might well remember that indifference to danger signs along the way was precisely the attitude which trapped the great industrialists of Germany into becoming the servants of the Nazi political state. Indifference to public opinion and to public trends in this country may well do the same for our radio industry.

Those who are in authority for the moment in private radio have a responsibility to themselves, to their stockholders, to the cause of private radio, and to America itself, to discontinue flaunting bad practices in the face of public opinion and to take steps to eliminate them before they give cause to support existing plans to make radio a public instead of a private monopoly. For that reason, the far-sighted and public-serving decision of the executives of C. B. S. is not only gratifying to all those believing in the continuance of private radio but it is one which the executives of other radio networks might well emulate. It should not be forgotten that one persistent offender in the radio field may well break down the dike which is now holding back the flood waters of Government-operated radio.

As background for what I am about to say with regard to two important questions which must soon be settled by the radio industry, the Federal Communications Commission, and the Congress, Mr. Speaker, I want to call attention, briefly, to some previous considerations which I have given this subject and which appear in earlier issues of the CONGRESSIONAL RECORD.

In the RECORD for May 30, 1940, under the title of "A Question Radio Executives Should Ponder Seriously—and Answer Carefully," I set forth some suggestions which, if followed, I hoped and believed would tend to safeguard private radio in this country and prevent it from flaunting its way into complete Government control or even ownership. Permit me here to read you a few paragraphs from those remarks:

A CHALLENGE TO THE SELF-RESTRAINT OF RADIO

Mr. Speaker, I have a passionate devotion to the American principle of free speech. But should such freedom, when exercised over air channels which are privately owned and from which others are excluded by governmental regulations, get out of bounds to the detriment of the public morale, it would become a public problem of vital concern to the entire Nation. Wise self-restraint, now, by the radio companies themselves is, in my opinion, a far better solution to the problem of hysterical excesses and unduly exciting and provocative broadcasts than any laws which Congress could devise. Surely such restraint can prevent the necessity of new legislation to meet the problem propounded by the question of what is and what is not public-serving broadcasting of war news.

We can still too well remember the results of Orson Welles' purely fictitious broadcasting of a fanciful invasion from Mars. So real did the highly emotionalized speeches of radio speakers appear that a near panic developed in many localities in America. Wisely, radio executives themselves took steps to prevent a repetition of such a sensational program to unnerve large portions of the populace. Confronted, too, with the problem of how much emotionalism and hysteria to convey over the air waves in reporting war news, it is my hope these same radio executives themselves, with no legislative stimulus or restraint, will use equal discretion in not permitting factual reporting to be colored by hysterical or emotional commentators whose inflections and intonations can well induce emotional upsets and develop panicky thinking if they carelessly or deliberately engage in all the histrionics of their art instead of functioning simply as reporters of news.

COMMENTATORS CULTIVATE THE "ILLUSION OF INTEGRITY"

On the other hand, especially among radio commentators who inject their personal opinions and emotions into the news, too frequently an attempt is made to create an "illusion of integrity" which leads the unwary listener to believe that what he hears is more factual or fulsome and reliable than what he reads. Obviously, such is not the case because newspapers and radio stations, alike, are limited by the same conditions in foreign countries and all are circumscribed by the same foreign censors and the same propagandists who are in the business of distorting the facts for military or psychological purposes.

Following that discussion, Mr. Speaker, I received a telephone call and then a letter from Harry C. Butcher, vice president of the Columbia Broadcasting System. The letter from Mr. Butcher was dated June 5, 1940, and said in part:

> To repeat what I told you on the phone, I think your statement in the CONGRESSIONAL RECORD indicates that you have given a great deal of thought to this subject, as have the executives of the broadcasting networks and stations generally. We appreciate the responsibilities placed upon us by these trying times and are attempting, I believe, with considerable success, to inform the public honestly and conscientiously. Certainly Columbia is making every effort in that direction.

This letter was followed by conferences with representatives of the broadcasting industry and by considerable additional correspondence, with Mr. Kaltenborn and other commentators and officials personally interested in private ownership and operation of radio and its utilization in the best possible public interest. As a result of this correspondence and these conversations, I again addressed the House on June 18, 1940, summarizing my observations and proposing five specific factors to which it seemed to me the radio industry should give serious consideration and develop remedial policies. Mr. Speaker, I incorporate extracts of that speech at this point as a part of these remarks.

RADIO'S RESPONSIBILITIES EXPAND WITH RADIO'S PRIVILEGES

Mr. Speaker, all Members of Congress are aware of the severe charges recently leveled at the American radio industry by certain Government officials charging it with "monopolistic practices" and other unfair policies. Personally, I am unwilling to subscribe to these charges on the basis of available evidence. I think that the record of American radio, taken as a whole, is highly commendable. Great public service is rendered the public by radio through its practice of making available to speakers of opposing sides on controversial issues like periods of free time to present their arguments. To my knowledge radio has not yet been guilty of using its monopoly of favorite air waves and its protective licenses and permits to sponsor one set of protagonists against another or to freeze out opposing viewpoints. It is my sincere hope that radio will never permit itself to become guilty of such prejudicial practices because to my mind that would be a big step backward through providing potent arguments for more Government control or supervision and for substituting bureaucratic control—never very satisfactory and seldom very equitable—for self-restraint and fair-play codes which radio can much better provide for itself by a faithful recognition of the responsibilities which always attach themselves to such special privileges as radio presently enjoys.

With the hope that radio may redouble its efforts to avoid justifiable criticism and that it may reexamine its practices to the end that the best public interests may always be served, I summarize herewith some considerations which I believe radio executives should carefully ponder and not lightly shunt aside on the basis that at this time no great complaint is evident in demands for legislative reforms or executive restraints. The time to eliminate a widespread public demand for governmental correctives is before the complaint is crystallized—once the crusade is on and a chorus of demands for Government action is apparent, it is frequently too late to stem the tide and all too often the alleged correctives go too far and impose new vices more pernicious than those they would eradicate. No business enterprise is ever so strong or so safe that it can afford to discard substantial segments of its good will by turning a deaf ear to sincere critics and trusting to time alone to quiet valid criticisms. For that reason, I list the following factors for whatever value they may have in stimulating thought leading to the preservation of free radio in America and the nipping in the bud of any proposals that Government action be utilized to eradicate such minor deficiencies as radio may now be heir to. American radio is good and it is getting better. It is entitled to a fair chance to demonstrate that its self-imposed regulations are adequate to serve the public interest and to protect the functions of democratic government in this great Republic.

A SUMMARY OF FACTORS FOR RADIO EXECUTIVES TO CONSIDER

1. Ninety percent of present-day radio programs are free from substantial criticism by the public. That in itself is a high tribute to American radio. The 10 percent of radio programs which cause concern are in the opini-ated observations of speakers who are either on the pay roll of the radio companies themselves or who speak for hire for commercial sponsors. Radio cannot afford to ignore the significance as molders of public opinion which these opinionated observers have and the delicate problem growing out of them concerning how far radio or commercial sponsors go in employing speakers for hire to shape public opinion.

2. Radio executives should study the advisability of setting up self-imposed regulations whereby sponsored programs by commercial groups, professional commentators, speakers working for pay and salaried reporters on sustaining programs, should not permit their personal prejudices, their individual opinions, their political philosophies, and their own viewpoints to color the programs in which they participate. To expand this type of opinionated program to its full extent would be to permit the opinion backed by the biggest purse to propagandize America and dominate the air waves. Carried to its ultimate degree, a billion-dollar sponsor could purchase enough time and sponsor speakers and commentators enough to superimpose its philosophy or policies upon an entire people. Thus, such free speech on the air could be used to circumvent the free thinking of a nation.

3. Radio's current policy of permitting conflicting sides of controversial questions to have equal opportunity with free radio time to present its arguments is Americanism in action. It is the essence of democracy and is highly commendable. But if speakers on commercial programs and those speaking on the sustaining programs of the big radio chains themselves attempt to influence public opinion and present lopsided arguments on public questions they can well destroy and nullify the great democratic value of the prevailing policy of giving free time to all sides of a controversial question, because the professional commentators and speakers are on the air so much more frequently than the laymen.

4. Radio should recognize a responsibility for not permitting itself to be for sale to the highest bidder on controversial questions, which is not shared by the newspaper business. The difference is clear-cut and obvious. As many newspapers can present themselves for public approval in any State or community as the public will support, they seek and secure no governmental license and obtain no governmental monopoly of favored channels of presentation. Thus editors have an independence which radio systems cannot rightfully exercise because radio by its very nature is more monopolistic than are the newspapers. Too many radio stations find too few choice air waves to share for day and night broadcasting. Therefore the Government licenses some and must refuse concessions to others. While no legitimate complaint can attach to this necessity, it does impose upon those radio units favored by Government permit to own an air wave the obligation not to exercise that concession to plump for one opinion or to play down another.

5. Excesses and abuses in the realm of these optionated programs by speakers for hire are the danger zone around free radio in America. Government regulation could correct the abuses but I hope it will never have to come to that. In my opinion, such coercion is unnecessary. Radio deserves the opportunity to eliminate these abuses for itself where they occur and to guard against their extension. To say they never occur, is to blink at the facts; to say they are the prevailing practice, is to exaggerate the exception. Between the extremes of too many too highly opinionated commercial or sustaining programs, and a ban against all interpretative speakers and personal commentators there is surely a happy compromise at which point such speakers for hire can

be selected who will exercise uniform good taste and opinions balanced by open-minded recognition that others equally wise may hold differing viewpoints. Such speakers can be secured, I believe, who will stress the factual over the prejudicial elements of news and who will avoid taking sides on issues of political importance or governmental significance at times and on points which comprise periods of our national history when the general public is seeking to formulate clear-headed and far-reaching decisions which may determine our national destiny for many years to come.

In view of the foregoing experience, Mr. Speaker, I am naturally gratified as are many other Americans, both in and out of Congress, at the progressive and forward-looking step in the interests of free speech and fair play which have been taken by the Columbia Broadcasting System in its recent declaration of policy assuring the listening public that C. B. S. would not permit its facilities to be exploited for propaganda purposes. A few radio commentators have utilized the facilities of other radio networks to condemn C. B. S. for forthrightly barring propaganda from its network. Consequently, Mr. Speaker, I want at this time to read into the record an open letter written by Paul W. Kester, vice president and general manager of C. B. S. at the present time, which presents the C. B. S. point of view in this matter. The letter follows:

FREEDOM OF THE AIR

DEAR MR. WINCHELL: During the past several days you have commented critically on Columbia Broadcasting System's news broadcasting policies. There are at least three points not thus far mentioned in your column, which we think your readers should have in order to understand the real issue involved. In view of your own interest in freedom of expression and journalistic fairness, we urge that you publish this letter explaining why we feel that freedom of expression on the air is protected, not "muzzled" by Columbia Broadcasting System's policies of noneditorial news reporting and news analysis.

1. You have not mentioned the fact that, while keeping opinion out of news broadcasting as such, we invite the freest expression of opinion elsewhere in our broadcasting schedule. In other words, our air is wide open to the most partisan speakers on every major issue in the news. Proponents and opponents of lend-lease, post-war collaboration, price control, tax policies, etc., have championed their respective sides of public arguments in a constant battle of public opinion over the Columbia Broadcasting System network. But it is presented as opinion and not as news. This is most important because it eliminates the camouflaged propaganda that opinionated reporters could otherwise insinuate into a field which we think should remain simon pure, honestly objective, and utterly noneditorial.

2. Your comments, we think, imply that Columbia Broadcasting System's policies preclude straight news reporting on "controversial subjects" in the news. The opposite is true. For instance: The draft of fathers is one of the "hottest" controversies now before the public. It has been dealt with fully, freely, and fearlessly on Columbia Broadcasting System network news for the past several weeks. None of our news reporters or news analysts has sought to lobby for or against it. Nor has any one of them avoided accurate news reporting of the controversy's daily progress.

3. You should have told your readers the simple, physical fact that lies behind our policy of nonpartisan news broadcasting. The number of radio wave lengths is, at present, definitely limited. There are only a certain number of physical facilities, that is, of radio transmitters which can be linked into radio networks. Clock hours are also limited. And thus a small group of news commentators, commanding preferred positions and established audiences on nationwide networks, could, if they opinionated their news broadcasting, exert a dangerous and dominating power over public opinion. Such power in the hands of a few, would destroy all fairness on the air—and in a domestic world, there is no freedom without fairness.

PAUL W. KESTER,
Columbia Broadcasting System.

NEW YORK.

THE C. B. S. POLICY STATEMENT

Mr. Speaker, the new policy statement of the Columbia Broadcasting System, to which Mr. Kester's letter refers, dated September 7, 1943, speaks for itself. I am incorporating it with my remarks at this point in the RECORD, since it deserves the study of every American who places the preservation of free speech high among the attributes of this Republic:

To C. B. S. news analysts:

This is a restatement of Columbia's policies in regard to news analysis, an explanation of their reasons for being, and a declaration of our intention to enforce them rigidly to the end that the American listening public will be best served.

Please do not expect anything new in this memorandum. No innovations are involved. It is sent you at this time merely because there have been occasional instances recently in which there seemed to be a lack of clear understanding of our policies both on the part of news analysts and of our editors. I trust this will clear up any confusion which may have existed, especially among newer members of our staff. If not, then I shall be all too happy to discuss these matters with you personally at greater length and supply you with fresh copies of previous material dealing with our policies.

First off, let it be emphasized that Columbia has no editorial views except in regard to radio itself. By extension, those men selected by us to interpret or analyze the news must also refrain from expression of editorial opinion or our noneditorial position becomes an empty shell.

Each of you has been chosen by us because of your background and knowledge, insight, clarity of thought and special ability to make yourselves understood by vast audiences. We feel we have faced and met a considerable responsibility in your selection. We now feel that you must meet and face much the same responsibility in writing your analyses. For we have said to ourselves, "We will not choose men who will tell the public what they themselves think and what the public should think." And we ask that you say to yourselves, "We are not privileged to crusade, to harangue the people or to attempt to sway public opinion."

In our view, then, the function of the news analyst is to marshal the facts on any specific subject and out of his common or special knowledge to present these facts so as to inform his listeners rather than persuade them. The analyst should attempt to clear up any contradictions within the known record, should fairly present both sides of controversial questions and, in short, should give the best available information upon which listeners can make up their own minds. Ideally, in the case of controversial issues, the audience should be left with no impression as to which side the analyst himself actually favors.

The news analyst, so restricted in the expression of his personal beliefs, may argue that he is being denied freedom of speech, that if he were employed by a newspaper or a magazine, he would have much greater latitude in speaking his mind. This argument brings us to the reasons for the policies I have just enunciated and the best way to deal with those reasons is to declare at once that there is a very considerable difference between the radio station or network and a newspaper or magazine.

The essential contrast is supplied by the available opportunities for publication and for broadcasting. Nothing except lack of funds or unwillingness to risk them prevents anyone anywhere from starting a newspaper, a magazine, or a publishing house. Within the laws of libel, obscenity and sedition, the publisher is then able to say editorially anything he wishes to say, or to hire men to say it for him. But in the case of broadcasting, there are only a certain number of frequencies available for broadcasting stations and by the same token, only a limited number of networks can be created and maintained on a national basis. It is this limitation which makes for the basic difference between broadcasting and the press, from which stems our noneditorial policy. Without such a policy it is easy to see that a powerful and one-sided position on serious issues could be created for a small group of broadcasters locally, regionally, or nationally.

The threat of such unbalanced power is inimical to a democratic and free radio or to democracy itself.

As for those radio-news analysts who cry out that the limitations which our policies impose on them threaten freedom of speech, I think the opposite is true. For we have set aside regular broadcasting periods in which controversial issues of the day can be and are discussed first by one side, then the other. We have declined repeatedly to sell time for the discussion of these issues, so that the greater amount of time (and with it the effective control of public opinion) would not be at the disposal of the side prepared to spend the most money.

Actually freedom of speech on the radio would be menaced if a small group of men, some thirty or forty news analysts who have Nation-wide audiences and have regular broadcasting periods in which to build loyal listeners, take advantage of their "preferred position" and become pulpiteers. To permit these men to preach their own views would be to create for C. B. S. news a super-editorial page, instead of no editorial page at all. Then freedom of the air, within the genuine spirit of democracy, would be merely a hollow phrase. There is no sense to the idea of erecting a barricade that will protect public opinion from one-sided assault and then drilling holes in that defense whereby men in our own employ are permitted just such assault.

Our policies are meaningless unless strictly enforced and every news editor is held accountable for their enforcement. We are quite aware that other networks and individual stations may not as yet have similar policies. We hope that in the interest of furthering a free and democratic radio all of them will come to agree with us. But whether or not they do, we want C. B. S. world news to continue to set the highest possible standards of news objectivity and to retain its leadership in public confidence.

PAUL W. WHITE,
Director of News Broadcasts.

SEPTEMBER 7, 1943.

Mr. LANDIS. Mr. Speaker, will the gentleman yield?

Mr. MUNDT. I yield to the gentleman from Indiana.

Mr. LANDIS. I just want to say that I believe the Members of Congress and others generally are in debt to the Columbia Broadcasting Co. for its readiness in attempting to solve the very serious situation existing in radio newscasting.

Mr. MUNDT. I thank the gentleman for his contribution, and in view of his well-known advocacy of free speech and fair play, it has extra significance. I am sorry, however, that I cannot yield further during these remarks as I have all the material here which I can cover in the time allotted me.

In this connection I would like to read from an article appearing in the October 18, 1943, issue of Broadcasting, the weekly news magazine of radio.

On page 22 of that magazine an article appears, written by Ed. Craney, general manager of Z-Bar Net, the radio network throughout the State of Montana.

Mr. Craney entitled his article "Free Speech, the Right To Be Heard," and I commend the reading of the entire article and editorial to Members of Congress and citizens who are interested in this problem of working out a radio code and a radio policy which will protect the rights and freedom of speech.

I will quote briefly from this article appearing in Broadcasting magazine of October 18: Mr. Craney says:

> We of the Z-Net—

Montana's radio network—

> recognized the above problems and strove to solve them in the year 1930 with the establishment of the Montana Radio Forum. CBS has just done so. Some say there is no problem—others say some other method must be found. All right—let's find it. I believe all of us are actually striving for the same goal—freedom of speech—the right for both majorities and minorities to be heard on American radio.

Then continuing in his article, Mr. Craney points out there is a definite distinction between the freedom of expression as it is applied to the newspaper field and how it is applied to radio, because of the differences which are obvious between radio and the newspaper.

He asks this question in his article:

> Is radio like a newspaper?

Then he answers:

> No—anyone with the funds can start a newspaper. Radio is limited and licensed by Government because of the present lack of frequencies. The good newspaper presents factual news of the day written by "on-the-scene reporters of events all over the world."
>
> It has an editor who is free to express his views on any subject in its editorial columns.

Then he points out the differences existing because of limited facilities on the air, because the radio depends on licensing by the Government to enable a certain station to dominate specified air waves at stipulated times; and he points out further on down that radio broadcasts cannot be laid aside and read later; if the broadcast is not heard it is lost forever.

Still later in the article he calls attention to the fact that there are some who think radio can cure this commentator trouble by a device which has been tried in Montana, the home State of Senator Wheeler who has, himself, devoted a lot of study to the radio situation.

I quote further from the article again:

> We of the Z-Net believe commentaries are healthy. We believe the public needs their ideas—we said "theirs," not his or hers. We have saluted C. B. S. on its stand because we know it has taken courage to recognize the problem and C. B. S. is trying to solve this problem. While we do not say our method is the ideal we nevertheless believe it is more practical than any other thus far devised for the protection of the right to be heard and the right to hear.

And I think the Members of Congress who are interested in the welfare of radio are interested in the fact that Mr. Craney recognizes that freedom of speech on the radio means that there must be a right to be heard as well as a freedom of the right to hear and it cannot be exclusively placed within the power of an individual operator on the air.

Continuing the quotation from Mr. Craney's article:

> We have merely endeavored to build the columnist page of the newspaper into an air show. We never put a single commentator on the air. We insist on two or more peoples' ideas being expressed on the same or on adjacent shows or we don't carry the broadcast.

I hope the Members of Congress will take time to read this entire article, because it offers an approach to the solution of a very disturbing problem; that is, the alarming tendency of commentators increasingly to use their time and their position to attack individuals in both private and public life and to propagandize and lobby for public causes in which the speakers or sponsors may or may not have a selfish or ulterior motive.

Now, Mr. Speaker, let us leave the problem of making free speech on the air a fact rather than a fiction for the time being and examine the recent Supreme Court decision which bears on the same subject. Later in this talk, I shall return to the original proposition in an effort to show how the circumvention of free and impartial expression on the air by making it the sole privilege of the sponsors with the biggest purse buying up select time on a semipublic monopoly or of the radio companies themselves has a direct relationship to the implications and ramification of the Supreme Court decision of May 10.

On May 10, the United States Supreme Court in a decision of 5 to 2 with the majority opinion being written by Justice Frankfurter and the minority opinion being written by Justice Murphy made it the constitutional law of the land that the Federal Communications Commission should have the right to determine the composition of the traffic on the air. To use the exact words of Mr. Justice Frankfurter with reference to the Federal Communications Act of 1934:

> It puts upon the Commission the burden of determining the composition of that traffic.

I think as we go along with this discussion, Mr. Speaker, it will become clear how this decision of the Court has a direct bearing on what should be considered broadcasting policies which are compatible with the best public interests and with considerations of free speech and fair play. It should also become clear how the Court's decision supports my contention that since radio is a semipublic monopoly exercised through preferential licenses granted to some and denied to others, it must either adopt for itself or have imposed upon it from without a public-serving policy which does not permit one group of citizens or one individual to have opinion-molding opportunities which are denied to those of opposing points of view.

RADIO IS NECESSARILY MONOPOLISTIC IN CHARACTER

In Mr. Justice Frankfurter's majority opinion we find some interesting evidence in support of these observations. In support of the statement that radio is monopolistic in character under its existing network system, Mr. Frankfurter makes this statement in a quotation from the Federal Communications Commission:

> It pointed out that the station affiliated with the national networks utilized more than 97 percent of the total nighttime broadcasting power of all the stations in the country.

Under these conditions, it is obvious that if the networks are to be used for propaganda or political purposes, or to support or oppose programs of public policy, there must either be provided equal and suitable opportunity for reply or else we must reconcile ourselves to the fact that those who buy up the radio time are to be granted the exclusive right of indoctrination over the air waves in America. I think it will be generally conceded that to make indoctrination the exclusive right of the fellow with the fattest purse or the man with the best spot on the dial is not sound Americanism. And it is not conducive to the permanent operation of private radio in this country. It is, in fact, according a privilege to a few which will sooner or later draw penalties from the many.

The extent to which this monopolistic character of private radio, when coupled with the use of indoctrination and propaganda over the air, might be used or abused to distort or warp the thinking of America is further elaborated upon by subsequent statements in the prevailing opinion of Justice Frankfurter.

For example, he points out that the Federal Communications Commission found that network affiliation contracts usually contain so-called network optional-time clauses. Under these provisions, the network could upon 28 days' notice call upon its affiliates to carry a commercial program during any of the hours specified in the agreement as network optional time. The Commission reported:

> We find that the optioning of time by licensee stations has operated against the public interest.

Certainly, Mr. Speaker, it can be seen how this could be true if networks permit sustaining or commercial commentators to engage in opinion-molding propaganda which could thus be "force fed" over station outlets which, in themselves, are out of sympathy with the propaganda line of the sponsor or the network. For example, many commentators on the air have seemingly joined in a crusade to discredit the farm bloc in Congress and to a certain extent the farmers of America by insinuating that they are demanding better prices for food products than are warranted. Quite apart from the merits of such contentions—and for one I believe they have no merit whatsoever—it is obvious that a radio station in a farm State might seriously object to being forced to broadcast a network program expressing antipathy to the farm element and broadcast by some city commentator who knows nothing about farming conditions and cares less.

It is also brought out in this decision of the court that net work affiliation contracts contain a clause defining the right of the station to reject network commercial programs. The F. C. C. is quoted as finding that "these provisions do not sufficiently protect the public interest." The F. C. C. further states:

> We conclude that a licensee is not fulfilling his obligations to operate in the public interest, and is not operating in accordance with the express requirements of the Communications Act, if he agrees to accept programs on any basis other than his own reasonable decision that the programs are satisfactory.

Still another indication of the fact that chain broadcasting and network growth has made radio increasingly more monopolistic and consequently more subject to public regulation than ordinary private enterprise is the following statement included in the Frankfurter decision with reference to radio facilities in the major cities and primary news sources of this country. I quote:

> Competition among networks for these facilities is nonexistent, as they are completely removed from the network-station market. It gives the network complete control over its policies. This bottling-up of the best facilities has undoubtedly had a discouraging effect upon the creation and growth of new networks.

SPECIAL PRIVILEGES REQUIRE PUBLIC RESPONSIBILITIES

Now, sir, let us get down to a discussion of how the monopolistic development of radio, which in itself has granted special privileges to some, demands the acceptance of special public responsibilities on the part of the radio industry if the present system of radio is to be public serving rather than public perverting.

In the gist of the prevailing decision of the Court, Justice Frankfurter said on May 10:

> It puts upon the Commission the burden of determining the composition of that traffic.

In that, Mr. Speaker, he referred to the traffic over the air waves of this country. Continuing to quote from Justice Frankfurter, he further said:

> The facilities of radio are not large enough to accommodate all who wish to use them. Methods must be devised for choosing from among the many who apply. And since Congress itself could not do this, it committed the task to the Commission.

Mr. Speaker, this responsibility for devising methods "for choosing from among the many who apply" for radio time as well as for station licenses is the crux of the whole matter insofar as demonstrating whether private radio is to serve the public interest or to serve as a propaganda vehicle for some sponsor, some commentator, some political administration, some network, or some cause.

If it is argued that the method of "choosing from among the many who apply" for time on the air, for example, shall be that of permitting the fellow with the fattest purse to buy advertising time and employ commentators or speakers to denounce or support individuals in public life, institutions of government, organizations of private citizens, or occupational groups, it simply resolves itself into a policy of favoritism to some and frustration for others. In like manner if this process of "choosing" is to be operated so that radio networks can employ commentators on their sustaining time to applaud one point of view and abhor another it means that freedom of speech has become a fiction instead of a fact. It would mean in short that radio networks were reserving to themselves a freedom to indoctrinate which is incompatible with real freedom of speech.

ACCESS TO THE MICROPHONE AN ESSENTIAL IN FREEDOM OF SPEECH

Mr. Speaker, let us keep always in mind the fact that freedom of speech must mean freedom of access to the microphone as well as freedom of acclamation insofar as radio is concerned.

In the concluding summary of the majority opinion as delivered on May 10 by Justice Frankfurter, this analysis of the true meaning of free speech is again emphasized. Says the prevailing opinion:

> We come, finally, to an appeal to the first amendment. The regulations—

Of the Commission—

> even if valid in all other respects, must fail because they abridge, say the appellants, their right of free speech. If that be so, it would follow that every person whose application for a license to operate a station is denied by the Commission is thereby denied his constitutional right of free speech. Freedom of utterance is abridged to many who wish to use the limited facilities of radio.

RADIO FACILITIES ARE LIMITED

Mr. Speaker, that statement from the majority opinion should be high-lighted. Let me repeat it:

> Freedom of utterance is abridged by many who wish to use the limited facilities of radio.

It is this elemental truth which the new policy of the Columbia Broadcasting System recognizes in its decision to keep all propaganda off its programs unless equal opportunities are given at the same hour and on the same coverage for expression of the other point of view. It is this same fundamental truism which the critics of the new C. B. S. policy ignore and which, when violated, gives cause for public demands restricting the use of radio for private propaganda purposes.

It is, of course, to be expected that a few commentators, Mr. Speaker, or radio officials who enjoy monopolistic privileges of free expression and who have at times used these individualized opportunities to lobby for or against this, that, or the other cause in accordance with their personal views or corporation outlook will disapprove of steps taken along the direction of the C. B. S. policy. Such men may wail that "freedom of speech is being curtailed" but they are not thinking primarily of freedom of speech in the aggregate but of their own personal freedom to use a semipublic monopoly as a personal opportunity to pontificate, propagandize, or pillory. They ignore the axiom that freedom of speech to be realistic when applied to radio must also include freedom of access to the microphone for opposing points of view. Otherwise, any other interpretation of freedom of speech over the air would be a restriction of freedom of thinking rather than an expansion of it. What the thought processes produce depends upon what information is provided as the basis for thinking. If radio is to do its just share toward developing sound and sane national thinking it must either refrain from projecting prejudice and propaganda or else provide for equal representation for all points of view.

RADIO DAILY QUOTES KALTENBORN AGAINST C. B. S.

In the Radio Daily for Thursday, September 16, Mr. Kaltenborn is quoted by this New York City publication which is read widely in radio circles as being severely critical of the C. B. S. policy of barring propaganda from its newscasts. Radio Daily quotes a speech which Kaltenborn made at a luncheon in the Waldorf-Astoria wherein he states in part:

> The argument that commentators should have no opinions because only a limited number can be put on the air is false. Newspaper space is also limited. Only a certain number of columnists can get their material printed. Today, we have almost as many commentators with a national following as we have columnists with a national following. The radio news analyst cannot and should not function night after night as preacher or soap-box orator. He cannot constantly make himself a medium for passionate expression of personal or minority opinions.

Mr. Speaker, these statements by Mr. Kaltenborn warrant some analysis. It appears that there are some blind spots in his thinking. For example, his assumption that an exact analogy can be drawn between newspapers and the radio is inaccurate. While it is true that only a limited number of columnists may get their columns printed, it is equally true that most newspapers present their readers with a balanced diet by carrying columnists with conflicting points of view in the same issue so that the same set of readers get both sides of the question. Such is not the case with radio. It is also true that in a paper's editorial columns it frequently takes exception with something a columnist reports in another section of the same edition. And it is vitally significant that newspapers almost invariably accord to citizens the privileges of answering charges or criticisms by printing open letters in the paper in refutation of something a columnist may have said. This is a feature almost entirely lacking in present radio policy insofar as it applies to prejudicial newscasting, to slurs and criticisms on radio time sponsored by advertisers who sometimes have their own "ax to grind" or to attacks and lobbying propaganda projected by commentators speaking on sustaining programs provided by the networks and in which the nature of the news is colored either by the bias of the corporation officials or by the prejudice of the individual commentator.

The right of rejoinder, Mr. Speaker, is fully as important as the right of criticism insofar as freedom of speech is concerned. It appears that Mr. Kaltenborn overemphasizes a single side of the problem in his criticisms. It is significant, moreover, that even Mr. Kaltenborn notes the excesses to which his profession is heir by continuing:

> The radio analyst should not function night after night as a preacher or soap-box orator. He cannot constantly make himself a medium for passionate expression or minority opinions.

That is sound advice. But like the best medicine in the pharmacopoeia, it can affect no cures if never taken.

One wonders, for example, how zealous Mr. Kaltenborn and certain radio officials would be for the "rights of free speech" about which they talk if regulations provided that any individual, group, or cause which is attacked on the radio should have the right to insist upon a like amount of time on an equally important program in which to make reply. I am afraid that those who now enjoy choice radio program periods and carefully selected wave lengths would be the first to protest if public policy insisted that those wont to abuse this privilege must provide those offended with an opportunity on the next regular program to present their side of the story. Advertisers would be less inclined to permit or instruct commentators to engage in crusades of indoctrination if they were compelled to give opposing points of view an opportunity to be heard "on this same station at this same hour next Sunday evening" or whatever the case might be. It is this inavailability of radio time of like importance to varying points of view which makes one of the big distinctions between a private enterprise like a newspaper and a semipublic monopoly like a great radio network which depends upon the perpetuation of its license to protect it in the use of a highly coveted wave length which it alone can utilize.

Radio officials and men like Mr. Kaltenborn should not expect to be able to enjoy all the privileges of a monopolistic hold on certain wavelengths which is assured them by the Government and at the same time to have all the opportunities for projecting purely personal points of view which would be theirs if they were engaging in a completely competitive enterprise. If government is not to step in to safeguard the public against the propagandist on the air, the radio industry itself must recognize its responsibilities in this matter and not fall back upon the weak abili that anything which is fair practice for newspapers is also fair practice for the radio.

To conform with the standards of good manners and fair play on the air, it is not necessary to destroy the sparkle and spirit and pungency of radio reporting. It is necessary only to remove the malicious, the prejudicial, the inimical, and the purpose-serving tactics of certain broadcasters and to safeguard the interests of veracity by insisting that radio reporters follow the precepts of good reporting, anywhere, rather than color their reports with personal prejudice and individual bias.

Members of Congress and citizens generally can quickly bring to mind the commentators that they hear and make their own classifications as to whether they measure up to the responsibilities which are theirs as performers on an exclusive state licensed by the public as a monopoly or whether they pervert their power for personal profit, political advantage, prejudicial acclaim, or just because of habitually bad radio manners. Occasional violations of good taste and good practive can be overlooked, but the repetitious offenders jeopardize the whole future of privately owned radio due to the fact that they abuse their control of a great public-opinion-forming institution which in its very nature is not available to all and which looks to government to protect it against infringements by competitors who frequently might covet a popular wavelength to propagandize a different party line or point of view. It is the hope of those of us in Congress who are working on this problem that the good judgment of enlightened leaders in the industry which has made radio strong will not too long delay taking the steps needed to make privately owned radio as secure as it is strong.

Justice Frankfurter points out, in this prevailing opinion:

> Unlike other modes of expression, radio inherently is not available to all. That is its unique characteristic, and that is why, unlike other modes of expression, it is subject to government regulation.

There is no denying the validity of this conclusion.

Radio networks which permit speakers and commentators on either sustaining programs or commercial broadcasts habitually to belabor Congress or the executive departments, or to attack individuals, groups, or points of view are flagrant violators of their public responsibilities as the licensed operators of a semipublic monopoly. Continued flaunting of this responsibility, Mr. Speaker, is certain to result in legislative curtailments of private radio or in similar action by the F. C. C. C. B. S. has taken the lead in attempting to avert this result by imposing a voluntary code of fair play and good manners upon itself. It is hoped other networks will do likewise, as I, for one, would deplore seeing private radio replaced by government radio in this country.

RADIO INDUSTRY MUST MEASURE UP TO ITS RESPONSIBILITIES

Mr. Speaker, the radio industry must measure up to its responsibilities as custodians of the public interest on the networks or by its own shortsightedness it will dig its own grave by its own indiscretions.

The serious offenders of good taste and wise policy on the air probably do not number more than five or six. But these five or six can ruin radio for the host of able and conscientious commentators who serve the public interest, and they can cause the stockholders and owners of radio facilities to find their investments becoming worthless and their period of ownership suspended by governmental interference.

ASSOCIATED PRESS DEMONSTRATES BEST REPORTING IS UNBIASED

Mr. Speaker, the phenomenal success of the Associated Press provides the complete rejoinder to those who insist that to be interesting radio reporting has to be biased, prejudicial, or opinionated. The Associated Press serves newspapers of every political preference. It gathers news for papers in every section of the country, and readers in every walk of life look to it for the complete and candid coverage of the news. Surely nobody would argue that the freedom of the press is curtailed because the Associated Press does not permit its great corps of reporters to use this agency of public service as a device for purveying personal spleen or propagandizing and lobbying for public policies. C. B. S. may not have found the final answer to the important business of keeping radio free and fair, but it has faced the problem and is approaching a solution. Perhaps radio might find something worth emulating by studying the reportorial habits of the Associated Press.

CONGRESS WAITS TOO LONG—THEN GOES TOO FAR

It is the history of government in this country that we in Congress wait too long before taking corrective action in matters like this, and when we act we go too far. All this can be avoided if radio management will cooperate now in eliminating the causes for growing discontent before they compel corrective legislation. Simply to ignore the situation is to court disaster.

Before concluding this address I wish to emphasize that it is my conviction that private radio is much to be preferred to Government radio in a Republic such as this. Even with its present deviations from proper policy at times I must prefer radio as it is to radio as it would be under Government ownership, operation, or domination. However, there is no use of our ignoring the signs of the times.

There are many who prefer a system of radio such as operates in Britain. I do not. As a believer in private radio, however, I am growing steadily more convinced that either through voluntary steps or through legislative channels arrangements must be made to discontinue propaganda activities on the air by speakers utilizing sponsored advertising time or enjoying monopolistic privileges as commentators on network sustaining programs.

It is not the exclusive province of the U-Tell-'em Soap Co., the We-fool-'em Lotion Co., or We-know-all What's It Co. to indoctrinate the American public with the peculiar personal views of the men and women they engage to capture the attention of the audience and to propagandize it between sponsor "plugs" for this or that particular commercial product. Nor is it the inherent monopoly of speakers representing the networks themselves on sustaining time continuously to criticize or commend, to applaud or abhor, to propagandize or to pillory without suitable and adequate opportunities being given for a similar expression of opposing points of view.

Radio provides this equal opportunity for all during political campaigns but it fails to do so in the day-to-day and week-to-week programs which come to us over the air.

THIS PROBLEM MUST BE SOLVED

A number of us in Congress, Mr. Speaker, have made and are making a study of the abuses of radio and proposals for correcting them. We ask the cooperation of all Members on this matter, since it is of vital concern to all. Government has a responsibility in this matter which we do not propose to ignore and which we must not dodge.

It is our hope that the radio industry will take steps to eradicate its own evils, but if Government must act it is felt that Congress can prescribe regulations which will make freedom of speech on the air an equally true privilege of all and not merely an opportunity for propagandizing to the privileged few.

The Columbia Broadcasting System has courageously and patriotically pointed the way for the preservation of private radio and free speech on the air in this Republic. In this effort it deserves the plaudits of all who believe in equal opportunity and fair play. If similar policies prevail or are adopted by the other networks one of the major causes of dissatisfaction with present-day radio will have been corrected. C. B. S. may not yet have found the perfect solution to a vexing problem, but it has made candid recognition of the problem and has taken courageous action to do something about it.

It is the hope of those of us who are devoting ourselves to this subject that these corrections will be made voluntarily by the great radio networks rather than to force congressional action by a continuation of the abuses which C. B. S. has so wisely set out to correct. America neither wants its radio information distorted by Government domination, by party politics, nor by personal pundits with axes to grind and purposes to propagandize. Good judgment and fair play would seem better devices than censorship for preventing the monopolistic facilities of radio from becoming the devices for propaganda for a select few in this great Republic.

American citizens can form their own conclusions when they are given the undiluted and uncolored facts. It is the function of a semipublic monopoly such as radio to relay the facts rather than to fashion the thinking of America.

SUPREME COURT DECISION HAS DANGEROUS IMPLICATIONS

Before concluding, let me say that while I have quoted at length from the majority opinion of the United States Supreme Court in its decision of May 10, I am not at all pleased or satisfied with some of the implications of that decision. I am not happy over the prospect of having the Federal Communications Commission or any other body "regulate the composition of the traffic" over the air waves of America without some definite standards being set up in advance which circumscribe and direct those regulating powers.

A broad application of the "regulation of the composition of the traffic" on the air waves could mean outright Government censorship. Its very existence as a right of the Commission operates as a silent threat of censorship to automatically tend to color and bias radio reporting. Now that the Supreme Court has decreed that this right exists, Congress should act promptly to define it clearly, and to limit it definitely so as to bar all possibility of censorship either direct or indirect.

If radio requires a traffic cop of the air America wants him to be bound by specific instructions as to what violations he can and cannot regulate. We must not have a radio traffic cop, whether it be an individual or a commission, with power to exercise personal discretion with regard to what is considered proper traffic on the air waves.

Congress should quickly act to set up safeguards, in the light of the May 10 decision of the Court, to be sure that private excesses of radio are not replaced by governmental censorship of nonmilitary broadcasts.

Regulations can and should be established which are clear to all, which operate equally in the interests of all, which will remove radio from all fear of governmental crack-downs, and which will conform with the principle that in this Government of laws and not of men the only rightful traffic cop of the air must be a code of prescribed behavior compiled in written form and free from any perversions by power-loving men, be they radio commentators, radio-management officials, members of the Federal Communications Commission, or members of the executive or legislative branches of our Government. Only thus can we realistically enjoy genuine freedom of expression for all alike over the radio networks of this country.

The National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

No. 13 SPECIAL INFORMATION BULLETIN Oct. 29, 1943

FCC Requests Explanation From CBS With Regard To New Affiliation Agreements With Stations

(We are printing herewith the text of the FCC letter to CBS and the telegram sent by Paul W. Kesten, CBS executive vice president, to CBS affiliates concerning the FCC letter and press release. The press release follows the FCC letter.)

October 26, 1943.

Columbia Broadcasting System, Inc.,
485 Madison Avenue,
New York, New York.

Gentlemen:

The Commission is informed that since the effective date of the Chain Broadcasting Regulations, you have entered into new affiliation agreements with Stations WPAD, WHOP, KEYS, KGBS, and perhaps others, containing such clauses as the following:

> "Columbia will continue the Station as the exclusive Columbia outlet in the present standard broadcast band in which the Station is located and will so publicize the Station, and will not furnish its exclusive network programs to any other station in the present standard broadcast band in that city, except in case of public emergency * * *."
>
> "The Station will operate as the exclusive Columbia outlet in the present standard broadcast band in such city and will so publicize itself, and will not join for broadcasting purposes any other formally organized or regularly constituted group of broadcasting stations. The Station shall be free to join occasional local, state-wide or regional hook-ups to broadcast special events of public importance."
>
> "The Station will broadcast all network sponsored programs furnished to it by Columbia during the time when the Station is licensed to operate; provided, however, that except in connection with occasional sponsored programs of special events (such as World Series broadcasts) during periods of not more than two weeks each, the Station need not in any week broadcast network sponsored programs totaling more than fifty 'converted hours' (as defined below, but for this purpose computed during the entire term of this agreement on the basis of the differences in rates at different hours specified in Columbia's Rate Card No. 23). The Station may require Columbia to give not less than twenty-eight days' prior notice of the commencement of sponsored programs for new accounts."

Attached to the contracts in question are riders or "schedules" containing certain "saving clauses". No question is raised at this time concerning these "saving clauses" with respect to contracts effective prior to the effective date of the Regulations, since the Commission desired to achieve a transition to operation under the Regulations with minimum delay and without requiring a redrafting of all existing network affiliation contracts. However, the entering into of new contracts containing the very clauses which the Commission has found not to be in the public interest raises a very serious question under the Chain Broadcasting Regulations, even though the objectionable clauses may be limited by other clauses in a schedule attached to the contract. Such contracts would appear to hinder, if not to prevent, a station from exercising the degree of freedom specified in the Chain Broadcasting Regulations.

In addition to the above, your attention is called to that portion of Regulation 3.104 which provides:

> "No license shall be granted to a standard broadcast station which options for network programs * * * more time than a total of 3 hours within each of the four segments of the broadcast day, as herein described * * *."

Under date of June 7, 1943, the Columbia Broadcasting System, Inc., addressed a circular letter to its affiliates, a copy of which was supplied to the Commission in response to a Commission request dated September 3, 1943. It appears that this letter sets up a time schedule which does not comply with the requirements of Regulation 3.104. With respect to the afternoon segment, it specifies 4½ hours rather than the 3 hours specified in the Regulations and with respect to the evening segment, it specifies 4¼ hours rather than the 3 hours specified in Regulation 3.104.

In the CBS letter dated June 7, 1943, the time schedule in question is described as "certain time periods in which we would make no effort to resell the time once present advertisers give it up, and thus give a green light, from our standpoint, to future guaranteed spot or local sales in these periods." The time periods in question are further described as: "the times in which you are perfectly safe in making future sales on a guaranteed basis, after the time has opened up * * *." The letter further emphasizes the desirability of the station "retaining the freedom to move local and sponsored accounts in order to accommodate network business in times other than those listed above * * *." It is thus clear that the time schedule specified in the CBS letter of June 7, 1943, is in fact an option time schedule.

At least some CBS affiliates appear specifically by letter to have accepted the time schedule set forth in the letter of June 7, 1943, thus entering into an express agreement or understanding with the Columbia Broadcasting System which violates Regulation 3.104. Thus the Orlando Broadcasting Company, Inc., licensee of Station WDBO, wrote to CBS on June 10, 1943:

> "The periods of safety time for future sales on a guaranteed basis are excellent and will, of course, carefully and exactly be observed by us."

The Miami Broadcasting Company, licensee of WQAM, similarly wrote:

> "We here at WQAM are completely in accord with the ideas as expressed, and we want you to know that Columbia can continue to have the same one hundred percent cooperation that we hope we have been able to extend to you in the past. The time clearance as shown in the letter I think will serve our needs very adequately and it should certainly facilitate the handling of certain local accounts without confusion in the future."

It further appears that a large number of CBS affiliates may have in fact agreed to sell time to others on a guaranteed basis only during the periods set forth in the CBS letter of June 7 and have refused to sell time on a guaranteed basis during other periods, thus evidencing their compliance with the arrangement or understanding set forth in the CBS letter.

Your comments concerning both the written contracts which contain clauses in violation of Regulations 3.101, 3.102, and 3.104, and concerning the agreement or understanding, express or implied, in violation of Regulation 3.104, are invited at an early date, in order that they may be considered in connection with applications for the renewal of licenses of stations having such contracts or such arrangements or understandings with the Columbia Broadcasting System.

By direction of the Commission,

T. J. Slowie,
Secretary.

FCC Press Release

For Immediate Release
Wednesday, October 27, 1943

Indicating that contracts being made with new affiliates by the Columbia Broadcasting System may be deemed to violate three of the Chain Broadcasting Regulations, the Federal Communications Commission today announced that it had written to the network for an explanation.

"Such contracts would appear to hinder, if not to prevent, a station from exercising the degree of freedom specified in the Chain Broadcasting Regulations," the Commission pointed out.

The Commission also noted that a circular letter sent by CBS to its affiliates June 7, 1943, appears to set up a time schedule not in compliance with the requirements of the regulation which specifies that a chain may not option more than three hours of a station's time in any one of the four segments of the broadcast day.

At least some of the CBS affiliates appear to have accepted this time schedule, thus entering into an express agreement or understanding which may violate this regulation, the Commission asserted.

The Commission letter asks CBS for its comments concerning both the written contracts and the agreements outlined in the circular letter. These comments will be considered in connection with applications for the renewal of licenses of stations having such contracts or such arrangements or understandings with the Columbia Broadcasting System, the letter states.

Copies of the letter were also sent to all CBS affiliates.

The regulations involved are 3.101 which prohibits contracts preventing a station from broadcasting the programs of more than one network; 3.102 which prohibits a network from making a contract with a station preventing another station serving substantially the same area from broadcasting the network's programs not taken by the former station, or which prevents another station serving a substantially different area from broadcasting any program of the network organization; 3.104 which prohibits a network from optioning more than three hours in any one segment of the broadcast day.

Columbia has signed the contracts in question with Stations WPAD, Paducah, Ky.; WHOP, Hopkinsville, Ky.; KEYS, Corpus Christi, Texas; KGBS, Harlingen, Texas, and perhaps others, the Commission notes.

The Chain Broadcasting Regulations were adopted by the Commission on May 2, 1941, after an extensive investigation and hearings. They were contested by the National Broadcasting Company and by the Columbia Broadcasting System, which carried the case to the United States Supreme Court. The Supreme Court upheld the regulations on May 10, 1943, and they became effective in June, 1943.

October 27, 1943

COPY OF CBS WIRE TO AFFILIATES:

We have today learned of letter which FCC is sending us criticizing our affiliation contracts as amended to conform with the rules and further criticizing Akerberg's June 8 letter to you concerning the periods in which we would seek no clearance for network programs. We have also seen copy of Commission press release charging that affiliation contracts violate three Commission regulations and stating Commission is sending duplicate letter all CBS affiliates. This will inform you that language of amended contracts was discussed with Commission's Chief Counsel Denny in August when Denny agreed same fully complied with Commission rules from legal standpoint. We are therefore amazed at sudden public attack without warning threatening license renewals of stations in connection with phraseology of new contracts despite full legal compliance with Commission rules. In criticizing June 8 letter the Commission apparently refers to helpful information from us advising you of certain time periods in which we would not seek clearance for network programs and misconstrues this as an option to us on your part on all other time periods. This completely ignores our telegram of May 29 which officially specified option time under the rules and which Mr. Fly approved personally in advance. The Commission's letter also ignores the express desire to many affiliated stations for more than the three hours of sponsored programs covered by network options in each time segment. You will see from the above that we have made every reasonable effort to protect our affiliates from any claim of non-compliance with the rules. If as a result of further conferences with the Commission it confirms its desire to extend its jurisdiction into the field of phraseology of contracts, as distinct from their legal content or effect, we will, of course, in view of the present state of the law, have no alternative but to comply. If the Commission also finds that its jurisdiction applies to non-legal but purely informatory letters from us to our affiliates, we will do our best to handle these in a manner satisfactory to the Commission.

(signed) PAUL W. KESTEN
(*Executive Vice President*
Columbia Broadcasting System, Inc.)

The National Association of Broadcasters
1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.
No. 14 SPECIAL INFORMATION BULLETIN Nov. 5, 1943

A FREE RADIO

By T. A. M. CRAVEN

Member, Federal Communications Commission

Delivered before the Administrative Section, District of Columbia Bar Association, November 2, 1943

After nearly 25 years of splendid service to the nation, broadcasters are again faced with controversy concerning free speech over the radio. This controversy centers upon rights of minorities to be heard, as well as upon other radio aspects of free speech. Many persons fear that the power of the purse will control the dissemination of facts and opinions to such an extent that the views of minorities cannot be presented adequately to the public and hence, that the public will be deprived of the benefits of all facts and opinions. Others fear potential abuse of power by Broadcasters, while still others fear that radio will become solely the Voice of Government. Some demand that radio be free of Government control; and these are opposed by groups advocating more extensive Government regulation.

Various panaceas are offered, such as "Freedom to Listen", "Freedom of Access to the Microphone", "Freedom to Hear and Be Heard", "Needed: A Code of Radio Good Behaviour", "Free Speech—An Exploration of the Broadcaster's Duty", and "A Free Radio". All of the panaceas which have been offered require analysis and orientation before they can be evaluated properly in terms of "free speech". Many of these panaceas are contradictory to one another, in spite of the fact that all of the proponents thereof intend to defend the Bill of Rights.

As one who has been intimately associated with the development of radio for over thirty years, I am keenly interested in the future of radio broadcasting as a medium of free speech. Therefore, I offer a few thoughts for consideration in the hope they may be constructive. I do this, not in the spirit of criticism of those advocating specific philosophies, but merely to make certain that all phases of the subject may be considered so that the goal which we are all seeking may be attained in fact rather than theory.

Dearth of Facilities Not a Controlling Factor in the Solution of Radio's Problem

Many of the philosophical panaceas for radio are influenced by the present-day dearth of radio facilities. It is alleged that this scarcity is the principal cause of some of our most difficult radio problems. In spite of the fact that in most cities today there are more radio stations than newspapers and that less capital investment is required to establish a radio station than a modern newspaper, emphasis is laid upon the alleged lack of opportunity to enter the radio field as compared with the so-called free opportunities to establish a newspaper.

While it may be true that today there does not exist the *same* "free" opportunity to establish a radio station as there is to establish a newspaper, the ultra short wave frequency modulation radio developments of the war have made it possible to expand radio's opportunities to a considerable degree. Thus, the day need not be far removed when there will be sufficient opportunity for any number of persons with sound business judgment to establish a radio broadcasting enterprise in any community in this country. Thus, the future opportunities may even favor radio in comparison with newspapers. However, it must be made clear that even with the developments arising out of the war, it is difficult to visualize sufficient radio channels to afford every inhabitant the luxury of a radio transmitter. Thus we must content ourselves with the assurance that whatever deleterious effects exist today because of the lack of opportunity to establish radio stations, the lack of facilities will have much less effect in the future. In any event, we can be assured of free competition within the natural limits of prudent economics.

Unfortunately, however, while these expanded opportunities for competition will alleviate one phase of the present situation, such expansion will not of itself constitute a complete solution of the most vexing of today's radio problems. It will not accord unlimited access to the microphone. It may even create other problems. The future danger may well be that too many radio stations in a community will impair the real value of radio as service to the public. To illustrate this danger, let us assume sufficient radio facilities to accommodate 100 national radio networks. While the business public could not give adequate economic support to such a vast number of networks, the general public nevertheless would have an opportunity to choose from 100 programs. Certainly in all of this confusion the chances are that most people would restrict their choice to just a few of the 100 networks. Perhaps there might be 100 different groups of listeners in each community. In either event, radio would be practically valueless to anyone desiring to reach the entire nation or even a particular community at any specific time. The audience would be divided so greatly as to impair the value of radio as a medium for reaching the entire public. Thus, while we could have an abundance of facilities, we find that this very abundance becomes a handicap rather than a solution to the problems of radio.

Hence, an unlimited number of radio facilities does not appear to be even a controlling factor in the cure of "limited access to the microphone." Therefore, something more than mere lack of radio facilities must be the cause of today's radio problems.

Freedom to Listen

The doctrine "Freedom to Listen" has been advocated recently as a cure for today's radio troubles. This doctrine indicates a misconception of present radio problems insofar as it implies that listeners do not now have the freedom to listen and that a person desiring to use radio for the dissemination of his philosophies to the public has the right to compel listeners to make the choice of either listening to a specific speaker or else "turning the dial" off or to another station. "Freedom to listen" should not be so confused. "Freedom to listen" was established centuries ago, both in America and in England. Thus, this right was already the listeners' right when radio was discovered. The fact that radio is the newest instrumentality for carrying the voice to greater distances than was possible centuries ago, is no reason for proclaiming at this late date that this freedom exists in America. The people of the United States of America have always had the right to read or to listen to anything they desire, whether by the papers, by radio or by any other means. They have always had the right to listen to the voice of minorities. This is a part of our democracy. This does not mean, however, that anyone has the right to compel people to listen. Therefore, from "freedom to listen" does not follow an inalienable right to be heard, or in modern parlance, "freedom to listen" does not convey of itself "freedom of access" to the microphone.

On the other hand, it is true that in enemy countries there is no Bill of Rights. Consequently, in these countries there is no freedom of any kind. That is why the Atlantic Charter proclaimed the Four Freedoms. The alleged new "Freedom to Listen" is not a new or even a fifth freedom for the peoples of the world. It is inherent in all of the four freedoms of the Atlantic Charter.

Therefore, it must be obvious that the solution of radio problems of today cannot be found in the application of the doctrine "Freedom to Listen." This right already exists and in spite of this we have controversies raging over rights of access to the microphone. The application of the doctrine of "Freedom to Listen" cannot provide free access to the microphone.

Freedom of Access

Many persons advocate the doctrine "Freedom of Access" to the microphone as the solution to today's radio problem. This doctrine likewise indicates certain misconceptions of radio, because without equal opportunity of access for everyone in the country, we cannot achieve freedom of access. A simple calculation should demonstrate that equal opportunity of access is impractical. For example, if every individual in the country operated his own radio station, his station would be valueless to the public as well as to himself. The public would be confronted with a veritable "Babel" of radio orators. None of these orators could compel persons to listen. Again, assuming that we have a super abundance of 100 national networks, and that everyone has an equal right of access to the microphone, we would discover that the last of the present-day population could not exercise that right for at least 37 years. Actually, unless all of the 100 networks were devoted to speech-making for 24 hours every day, and each of the one hundred thirty million inhabitants of this country was limited to 15 minutes of talk, it would take longer than 37 years for the last of today's inhabitants to secure his or her access to the microphone.

While most of us wish that minorities with meager pocketboks could have the opportunity to express their views to the public by radio, it seems obvious that the doctrine "Freedom of Access" is not the solution of the radio problems of today. No one can even guarantee that all minorities can be heard adequately at opportune times even if all broadcast facilities were made available exclusively for speech-making.

Broadcaster's Duty

There are persons who advocate that the broadcast licensee should have the sole responsibility for curing today's radio evils. While this doctrine has much merit, it is possible that it alone will not solve the problems. Under this doctrine the licensee would be required to adjudicate whatever rights any person may have to use the microphone. Unfortunately, even if Solomon were a radio licensee today, he would be subjected to severe and perhaps apparently just criticism in the operation of his broadcast station. He would have to satisfy all the proponents of "freedom of access," "freedom to listen" and "free speech." It is impossible for a radio broadcast licensee to exercise his responsibility in accordance with the concepts of all the proponents of these ideals, because each proponent has a conflicting concept of what rights should be conferred upon anyone desiring to use radio and some do not even understand the practicalities of radio.

Everyone desires that radio be a useful medium for the dissemination of information of interest to the public. In this connection, it has already been made unlawful to utter profane or obscene language by radio. Likewise, it is illegal to use radio as an adjunct for lotteries. No one desires radio to become solely a medium for the dissemination of the personal views of the licensees or of any particular group. Likewise, no one desires that radio be utilized solely as the Voice of Government. Neither does anyone desire radio to be used as a vehicle for incitement to riot, sedition, or the stirring of religious or racial animosities or hatreds. Nor does anyone desire radio to be utilized as a vehicle for slander, libel or unfair criticism, or false or misleading information. Moreover, no one believes that unfair discrimination against the dissemination of views should be permitted in radio. And finally, it is not right that the use of broadcast facilities be reserved solely to those who have adequate funds to purchase time. Thus, it seems obvious that broadcasting should not be used indiscriminately to exploit private viewpoints.

On the other hand, while radio broadcasting is cloaked with a public rather than a private interest, it cannot become a common carrier and still be useful to the public. It is impossible, from a practical standpoint, to accord everyone a right to use a radio broadcasting facility for the simple reason that there will never be enough time available in which such a right could be exercised.

Certainly, under these conditions it must be obvious that the broadcast licensee has a responsibility to see to it that radio shall be utilized in conformity with the desires of the public. This means that he should not violate ethics or otherwise abuse power or privilege. He should attempt to make his facilities available for a fair and impartial dissemination of information and opinion. On the other hand, it must be recognized that the broadcast licensee cannot exercise his responsibility to the full satisfaction of the entire public. It is unreasonable to expect a broadcaster to adjust to the satisfaction of the entire public the desires of good citizens who conform to good ethics and yet who apply for radio time to voice their views before the public. Some minorities are bound to be dissatisfied, in spite of the impossibility of attaining unlimited access to the microphone. Thus, the solution of radio problems does not reside solely in the hands of today's broadcast licensees.

Government Regulation of Radio Traffic

We now come to those who advocate that radio licensees must be regulated by the Government with respect to the composition of their radio traffic.

Proponents of this doctrine advocate that rights of "freedom of access," "freedom to listen" and "free speech" should be adjudicated by the Federal Communications Commission which is likewise charged with licensing radio stations. The advocates of this doctrine fervently believe that this will solve the alleged evils of today's radio. In my opinion, this so-called solution of the problem is probably founded upon the worst conception of radio yet advanced. This solution "jumps from the frying pan into the fire" and nullifies all freedoms, including whatever rights may be transmitted to radio from the "freedom of the press."

Everyone familiar with the reasons underlying the Bill of Rights knows that freedom of speech and freedom of the press are, in simple terms, merely freedom from fear of Government reprisals for what *is* said or printed, or for what is *not* said or printed. In other words, the real freedom of the press guaranteed by the Bill of Rights is freedom in the true sense to criticize Government without fear of reprisal. Thus, if this Bill of Rights is to mean anything for radio, it should mean, first of all, freedom from fear of Government reprisals or pressures administered by the radio licensing authority, namely, the Federal Communications Commission.

Likewise, anyone familiar with the history of the development of a free press knows that the public has always rejected a press which was merely the Voice of Government. Therefore, freedom of the press likewise means freedom from the necessity of becoming in any way the Voice of Government. This includes freedom from compulsion, pressure or influence to print what Government officials want printed. If the radio of today is to become as free as the press, a prerequisite condition is that radio should have freedoms such as the press enjoys under the Bill of Rights.

Therefore, regardless of whether the judgment of the Federal Communications Commission would be correct as to the composition of radio traffic, it must be remembered that if this regulatory power is combined with the radio licensing power, the Communications Commission could exert startling influence upon radio licensees. It is inevitable that radio licensees would recognize this power and, consequently, would interpret mere opinions of members of the Commission as edicts and possibly would curry favor by presenting views which conformed to the desires of Government officials. Such a condition means that radio inevitably would become the Voice of Government. This is not a free radio. Consequently, Government regulation of the composition of radio traffic does not constitute a solution to the radio problems of today.

A Free Radio

There are differences between the media of radio and the press, but these differences are not sufficient to warrant the assumption that the principles of freedom of the press should not be extended to radio, in spite of the fact that radio must operate on channels which belong to the people. The principal differences between the two media are due to the difference between the eye and the ear. Radio of today utilizes aural methods, and consequently there is no record of what is said, and in addition, the presentation at any particular time by a radio station must be consecutive rather than simultaneous, as is the case with newspapers. Consequently, the lack of time available to a station or network during the day is a factor which gives rise to many of the radio problems today. However, we should not over-emphasize this difference between radio and newspapers as a justification for denying to radio the principles of a free press. Neither is the fact that in the early days of our history the pamphleteer had certain advantages which radio does not afford today a valid reason for refusing to extend to radio the principles of the Bill of Rights. If we project the pamphleteer's original advantages into comparison with radio today, we should likewise recognize the disadvantages of the modern pamphleteer system. In fact, the modern pamphleteer system does not have the same value as it did centuries ago as a medium available to an individual desiring to reach the entire public. Even if such an individual possessed the cash, we could not expect the American family to read his pamphlet if everyone else exercised the privilege at the same time. Imagine the average American family trying to sift through 130,000,000 pamphlets in a day or even in 37 years. And in this connection we should remember that it would take 37 years for the last one of us alive today to secure access to the microphone even if we had 100 networks all devoted to speech-making for 24 hours every day of the entire period. Thus, in this aspect at least, there is not such a great difference between the radio and the pamphleteer system or even the press as some would have us believe. While we must recognize that potential abuses can exist in radio, the same kinds of abuses can exist in the press. Therefore, if freedom of the press is a good thing, it should likewise be in the public interest to extend this principle to radio. It should be all the more valid because in the future the advent of radio facsimile and radio television will still further minimize the differences between radio broadcasting and the press.

Nevertheless, in spite of the statements just made, it appears necessary that we recognize radio broadcasting as a public service, not in the sense of common carriers, but in some quasi public utility category. This would imply that neither the licensee nor anyone else has rights which are paramount to those of the public. Such a philosophy need not be an encoachment upon freedom of speech or a free radio in the true sense of the Bill of Rights.

Experience has taught us that radio must be licensed so that technical chaos caused by radio interference between stations may be obviated. This licensing in itself need not constitute an encroachment upon a free radio. Such coordination is essential before an effective medium for the dissemination of facts and opinions can be obtained. This type of regulation, therefore, is required in the interest of the public and it need not impair a free radio in any way.

No one desires monopoly in broadcasting. There is no curtailment of a free radio in requiring radio licensees to comply with the laws of the land in exactly the same manner as the press or anyone else is required to adhere to the law. Moreover, in the future more radio channels can be allocated to broadcasting. The very fact that there will be more opportunity for competition will contribute greatly to a "free radio." The ever present threat of competition can be an automatic weapon in the hands of minorities to correct abuses by radio licensees.

On the other hand, after having provided an effective radio medium by licensing applicants for radio stations, the regulation of the composition of the traffic or the business affairs of those licensees by the Federal Communications Commission could very easily become a curtailment of a free radio. Consequently, such a concentration of power may be contrary to public interest for the simple reason that such regulation must inevitably delve into the realm of "freedom of speech." It must be obvious that when the radio licensing agency also regulates the business affairs and the composition of the radio traffic of licensees, radio can no longer be free in the sense of "freedom of the press." Since the traffic and economic regulatory power is *combined* with the licensing power, the total authority is a potential "Sword of Damocles" which could be applied to force licensees to comply with the social, political and economic philosophies of an administration in office. Thus, the combination of licensing power with the authority to regulate the composition of traffic and the business affairs of licensees into a single bureau of Government, could spell the doom of a free radio regardless of what men constitute the Communications Commission and this, in spite of the fact that Commissioners will be imbued, as they are now, with the best of intentions in behalf of the public.

Above all things, the public will demand a "Free Radio." The only way this can be secured is for the public to retain "control of the dial" and demand that its representatives in Congress refuse to delegate this power to anyone. This power, combined with free opportunity to compete, is the most effective control yet devised to correct abuses of privileges in radio.

Courses of Action to Secure a Free Radio

We should recognize that final answers to all of the problems caused by radio today cannot be discovered overnight. Indeed, we need not seek final answers today. However, we can and should discard panaceas or irrational solutions which bear no real relation to the fundamentals of democracy and which do not recognize the practical realities of radio. Instead, we should approach the solution of radio's problem in the atmosphere of our Constitution.

It seems clear that we cannot solve the difficulties of radio until we first agree to make radio free in the full sense of the Bill of Rights. Until this is done, radio cannot become truly useful to the public! It is only after having made this concession, can we think of steps tending to eliminate potential abuses arising out of the inherent limitations of radio.

Another constructive contribution to a free radio can be achieved by providing more opportunities to establish radio stations. This can be accomplished by allocating more radio frequency channels to the service of broadcasting. The radio developments of the war will make this possible. Such an increase of basic facilities would more nearly approach the condition of "free competition." The prudent business man would not be so limited in his opportunity to establish a competing radio station in a community as he is today. With reasonable opportunities for competition, we need not have much fear of potential abuses by radio licensees. Minorities could utilize the weapon of competition to facilitate their opportunities for "access to the microphone."

Legislation may be required to serve as guideposts to insure a free radio in the fullest sense and, at the same time, constitute a protection against potential abuses. For example, one potential abuse is the concentration in a single Government agency of the licensing power and the power to regulate the business affairs as well as the composition of the traffic of the licensees. The present law already prohibits the Federal Communications Commission from censoring programs but a recent Supreme Court decision seems to imply that the Commission has power to regulate the composition of traffic as well as to make certain rules and regulations governing the contractual and business relations of broadcast licensees. This situation should be clarified by legislation which prohibits the Federal Communications Commission from regulating the composition of radio traffic or in any other way, directly or indirectly, promulgating any regulation or fixing any condition which would interfere with the right of free speech by means of radio communications.

This suggestion for new legislation does not mean that broadcast licensees should be immune from the application of other laws of the country. Neither is it suggested that the Commission should be deprived of power to determine whether licensees are disqualified to operate radio broadcasting stations because of violations of laws not specifically within the jurisdiction of the Commission. It does mean, however, that these licensees should be free from the necessity of having the Federal Communications Commission determine, directly or indirectly, whether licensees are guilty of alleged violations of law, other than those specifically placed within the jurisdiction of the Commission. It also means that radio licensees will have the same rights as any other person to the judicial processes guaranteed in the Constitution.

A procedure could be established whereby the Commission, in determining the qualifications of licensees, could consider violations of law not within its jurisdiction. For example, the legislation could provide that the Commission may consider such violations when there is evidence of guilt adjudicated by courts of competent jurisdiction. This procedure would afford both due process and at the same time protect the public interest. However, the Federal Communications Commission should not be permitted to revoke a license merely because an official of a licensee corporation violated some law and such violation had no relation to the operation of a broadcasting station.

The present law accords to candidates for public office limited rights of access to the microphone. However, I believe it should be realized that today there are at least two schools of thought with respect to this phase of the radio problem. One group advocates the extension to all people of legal rights of access to the microphone as well as freedom from censorship by radio licensees. The other group advances the doctrine that no person has an inalienable right of access to the microphone and that the broadcast licensee not only has the responsibility of determining who may use his radio facility but is also responsible for what is uttered by any person using the microphone. The latter group relies upon the weapon of competition to insure access to the microphone to minorities. This assurance has not been satisfactorily effective in the past but as indicated hitherto the weapon of competition could be made much more effective in the future.

The only limitations upon free speech in the present law are the prohibitions against utterances of profane and obscene language and prohibitions against the use of radio in conjunction with lotteries. Naturally, these are not unconstitutional limitations. As indicated hitherto, there is a requirement which compels licensees to accord equal opportunities to opposing political candidates if a licensee makes his facility available to any such candidate; but there is no requirement that he shall make his facilities available to political candidates. Likewise, there is a requirement respecting the announcement of names of sponsors. Finally, there is the requirement to operate radio according to public convenience, interest and necessity. The latter can be enforced on license renewal proceedings and, for certain specified offenses, by revocation of licenses.

Thus, until recently, the present law accorded broadcast licensees considerable latitude in the operation of radio stations.

Nevertheless, broadcasters have been subjected to severe criticism for attempts at censorship of news commentators and for the manner in which the licensees accord access to the microphone. This criticism has inspired action on the part of the Federal Communications Commission. For example, a recent decision of the Federal Communications Commission prevents licensees from using their broadcasting facilities solely as a vehicle for the dissemination of their personal views. The code which many broadcasters have adopted, governing the practice of licensees with respect to the methods of making radio facilities available for the dissemination of facts and opinions, has been severely criticised by the Chairman of the Federal Communications Commission, as well as by others. Finally, the Supreme Court, in a recent decision, implies that the Commission has the power to regulate the composition of the licensees' traffic. With such an interpretation of the present law governing communications, it is not unreasonable to expect that the Federal Communications Commission may soon proceed further into the realm of regulation of the composition of radio traffic.

The criticism of some aspects of broadcasting is so persistent today that Congress may feel compelled to specify what steps broadcasters may or may not adopt in meeting the demands for access to the microphone. Nevertheless, it is difficult for me to visualize how positive equal rights of access to the microphone could be exercised in practice, even though a new law should accord such rights to all the people. The best that could be achieved in practice in this respect is to make more opportunities to establish competitive radio stations and the enactment of legislation prohibiting broadcasters from imposing harsher conditions upon "opponents" than upon "proponents." Extreme care must be taken that any new legislation does not give advantages to "proponents" with large cash reserves to the disadvantage of minority groups having little money to spend. Moreover, if the broadcaster is to be prohibited from censoring, he should be relieved from responsibility for libel or for other violations of ethics which he is not empowered to control. If we desire to hold the licensee responsible for what is uttered over his station, we must concede that he should have the right to control such utterances. On the other hand, if it is desired to limit such control, it would seem only fair that the licensee's responsibility be limited in proportion.

I believe the time has come for Congress to settle these controversies. No one else can adjust the matter without either usurping power or else invading the realm of free speech, or both.

As both a member of the Federal Communications Commission and a citizen of the United States, I urge the Congress to enact legislation which guarantees to the public of this country a "Free Radio."

RADIO AS AN INSTRUMENT OF FREE SPEECH

Address by C. J. DURR

Federal Communications Commissioner

Before

FREEDOM OF SPEECH PANEL, THIRD FREE WORLD CONGRESS

October 29, 1943

Twenty-six years ago we entered the last war with a slogan. We were fighting "To make the world safe for democracy." It was a simple slogan, but it was effective because we believed in it. We believed that human beings everywhere were fundamentally decent, and intelligent enough to direct their own destiny if given the chance. We also believed that if given the chance they could work out a method of living together in peace, irrespective of race or nationality. Our territory had not been attacked and we had no reason to fear that hostile armies would soon invade our shores. But we had a cause that was good enough for most of us and that was worth fighting for.

Then came the end of the war and shortly afterward the fatal illness of President Wilson, who had been so effective in putting our ideals into words and action. Our "practical" men took over. They told us that our slogan was silly; that human beings were not fundamentally decent but were divided generally into two classes, the stupid and those who were out to get what they could for themselves. We were made ashamed to admit that we had ideals. The peoples of Europe, we were told, were a particularly sorry lot, given from time immemorial to the habit of squabbling among themselves for the pure job of squabbling. Their problems were no concern of ours and the smart thing for us to do was to forget about them and look out for ourselves. At home we had to prove that we were not stupid, so we started to get what we could for ourselves and to get it the easiest way possible. This business of producing our way to prosperity took too long and was hard work. Besides, if we started producing too much we would have to reduce prices at home or find new markets abroad. We couldn't get into the foreign markets because we had hemmed ourselves in with tariff walls and the foreign countries, of course, could not buy from us unless we bought from them. So we plunged into an orgy of speculation. Listed securities, corner lots, farm lands—anything would do, even foreign loans. What difference would it make if we bought at prices having no relation to values? A "sucker" would always come along upon whom we could unload at a profit. We of course were not "suckers." We belonged to the smart branch of the human family. There were such a select few of us and so many of the other kind who only *thought they* were smart that we couldn't possibly lose.

And so we went on our merry way to economic collapse and to another war dwarfing all others by its horror and magnitude.

We are fighting this war without a slogan. Possibly we would be less confused and more sure of ourselves and our destiny if we had one. But we and our Allies all refer to ourselves and to each other as the "democratic nations." Perhaps some of us still have quite a way to go before we are in fact democratic nations, but the claim is itself evidence of the ideals and objectives of our peoples. So we are in fact fighting again to make the world safe for democracy, even if we feel that the slogan of the last war has been too shopworn for further use. If democracy were not the stake, the war would not be worth the cost, for if we are to be ruled by a fuehrer or a group of fuehrers, the choice of whether they shall be German or Japanese, or American or British is hardly worth fighting for.

We cannot think of democracy without thinking of freedom of speech, for the two are inseparable. The fundamental principle of democracy is that the people, if informed and given a reasonable choice of alternatives, will in the long run choose wisely. Information and free discussion are the food upon which its life depends. No one of us is wise enough to decide what the rest of us should know and think.

The author of the First Amendment to our Constitution, which guarantees freedom of speech and of the press, warned us against becoming complacent in the belief that these rights were secured to us for all time. We do not have to look overseas for constant reminders of the wisdom of his warning. Thomas Jefferson's pledge of "Eternal hostility against every form of tyranny over the mind of man" is a pledge that should be taken anew by each generation.

When we begin to think about the kind of world we want to live in when this war is over, it is necessary that we should think in terms of world-wide instrumentalities of speech and how they can be most effectively used, and the limitations upon their use, as well as in terms of freedom of the individual mind. For, as the world has contracted through the development of rapid means of transportation and communication, the audiences that can be reached have increased correspondingly, and so has the importance of reaching them. The number of people that could be reached by the old-time speaker was limited by the power of his lungs and vocal cords. Today radio provides a means for world-wide discussions.

I will speak primarily in terms of American radio broadcasting as an instrumentality of free speech.

In the United States, we have endeavored to obtain the maximum of freedom of speech through a diversification of ownerships and controls of the radio outlets. We have rejected the idea of any monopolization, whether by private groups or the Government. In an attempt to avoid both types of monopoly, we have placed the operation of broadcasting stations under diversified private control, but we have reserved title in the people to the radio channels, which are the highways over which the broadcasts travel. Congress has expressly provided that the channels shall *not* be privately owned. It has also provided that they must be used in the public interest. As an assurance that they will be used in the public interest, Congress has directed that no license be issued for a period longer than three years, so that if any licensee fails to recognize his public responsibility the channel assigned to him may be placed in the hands of another operator who *will* recognize this responsibility.

But what happens when the various licensees, through whom we are seeking this diversification, surrender their responsibility, or bind themselves together by common understanding to follow uniform restrictions in determining what shall or shall not be heard over the air?

In an effort to assure diversity, licenses have been issued for more than 900 standard broadcasting stations. But the number of stations does not measure the degree of diversity for over 575 of these stations, which together utilize nearly 95 per cent of the nighttime broadcasting power of the entire country, are affiliated with one or more of the four nation-wide networks. The network technique has made possible both nation-wide programming and a quality of program which could not have been afforded by individual stations acting independently, but it has also made the nation-wide networks the "big business" of the radio industry.

An affiliation contract with a network is, next to its government license, the biggest economic asset a station can have; many stations could not survive without network affiliation. The networks, therefore, with this power of economic life and death in their hands, are in a strong position to influence if not control the program policies of their affiliated stations.

In 1941 the Federal Communications Commission adopted regulations dealing with the relationship of the independent stations to the networks. The regulations were designed to prevent contractual restraints upon the free flow of programs and to give the independent stations a little more control over their own time. The hold of the networks over the stations was thereby weakened a little, and naturally they did not like it. Still more serious to them was the fear that once the value of the regulations to the independent stations, as well as to the listening public, should be proved, the way might be paved for further inroads on their power, so they began to raise the old cry that the FCC was stifling *their* "freedom of speech." The two largest networks resorted to the courts in an effort to have the regulations declared invalid, and succeeded in delaying the effective date for nearly two years. At the same time they appealed to Congress for legislative relief, but without success. Ultimately, the United States Supreme Court, by a decision handed down in the spring of this year, held that the FCC was acting within its authority in adopting the regulations and that the constitutional guarantee of freedom of speech and the press was in no way impaired. So the networks are now raising the cry that the Supreme Court itself is trying to suppress freedom of speech, and the appeal to Congress has been renewed.

The "Code of Ethics" of the National Association of Broadcasters is another illustration of what may happen to the diversification in broadcasting control which we are seeking. The Code is a voluntary one, and unlike an affiliation contract between a network and a station, has no legally binding effect upon its subscribers. It merely sets forth a common understanding among members of the Broadcasters Association as to the program policies which should be followed. The restrictive effect of some of the provisions of the Code was brought clearly into the open for the first time only a few weeks ago in the public testimony of an official of the Blue Network. He stated that while his network did not follow the NAB Code absolutely, there was no substantial conflict between its program policies and the policies laid down by the Code.

According to this witness, the function of radio is the sale of goods and services. It is primarily an advertising medium and time will therefore not be sold to anyone having ideas to present. As he put it:

> "We are selling time for one specific reason, and that is to sell goods, manufactured by American manufacturers, to the public."

But ideas may be thrown in as the free prize in the box of crackerjacks. He was asked, "The only method by which you can get an idea out is by selling it along with a package of goods," and he replied, "That is the only way."

The rules determining who shall or shall not have time on the air as described by the witness, are highly selective. No time will be sold for the discussion of "controversial issues." A "reasonable" amount of free time will be made available for such discussion. The network, of course, determines what issues are of sufficient public interest to warrant discussion over the air and also affords time for the opposing point of view to be presented. It is admitted that, as a rule, programs of this kind are not carried over as many affiliated stations as sponsored programs, but the witness was not able to give any figures as to the number of stations which have carried any particular program. No solicitation of memberships whatsoever is permitted, either on free or paid time, except for organizations such as the American Red Cross.

Labor unions, according to the witness, are controversial *per se,* and consequently even a symphony orchestra, if sponsored by a labor union, becomes controversial. However, the views of Mr. W. J. Cameron are not controversial when he is sponsored by the Ford Motor Company, for Ford Motor Company is not controversial and Mr. Cameron, presumably, is expressing his own ideas and not the ideas of Ford. It is conceded that the views of commentators sometimes happen to correspond rather closely with the views of their business sponsors, but this is merely a fortuitous coincidence.

The network, according to the witness, would sell time to General Motors to sponsor Vandercook as a commentator, but would not sell time to the A. F. of L. to sponsor the same commentator, because that would be controversial, although the witness is sure that Vandercook broadcasting for the A. F. of L. would say the same things as Vandercook broadcasting for General Motors.

The witness repeated that the function of radio is to sell time for advertising goods and services. General Motors, he admits, has nothing to sell to the public at the present time because its entire production is devoted to military goods, but nevertheless, time would be sold to General Motors to enable it to acquire good will and to tell the public about the contributions of General Motors to the war effort. Time, however, would not be sold to the United Automobile Workers in order that they might attempt to acquire good will and to tell the people about their contributions to the war effort, because this would be controversial.

The witness admitted that, on occasions at least, some business organizations, as for example, electric power companies during the period of debate on the holding company act, are controversial *per se.* The network would not, of course, sell time to a power company under such circumstances, "to further any legislative program", but it would be all right for the power company to buy time for a program by a philharmonic orchestra. The C.I.O., however, could not buy time for the same philharmonic orchestra. Apparently, there are subtle distinctions of controversiality even as between controversial organizations.

According to the witness, time, of course, cannot be made available on any basis to a consumers' cooperative because cooperatives solicit memberships. But time will be sold to mutual insurance companies, for this is an entirely different matter. Mutual insurance companies also solicit memberships, but people are inclined to think about insurance policies rather than memberships when mutual insurance companies are mentioned. The membership is merely incidental. It is admitted that in the case of consumers' cooperatives, the membership is incidental, and cheaper buying is the main thing, but still there is a difference which is apparent enough to those versed in such matters. But the network is broadminded. It has no objection whatsoever to consumers' cooperatives selling their goods provided, of course, they don't advertise them over the air. As the witness said:

> "We have no objection to their selling goods because that is the business we are in, but you would soon find out that if you opened the door to that extent, they would be stepping beyond the principle of selling goods, as such, and begin selling memberships in their organizations. All you have to do is open the door once, and you have them in."

Apparently the witness is not afraid that if the door is opened to a business concern to sell advertising, it might go a little further and start selling ideas.

Again there are subtle distinctions even as to cooperatives and other membership organizations. If the cooperative is a producers' cooperative and is big enough, it is all right. For example, there is no objection to selling time to the Land O' Lakes dairy association and, of course, it is all right for an industrial concern to advertise for employees and tell them of the benefits which go with their jobs, such as vacations, medical care, and disability insurance. A labor union, however, cannot buy time to say anything about the benefits its members receive in the way of medical care, insurance, etc., even though it does not ask its listeners to join the union.

The NAB Code Manual, in its discussion of the complicated subject of labor unions and controversial issues, warns NAB members:

> "The situation is further complicated by the fact that employers, as a rule, won't discuss their labor problems on the air and *are inclined to frown on those stations, especially in smaller communities,* which *open their facilities to labor unions.*" (Emphasis supplied.)

I think we are warranted in accepting with some degree of scepticism the assurance that this attitude on the part of employers, who may also happen to be advertisers, has nothing whatsoever to do with the amount of free time made available for the discussion of union problems or with the policy against the sale of time for such purposes. We may ask, too, whether the attitude of the large advertisers has anything to do with the policy relation to consumer cooperatives.

The Blue Network has recenty changed hands and fortunately the new owner has stated that he will consider all requests for time strictly on their individual merits and without arbitrary discriminations. This policy should result in a real contribution to a freer discussion of public issues and it is to be hoped that his lead will be promptly followed by the independent stations as well as by the other networks.

Another development which may have an important effect upon the discussion of public issues over the air is the recently adopted program policy of the Columbia Broadcasting System. CBS disclaims for itself all right to an editorial policy, except as to *radio* (I am not certain that I understand all the implications of the exception). It also requires commentators to eliminate all personal opinion from their comments. A strong argument made in support of this restriction on commentators is that it minimizes the opportunities for business concerns, under the guise of advertising, to buy up time for the exposition of their own philosophies. I will not attempt here to argue the merits or demerits of this policy. The commentators themselves have taken up the cudgels and it looks as if this is an issue that will be adequately aired. CBS should be commended for making its facilities avaiable for the discussion of its own policies.

The question which immediately arises, however, is, even if the elimination of all editorializing is desirable, is it possible? Editorializing exists in the mere decision as to what is or what is not newsworthy and the emphasis placed on one item of news as against another. For example, the Washington Evening Star, which also happens to own Radio Station WMAL, Washington outlet for the Blue Network, didn't bother to write an editorial in defense of Blue's policies as outlined in the testimony of the official I have been referring to. It was much simpler not to mention the testimony in its news columns.

Another question is, if public issues are to be discussed only on free time, will a sufficient amount of free time continue to be available? Radio broadcasting has long passed the trial period as an advertising medium. The demand for advertising time is constantly on the increase. Broadcasters can well afford to be generous in making time available for the discussion of public issues when no buyer for the time is in sight. But as advertising demand has increased, the unpaid time available tends more and more to be the poorest time from the standpoint of reaching the widest audience. We may well reach the point, and in the not far distant future, when broadcasters will be able to find a profitable market for every single minute of the broadcasting day. What, then, will be their policy? Can they be relied on to resist the pressure to make the maximum profits which, after all, is what they are in business for? The Blue Network's time sales in 1942 increased 22.7 per cent over 1941 and the sales for the past six months of 1943 were almost 70 per cent higher than the sales for the corresponding period of 1942. Already, according to its witness, it is seeking a commercial sponsor for its Town Hall program, which would mean that the selection of subjects and speakers would be brought within the influence of the sales and business policies of the sponsor. The increase in the time sales of the other networks has not been as spectacular as that of Blue, which has in the past been at a commercial disadvantage because of its affiliation with NBC, but the general decrease in time left unsold has been rapid and there is no reason to believe that the trend will be reversed after the war, when the large advertisers will have specific goods to sell rather than mere good will.

Even if we assume that the broadcasters and their sponsors are concerned only with the sale of goods and not the dissemination of any ideas of their own, what does the present trend of radio promise for the future in the way of a positive service in the public interest? We have made our decision that the greatest safety lies in having our radio outlets privately operated. They must rely upon advertising for the money with which to operate. But what will our civilization be like if the culture and ideas which we receive from radio are merely a by-product of the advertising business?

The problem of freedom of the air is not limited to what shall be said or heard over our domestic broadcasting stations. We also have the problem of what we shall say to and hear from the peoples of the other nations of the world.

Prior to the war, international broadcasting from this country was in private hands, but the broadcasting stations were few in number and there was not enough advertising to sustain them. Since the war, they have come under Government operation and the number of stations has been markedly increased. What will our international broadcasting policy be after the war? Will the Government continue to operate these stations, or will they be returned to private hands, or will we have both Government and private stations operating side by side? Whatever alternative we choose, will we recognize that listeners abroad, like listeners at home, are entitled to receive a fair presentation of the news and a well-rounded discussion of the public questions in which they may be interested? Should we have one standard for what we shall hear from our domestic broadcasting stations and another for what we shall beam to the people of other countries? And should we not expect the same standards to be observed in the broadcasts beamed from other nations to this country which we observe in our broadcasts to them? We have never denied to our citizens freedom to listen to all broadcasts, irrespective of the source from which they are beamed. Can there by any freedom of discussion on a worldwide basis unless the other nations grant the same freedom to their citizens? And, finally, can we afford to let democracy's story remain untold or be misrepresented to the people of any nation merely because it is unprofitable, from a business standpoint, to operate the facilities with which to tell that story?

We have always hoped that every war would be the last one, and that is our hope about this war. Civilization cannot hold up under many more, if even one more, like it. We cannot let the point that there have always been wars deter us in our determination to obtain an enduring peace. No enduring peace can be made solely by compact among rulers. It must be based on the desires and beliefs of the people themselves and an understanding by the peoples of each nation of the problems and aspirations of the peoples of the other nations, accompanied by a common determination to get along with each other. There can be no enduring peace unless it is a democratic peace.

The National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

No. 15 SPECIAL INFORMATION BULLETIN Nov. 26, 1943

The Manager and the Medium

By **WILLARD D. EGOLF**

Assistant to the President, National Association of Broadcasters

Delivered at the Annual Dinner, Association for Education by Radio, Stephens College, Columbia, Missouri, November 20, 1943

Contrary to the reasons advanced by the toastmaster, my conscience requires me to confess that I am on the program tonight simply because my wife is a graduate of Stephens College and our small daughter is already registered for entrance in the year 1958. President James Wood, Barry Holloway, Sherman Lawton and in fact the entire staff of Stephens College are notorious for sponsoring Stephens graduates and their families. In my case you might even call them shameless.

I come to you in the capacity which was formerly that of Colonel Ed Kirby, now with the War Department in Washington. I am trying to do Colonel Kirby's work at NAB with the assistance of nine broadcasters as a committee and seventeen more as district chairman. In other words, Colonel Kirby was replaced by twenty-seven men. Ed continues to demonstrate his prolificacy by superintending radio's vital functions as a weapon of war while maintaining his civilian contacts which were so enjoyable to him in peace time. I find him at most of our meetings wearing the uniform which identifies him among the broadcasters as one of radio's first and foremost contributions to the war.

A station manager, looking at the title of my speech, made this observation, "Hmmm! The Manager and the Medium. So it's finally come to that."

"Come to what?" I asked.

"Well," he said, "with commentator trouble, labor trouble, personnel trouble, equipment trouble, battery trouble and legislative trouble, I guess it's time I consulted a medium."

When I meet with educators I like to adopt their techniques, first, because they are democratic, second, because they provide the best method of studying radio's problems.

Consequently it is in a classroom sense that I say, let's play a game. This game you all know. It is the formula used by psychologists and psychoanalysts to demonstrate the association of ideas. The game leader pronounces a word and the player answers with the first thing that comes in his mind. For example, the word "money" might suggest "taxes", the word "war" might suggest "soldiers" and so on. Some words suggest many things that are related.

Now I would like to pronounce a word, just one word, and call on some of you to answer with not one but several of the things that it suggests. Let your thoughts roll out, disjointed, scrambled, I don't care—expressing what the word I pronounce means to you. The greater number of different things that can be crammed into your sentence, the better. Are you with me? All right. Just one more suggestion. Please stick to the first things you think of, even if you hear someone ahead of you use them, too. We want a true first reaction. Sherman Lawton will try to keep an account of them, but there will be no competition, no prizes. This is not "Double or Nothing" or "Take It or Leave It," so don't be nervous. Ready, then, the word is simply "radio."

(Grateful acknowledgment is made to Miss Tobin, Miss Debbler, Miss Patterson and Mrs. Charters for their helpful participation.)

Very good. Now, please listen to this definition of radio.

"Radio. A system of national and international communication which, by means of news, entertainment and education, serves and influences the masses and promises to enlighten the peoples of the entire world."

How many of you agree with that definition? Then how about this definition?

"Radio. A system of local communication, which by means of local transmitters, studios and equipment, provides news, entertainment and education designed for those within specified coverage areas and augments this service through national and international hook-ups in a manner compatible with the local public interest."

How many of you agree with that definition? Both definitions are valid. Both are necessary to the perfect conception of radio. But failure to recognize the importance of the second definition is responsible for many ills. Let me repeat it:

"Radio. A system of local communication, which by means of local tranmitters, studios and equipment, provides news, entertainment and education designed for those within specified coverage areas and augments this service through national and international hook-ups in a manner compatible with the local public interest."

Radio is primarily local, local in its facilities, local in its coverage, local in its philosophy.

The language of the law which creates radio as we know it today, the communications act of 1934, as amended, makes no reference to what two stations shall do, or three stations, or a network of stations. The law speaks in terms of single stations, single licensees, in single localities.

The license under which an applicant is granted the right to operate a radio station specifies that he shall operate the station "in the public interest, convenience and necessity." That language means operation in the *local* public interest, convenience and necessity, conceived and executed with regard to the needs of a particular community or specified coverage area. It places no burden upon the operator to weigh the problems of the nation or of the whole world except as they apply locally. In the modern development of national and international philosophy, many more such problems do have application locally, but it is the duty of the manager to study and distinguish them, for a broadcaster cannot serve the whole world and ignore his own community.

You don't have to look to the law alone to find the local responsibility and individual integrity of station management. Travel around the country and discover how numerous and different are the interests of our states and communities. Get out among the people of a certain area; see what they are doing and hear what they are talking about. I've just come from Oklahoma, which I know perhaps best of all. You don't have to go any further than Oklahoma to find interests distinguishable from those of their neighbors in other states. Their national concern now is the war and all its consequences but their local interests include flood control, irrigation, the price of beef, pork and farm products and the price of oil.

Local station broadcasts in Oklahoma must be patterned to the disposition and interests of its people. National and international programs must be sifted through the screen of local public interest.

No, you don't have to look at the law alone to define local station responsibility and individual integrity. A lot of it depends on how you were brought up in this business. I first became acquainted with radio when my boyhood pal and I made crystal sets out of cigar boxes and other odds and ends, an outgrowth of our interest in communications developed through a tin can telephone. In 1921 I played in a college orchestra which broadcast once a week or whenever the transmitter was in working order. Our studio was the operator's living room. Our microphone was an ordinary telephone and our announcer was a law student who edited the school's comic magazine and hoped to sell a few extra copies by reading jokes out of each issue over the air. Our most responsive audience was the operator's eight months' old baby who cried like the devil in the next room every time we played. There was certainly nothing national or international in our conception of radio at that point. We could almost count the number of receiving sets that were able to pick us up and we usually heard from most of them. A few years later in Florida, I had frequent contacts with one of America's pioneer commercial stations but never thought of using it as an advertising medium in the tremendous real estate boom going on at that time. Only a few receiving sets were in operation and the whole thing was strictly a local experiment. When I joined an advertising agency in 1928, frequently writing radio continuity for local advertisers and attempting to sell ideas for sponsorship, all my dealings were with the station manager. He was the focal point of station business. His responsibility and authority were clearly recognized.

When I joined radio actively in 1932, at the lowest depth of the depression, our station and in fact the entire radio industry were going through an economic fight for survival. Management meant everything in those days, in order to keep a station on the air. We had to go to the safe every Saturday night and pay off. Anyone who could call himself a radio man had to be able to sell time, write programs, select music and talent, produce shows, perform in the shows and collect bills—but quick. I'll never forget the time I first faced a mocrophone as an announcer. That was something else again. Later in the evening a friend told me that I sounded as if I had run up three or four flights of stairs just before going on the air. That was impossible because our studios were in a basement. My office was where the rats always ran when the news editor chased them out of the news room. When we finally prospered to the point of moving to the top of the town's finest tall building, high up in the sunlight, we were so overcome with joy and the realization of our accomplishment that we sailed paper airplanes from the twenty-second floor balcony like a bunch of kids. Through it all there was a tremendous spirit of loyalty to our station and to the job we were trying to do for our community. For ten years at my station, during which we went from 5,000 to 50,000 watts, I never saw that spirit falter or do anything but grow. It was everybody's trust and everybody stood ready to discharge it. One of the last things I did before leaving the station was to go back on the air as a cowboy singer, under another name, when the war began to pinch us again for station personnel and the regular singer went to work in a shipyard.

You will find the same story in most of the stations in America today. The experiences which station managers and station executives have undergone, quite as much as the radio law which governs their operations, are responsible for the feeling of local autonomy, local individuality and devotion to local public interest.

Edgar Guest says, "It takes a heap of living in a house to make it home." Well, a heap of broadcasting in a town will make it home, and it gives that town a civic asset in the men and women who have gone the route and learned the civic consciousness.

And why is it important to review these things? Because radio's responsibility in the new world rests almost solely upon the shoulders of station managers. It is immaterial if they are standard band stations, FM stations or television stations, the same responsibility applies.

I said earlier that improper recognition of the local definition of radio is responsible for many ills. The new world is already producing new ideas, there will be great social and educational readjustment, sponsored by national and even international groups. There may be a tendency among these groups, because of their national complexion, to resolve themselves onto the air, demand nation-wide broadcasts through network programs without proper regard for the obligation of station management to pass upon such programs from the standpoint of local public interest. It must be remembered that the obligation remains with local station management whether the time is given or sold. Sale of time puts no obligation on station management to accept program content. In fact, it calls for even closer scrutiny of broadcast material.

The best solution to the problem is educational. Those who wish to use radio for the furtherance of ideas or ideologies should learn the principles of radio's true American system. Radio cannot be regimented in a free democracy. Radio cannot be seized by the forelock and made to do something as a single corporate body. He who tries it will discover that he has grasped a bristling cactus with every spear a different local viewpoint. Might as well try to grasp all the newspapers of America at once and march them around by the collective seat of their pants. Might as well try to abolish state's rights or local autonomy in city government.

But there must be a disposition to teach as well as to learn. The broadcasters, as part of their responsibility in the new world, are prepared to assist all who value radio as a means of expression and communication. Generally speaking, broadcasters are as public spirited as any group of men you will find in America. They have learned the meaning of public service as the life-blood of radio. None has ever failed in the process of amiable agreement and understanding when approached with the proper recognition of his position.

In the last analysis, radio is not a cyclops—a giant with a single eye. Radio has a thousand eyes, represented numerically by almost a thousand radio stations, eyes to see the people of our new world and read in their faces the challenge of the years. Eyes to see the returning soldiers, many of them permanent victims of battle; eyes to see the changing aspects of home life; eyes to see the new type of youth, many of whom have already said that they will not leave war plants and go back to school; and eyes to see what I saw only a few weeks ago in Washington at the Navy Day Banquet—while a WAVE choir sang the Navy Hymn—a gray-haired mother leaning back, unnoticed (she thought), as the tears ran down to her trembling lips. Eyes, hundreds of eyes, watching in every city, town and farm home in America, will be needed to shape radio's programming in the new world. To the eyes of station managers will be added those of thousands of returning radio men and women now with the armed forces. Their thoughts, their reactions will be woven into the radio programs of our post-war world.

Frequency modulation will come, television will come, but the greatest thing to come is understanding, so that the marvels of our science will be properly concentrated to the betterment of humanity. **Thank you.**

The National Association of Broadcasters
1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.
No. 16 SPECIAL INFORMATION BULLETIN Dec. 17, 1943

"War Department Report"

Forty-five Minute Official Sound Film Available to Radio Stations for Local Showings

Public Release Date
Dec. 26—Order Now

"War Department Report," an official film on the military situation, frank, grim, startling, prepared especially for the war workers of America, will be made available for public showing December 26!

Radio stations may obtain prints for studio showings or as station-sponsored programs before civic clubs or other local groups of their own choosing.

This forty-five minute film was previewed in Washington recently and it will grip and hold any size audience that your station is able to assemble, in studio, theater or civic auditorium. Available in both 16- and 35-mm. sound films.

The War Department is making public bookings now, through Washington and agents in the field. If you want to be first in your community, send your request at once to:

Monroe W. Greenthal, Capt., AUS,
Industrial Services Division,
Bureau of Public Relations,
War Department,
Washington, D. C.

Previews to management may be made prior to December 26 but no public showings are to precede that date.

Here is what the War Department released to America's war workers on the subject of "WAR DEPARTMENT REPORT."

"THE ARMY GIVES AMERICAN INDUSTRY THE INSIDE FACTS

'For the first time in its history, the War Department is making an official report on the military situation directly to the war workers of America. This is not a pep talk. It is a report by your General Staff.'

These are the words that Robert P. Patterson, Under Secretary of War, uses to introduce WAR DEPARTMENT REPORT to the screen.

The heretofore confidential material on which the film is based was first presented in a series of highly restricted War Department conferences to members of Congress and leaders of industry, labor, and the press.

These men were so impressed with the information presented that they urged the War Department to relax restrictions and make the facts available to every war worker in the Nation—from top executive to apprentice worker.

Accordingly, the Under Secretary of War directed that the material be made into a film, as the quickest, most graphic way of telling this important story. WAR DEPARTMENT REPORT is the result . . . frank, grim, often startling in what it discloses . . . a film that pulls no punches.

To illustrate its points, the picture draws on the cream of actual combat movies filmed by Army and Navy camera crews. In dramatic sequence it shows the landing in Sicily . . . the bloody battle on the Salerno beach . . . our planes in aerial combat with the enemy . . . the remarkable amphibious attacks on Jap-held strongholds . . . and other action scenes.

The strength of the enemy is revealed in his own films, seized from him and now used to expose the truth about his men and equipment. A unique part of this seized footage gives the Germans' own film record of their abduction of Benito Mussolini.

Other sections reveal the job that lies ahead for us . . . the problems and possibilities of attack on the Axis from the air, on land and by sea. Interesting animated charts supplement dramatic action pictures in presenting strategic and statistical facts in a simple and engrossing manner.

'*1944 is the year of decision . . . there is no more waiting . . . we are ready for the test of our strength and spirit,*' says Under Secretary of War Patterson at the end of WAR DEPARTMENT REPORT. The film itself helps arm America to meet the test, by showing exactly 'what the score is.' It is the sincere belief of leaders in the Army, of management and of labor that every man and woman in America's war industry should see it."

* * * * *

Not only war workers, but every man and woman in America may now see it! This factual sound film report that pulls no punches, to be released for public showing December 26, is yours for the asking in your community. The number of prints is limited. Other organizations know about this offer. Order your print of "War Department Report" today!

The National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON, D. C.

May 21, 1943 SPECIAL LEGISLATIVE BULLETIN No. 1

Government Control Looms for Radio

Meeting in Washington May 19 to study the White-Wheeler bill, the NAB legislative committee considered, among other things, the loss of control of the American System of Broadcasting to a government agency and after due deliberation issued the following statement, which was dispatched to all newspaper, radio wire, trade press and press association channels:

Washington, D. C., May 19. Unless Congress enacts a new radio law, government control of broadcasting in this country is an accomplished fact, a special legislative committee of the National Association of Broadcasters announced today.

The committee assembled to study the bill introduced by Senator Wallace H. White, Jr., and Burton K. Wheeler, which re-establishes the liberties and limitations of radio, and to consider the effect of the Supreme Court decision of May 10 which "places broad and fantastic powers in the hands of the Federal Communications Commission", the committee said.

"The Supreme Court decision," it was explained, "hands over to the Commission complete control of broadcasting. This government agency now has the power, whenever it wishes, to determine what the American people shall and shall not hear, whether it be news, music, drama, comedy or political broadcasts. The world's last remaining system of free radio has been brought under complete government domination by this decision, a condition which previously has been bitterly deplored by the people and the press of the United States. This result, astonishing to the radio industry and the public alike, emerged from a case purportedly concerned only with the power of the Commission to regulate contracts between stations and networks. The decision went far beyond these issues and constituted an hitherto unsuspected interpretation of 'public interest, convenience and necessity' by the majority of the court, with strong minority dissent. New legislation is the only hope of free radio in America," spokesmen for the committee concluded.

The committee, consisting of Neville Miller, President of NAB, Chairman; Don S. Elias, WWNC, Asheville, North Carolina; Clair R. McCullough, WGAL, Lancaster, Pa.; James D. Shouse, WLW, Cincinnati, Ohio; Frank M. Russell, NBC, Washington, and Joseph H. Ream, CBS, New York, laid plans for NAB participation in hearings on the White-Wheeler bill, scheduled to begin May 25.

Following issuance of this release, the following telegram was sent to the NAB board of directors, stating that a special session of the board to consider problems arising from the network decision would probably be called about June 1.

LEGISLATIVE COMMITTEE MET TODAY. DUE TO EMERGENCY CREATED BY COURT DECISION COMMITTEE BELIEVES IT PROBABLY WILL BE ADVISABLE TO HOLD SPECIAL BOARD MEETING WASHINGTON TUESDAY WEEK, JUNE FIRST. WILL ADVISE YOU DEFINITELY BY MIDDLE OF NEXT WEEK. SUGGEST YOU MAKE RESERVATIONS NOW. REGARDS.

NEVILLE MILLER

The decision in the network case was printed in full in the May 14 issue of the NAB Reports. The decision in the KOA case is printed in full in this week's issue of the Reports.

The National Association of Broadcasters
1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON, D. C.
May 25, 1943 SPECIAL LEGISLATIVE BULLETIN No. 2

Hearings Postponed Until Late June

The hearings on the White-Wheeler Bill scheduled to start before the Senate Interstate Commerce Committee, Tuesday, May 25, were postponed.

Senator Wheeler, chairman of the Committee announced late Tuesday that the hearings will start the latter part of June and that the definite date for the commencement of the hearings will be announced on or before June 15th.

A meeting of the NAB Board of Directors has been called to be held Thursday and Friday, June 3rd and 4th at the Hotel Statler, Washington, D. C.

At that meeting the Board will give careful consideration to the provisions of the White-Wheeler Bill, proposed amendments to the bill and to the effect of the recent decision of the U. S. Supreme Court.

The industry will be kept advised of all developments.

WHAT THE MAY 10th SUPREME COURT DECISION MEANS

to American Broadcasting
to the American People

National Association of Broadcasters
1760 N STREET, NORTHWEST
WASHINGTON, D. C.

May 25, 1943

On May 10, the Supreme Court, by a 5-to-2 decision, written by Justice Frankfurter, placed in the hands of a government agency—the Federal Communications Commission—complete control of radio broadcasting in the United States.

The decision, which was expected to deal only with the Commission's right to enforce eight disputed rules governing the contracts between stations and networks, went far beyond that issue and conferred upon this government agency powers over radio broadcasting as complete as those existing in many foreign countries.

Thus overnight American radio, under the law as interpreted by the Court, has lost all the characteristics of freedom so vital to our two-party political system and so essential to American democracy.

Under the Radio Act of 1927, and under the amended Act of 1934, the Federal Communications Commission was given regulatory power over the technical aspects and physical allocations of radio frequencies. For ten years the Commission did not seek to stretch its powers into the field of program content or business operations of the broadcasters. Five years ago the Commission began a gradual effort to encroach upon these other fields. The fight against this encroachment culminated in the surprising decision of the Court, which, in one sweep, granted the Commission not only the specific powers it sought, but unlimited power over every aspect of this great medium of mass communication.

Lawyers for the radio industry, reading and re-reading the decision, can find no limits placed on the Commission's power to control programs and business operations of the broadcasters. The concept of absolute government-dictatorship over broadcasting is plainly set forth in the Frankfurter decision in such terms as these:

> Page 19. ". . . we are asked to regard the Commission as a kind of traffic officer, policing the wave lengths to prevent stations from interfering with each other. But the Act does not restrict the Commission merely to supervision of the traffic. It puts upon the Commission the burden of determining the composition of that traffic."
>
> Page 20. "These provisions, individually and in the aggregate, preclude the notion that the Commission is empowered to deal only with technical and engineering impediments to the 'larger and more effective use of radio in the public interest.' We cannot find in the Act any such restriction of the Commission's authority."
>
> Page 21. "In the context of the developing problems to which it was directed, the Act gave the Commission not niggardly but expansive powers."

The control of what the American people hear on the air, under the language of this decision, passed from the American public whose wishes have determined the programs broadcast daily by over 900 radio stations into the hands of a single all-powerful Commission whose edicts are final and conclusive.

A searching analysis of the decision indicates that indirectly or directly:

> The FCC can tell broadcasters what must be broadcast whether it be news, public discussion, political speeches, music, drama or other entertainment.
>
> The Commission can likewise enforce its edicts of what may not be broadcast in any one of these fields.
>
> The Commission can regulate the business arrangements by which broadcasters operate and direct the management of each individual radio station. It can issue or deny licenses based upon business affiliations.

The minority opinion of the Court vigorously attacked the majority decision. Written by Justice Murphy, it pointed out:

> Page 31. "By means of these regulations and the enforcement program, the Commission would not only extend its authority over business activities which represent interests and investments of a very substantial character, which have not been put under its jurisdiction by the Act, but would greatly enlarge its control over an institution that has now become a rival of the press and pulpit as a purveyor of news and entertainment and a medium of public discussion. To assume a function and responsibility of such wide reach and importance in the life of the nation, as a mere incident of its duty to pass on individual applications for permission to

operate a radio station and use a specific wave length, is an assumption of authority to which I am not willing to lend my assent."

Page 28. ". . . we exceed our competence when we gratuitously bestow upon an agency power which the Congress has not granted. Since that is what the Court in substance does today, I dissent."

". . . because of its vast potentialities as a medium of communication, discussion and propaganda, the character and extent of control that should be exercised over it by the government is a matter of deep and vital concern. Events in Europe show that radio may readily be a weapon of authority and misrepresentation, instead of a means of entertainment and enlightenment. It may even be an instrument of oppression. In pointing out these possibilities I do not mean to intimate in the slightest that they are imminent or probable in this country, but they do suggest that the construction of the instant statute should be aproached with more than ordinary restraint and caution."

The far-reaching effects of the decision are further illustrated by the following comments in the press:

ALBANY KNICKERBOCKER-NEWS (editorial) May 14

". . . Radio is something more than a communications medium. It is one of the greatest channels of free expression. Naturally any regulatory power which could suppress free expression concerns one of our deepest rights. A Supreme Court decision on the operation of a radio station may seem very distant to the individual but when a man here in Albany asks, 'Why do they have to send out that propaganda?' or 'Do they have to give him that much time?' the answer is plain in Justice Frankfurter's decision the FCC has 'expansive powers'."

WHEELING INTELLIGENCE (editorial) May 14

"We do feel, however, that the opinion opens up a vast field of bureaucratic activity which most of us thought was at least restricted if not actually closed. We would like to know, for example, what happens to the various prohibitions of the Bill of Rights if some Commission, duly appointed and delegated by act of Congress, decides that infringement of certain of these individual rights is in the public interest."

WALL STREET JOURNAL (editorial) May 12

". . . It needs little imagination to picture the possible consequences to the public's *liberty* of the rule by a group of commissions all equipped with powers to make regulations which the respective majorities of commissioners deem to be 'in the public interest, convenience or necessity.' If the logic of the Supreme Court's majority—and for that matter of the minority—is sound, the Constitution of the United States and particularly the Bill of Rights and some other amendments, is little more than empty verbiage, and might be replaced by the 'welfare clause' with a single commission to give it effect."

WASHINGTON TIMES-HERALD (Frank C. Waldrop) May 12

". . . No radio broadcasting license really means anything. The Government really owns radio here—behind the shadow of the broadcasting companies.

"Somebody in Congress had better read the Supreme Court discussions on Cases Nos. 554 and 555.

"The Communications Act of 1934 needs to be rewritten in the interest of free speech. Radio dares not say that now, but every radio operator knows how great the need is, and if Congress will speak up first, the radio operators will follow with their testimony."

David Lawrence (syndicated column) May 11

"The first step toward abridging the freedom of the press in America has been taken by five members of the Supreme Court of the United States in a decision which, while it puts radio broadcasting into a government strait-jacket, opens the way for strangulation of the newspapers of America."

INDIANAPOLIS STAR (editorial) May 16

"Some interpret the Supreme Court decision upholding the Federal Communications Commission's order hobbling radio broadcasting as an indirect sniping at the general principle of freedom of expression."

LOUISVILLE COURIER-JOURNAL (editorial) May 12

"An administrative agency has found, in authority to grant licenses to individual radio stations, authority, if not to destroy it outright, at least to change the face of radio

> completely according to the agency's ideas without Congress' direction."

This is not the kind of radio that the country wants and needs. The remedy is squarely up to the Congress. Mr. Justice Frankfurter said in his opinion that "the responsibility belongs to the Congress for the grant of valid legislative authority." The question of the authority of the FCC is now before Congress in both the Senate and the House, through a bill introduced in the Senate by Senator Wallace H. White, Jr., of Maine, and Senator Burton K. Wheeler of Montana, and in the House by Representative Pehr G. Holmes of Massachusetts.

THE MAY 10th SUPREME COURT DECISION

Relating to Government Regulation of Radio

◆

National Association of Broadcasters
1760 N STREET, NORTHWEST
WASHINGTON 6, D. C.

May 27, 1943

Nos. 554-555.—OCTOBER TERM, 1942.

National Broadcasting Company, Inc., Woodmen of the World Life Insurance Society, and Stromberg-Carlson Telephone Manufacturing Company, Appellants,
554 *vs.*
The United States of America, Federal Communications Commission, and Mutual Broadcasting System, Inc.
Columbia Broadcasting System, Inc., Appellant,
555 *vs.*
The United States of America, Federal Communications Commission, and Mutual Broadcasting System, Inc.

Appeals from the District Court of the United States for the Southern District of New York.

[May 10, 1943.]

Mr. Justice FRANKFURTER delivered the opinion of the Court.

In view of our dependence upon regulated private enterprise in discharging the far-reaching role which radio plays in our society, a somewhat detailed exposition of the history of the present controversy and the issues which it raises is appropriate.

These suits were brought on October 30, 1941, to enjoin the enforcement of the Chain Broadcasting Regulations promulgated by the Federal Communications Commission on May 2, 1941, and amended on October 11, 1941. We held last Term in *Columbia System* v. *U. S.*, 316 U. S. 407, and *Nat. Broadcasting Co.* v. *U. S.*, 316 U. S. 447, that the suits could be maintained under § 402 (a) of the Communications Act of 1934, 48 Stat. 1093, 47 U. S. C. §402 (a) (incorporating by reference the Urgent Deficiencies Act of October 22, 1913, 38 Stat. 219, 28 U. S. C. § 47), and that the decrees of the District Court dismissing the suits for want of jurisdiction should therefore be reversed. On remand the District Court granted the Government's motion for summary judgment and dismissed the suits on the merits. 47 F. Supp. 940. The cases are now here on appeal. 28 U. S. C. § 47. Since they raise substantially the same issues and were argued together, we shall deal with both cases in a single opinion.

On March 18, 1938, the Commission undertook a comprehensive investigation to determine whether special regulations applicable to radio stations engaged in chain broadcasting [1] were required in the "public interest, convenience or necessity". The Commission's order directed that inquiry be made, *inter alia*, in the following specific matters: the number of stations licensed to or affiliated with networks, and the amount of station time used or controlled by networks; the contractual rights and obligations of stations under their agreements with networks; the scope of network agreements containing exclusive affiliation provisions and restricting the network from affiliating with other stations in the same area; the rights and obligations of stations with respect to network advertisers; the nature of the program service rendered by stations licensed to networks; the policies of networks with respect to character of programs, diversification, and accommodation to the particular requirements of the areas served by the affiliated stations; the extent to which affiliated stations exercise control over programs, advertising contracts, and related matters; the nature and extent of network program duplication by stations serving the same area; the extent to which particular networks have exclusive coverage in some areas; the competitive practices of stations engaged in chain broadcasting; the effect of chain broadcasting upon stations not licensed to or affiliated with networks; practices or agreements in restraint of trade, or in furtherance of monopoly, in connection with chain broadcasting; and the scope of concentration of control over stations, locally, regionally, or nationally, through contracts, common ownership, or other means.

On April 6, 1938, a committee of three Commissioners was designated to hold hearings and make recommendations to the full Commission. This committee held public hearings for 73 days over a period of six months, from November 14, 1938, to May 19, 1939. Order No. 37, announcing the investigation and specifying the particular matters which would be explored at the hearings, was published in the Federal Register, 3 Fed. Reg. 637, and copies were sent to every station licensee and network organization. Notices of the hearings were also sent to these parties. Station licensees, national and regional networks, and transcription and recording companies were invited to appear and give evidence. Other persons who sought to appear were afforded an opportunity to testify. 96 witnesses were heard by the committee, 45 of whom were called by the national networks. The evidence covers 27 volumes, including over 8,000 pages of transcript and more than 700 exhibits. The testimony of the witnesses called by the national networks fills more than 6,000 pages, the equivalent of 46 hearing days.

The committee submitted a report to the Commission on June 12, 1940, stating its findings and recommendations. Thereafter, briefs on behalf of the networks and other interested parties were filed before the full Commission, and on November 28, 1940, the Commission issued proposed regulations which the parties were requested to consider in the oral arguments held on December 2 and 3, 1940. These proposed regulations dealt with the same matters as those covered by the regulations eventually adopted by the Commission. On January 2, 1941, each of the national networks filed a supplementary brief discussing at length the questions raised by the committee report and the proposed regulations.

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[1] Chain broadcasting is defined in § 3(p) of the Communications Act of 1934 as the "simultaneous broadcasting of an identical program by two or more connected stations." In actual practice, programs are transmitted by wire, usually leased telephone lines, from their point of origination to each station in the network for simultaneous broadcast over the air.

On May 2, 1941, the Commission issued its Report on Chain Broadcasting, setting forth its findings and conclusions upon the matters explored in the investigation, together with an order adopting the Regulations here assailed. Two of the seven members of the Commission dissented from this action. The effective date of the Regulations was deferred for 90 days with respect to existing contracts and arrangements of network-operated stations, and subsequently the effective date was thrice again postponed. On August 14, 1941, the Mutual Broadcasting Company petitioned the Commission to amend two of the Regulations. In considering this petition the Commission invited interested parties to submit their views. Briefs were filed on behalf of all the national networks, and oral argument was had before the Commission on September 12, 1941. And on October 11, 1941, the Commission (again with two members dissenting) issued a Supplemental Report, together with an order amending three Regulations. Simultaneously, the effective date of the Regulations was postponed until November 15, 1941, and provision was made for further postponements from time to time if necessary to permit the orderly adjustment of existing arrangements. Since October 30, 1941, when the present suits were filed, the enforcement of the Regulations has been stayed either voluntarily by the Commission or by order of court.

Such is the history of the Chain Broadcasting Regulations. We turn now to the Regulations themselves, illumined by the practices in the radio industry disclosed by the Commission's investigation. The Regulations, which the Commission characterized in its Report as "the expression of the general policy we will follow in exercising our licensing power", are addressed in terms to station licensees and applicants for station licenses. They provide, in general, that no licenses shall be granted to stations or applicants having specified relationships with networks. Each Regulation is directed at a particular practice found by the Commission to be detrimental to the "public interest", and we shall consider them *seriatim*. In doing so, however, we do not overlook the admonition of the Commission, that the Regulations as well as the network practices at which they are aimed are interrelated: "In considering above the network practices which necessitate the regulations we are adopting, we have taken each practice singly, and have shown that even in isolation each warrants the regulation addressed to it. But the various practices we have considered do not operate in isolation; they form a compact bundle or pattern, and the effect of their joint impact upon licensees necessitates the regulations even more urgently than the effect of each taken singly." (Report, p. 75.)

The Commission found that at the end of 1938 there were 660 commercial stations in the United States, and that 341 of these were affiliated with national networks. 135 stations were affiliated exclusively with the National Broadcasting Company, Inc., known in the industry as NBC, which operated two national networks, the "Red" and the "Blue". NBC was also the licensee of 10 stations, including 7 which operated on so-called clear channels with the maximum power available, 50 kilowatts; in addition, NBC operated 5 other stations, 4 of which had power of 50 kilowatts, under management contracts with their licensees. 102 stations were affiliated exclusively with the Columbia Broadcasting System, Inc., which was also the licensee of 8 stations, 7 of which were clear-channel stations operating with power of 50 kilowatts, 74 stations were under exclusive affiliation with the Mutual Broadcasting System, Inc. In addition, 25 stations were affiliated with both NBC and Mutual, and 5 with both CBS and Mutual. These figures, the Commission noted, did not accurately reflect the relative prominence of the three companies, since the stations affiliated with Mutual were, generally speaking, less desirable in frequency, power, and coverage. It pointed out that the stations affiliated with the national networks utilized more than 97% of the total nightime broadcasting power of all the stations in the country. NBC and CBS together controlled more than 85% of the total nighttime wattage, and the broadcast business handled by the three national network companies amounted to almost half of the total business of all stations in the United States.

The Commission recognized that network broadcasting had played and was continuing to play an important part in the development of radio. "The growth and development of chain broadcasting," it stated, "found its impetus in the desire to give widespread coverage to programs which otherwise would not be heard beyond the reception area of a single station. Chain broadcasting makes possible a wider reception for expensive entertainment and cultural programs and also for programs of national or regional significance which would otherwise have coverage only in the locality of origin. Furthermore, the access to greatly enlarger audiences made possible by chain broadcasting has been a strong incentive to advertisers to finance the production of expensive programs. . . . But the fact that the chain broadcasting method brings benefits and advantages to both the listening public and to broadcast station licensees does not mean that the prevailing practices and policies of the networks and their outlets are sound in all respects, or that they should not be altered. The Commission's duty under the Communications Act of 1934 is not only to see that the public receives the advantages and benefits of chain broadcasting, but also, as far as its powers enable it, to see that practices which adversely affect the ability of licensees to operate in the public interest are eliminated." (Report, p. 4.)

The Commission found that eight network abuses were amendable to correction within the powers granted it by Congress:

Regulation 3.101—Exclusive affiliation of station. The Commission found that the network affiliation agreements of NBC and CBS customarily contained a provision which prevented the station from broadcasting the programs of any other network. The effect of this provision was to hinder the growth of new networks, to deprive the listening public in many areas of service to which they were entitled, and to prevent station licensees from exercising their statutory duty of determining which programs would best serve the needs of their community. The Commission observed that in areas where all the stations were under exclusive contract to either NBC or CBS, the public was deprived of the opportunity to hear programs presented by Mutual. To take a case cited in the Report: In the fall of 1939 Mutual obtained the exclusive right to broadcast the World Series baseball games. It offered this program of outstanding national interest to stations throughout the country, including NBC and CBS affiliates in communities having no other stations. CBS and NBC immediately invoked the "exclusive affiliation" clauses of their agreements with these stations, and as a result thousands of persons in many sections of the country were unable to hear the broadcasts of the games.

"Restraints having this effect", the Commission observed, "are to be condemned as contrary to the public interest irrespective of whether it be assumed that Mutual programs are of equal, superior or inferior quality. The important consideration is that station licensees are denied freedom to choose the programs which they believe best suited to their needs; in this manner the duty of a station licensee to operate in the public interest is defeated. . . . Our conclusion is that the disadvantages resulting from these exclusive arrangements far outweigh any advantages. A licensee station does not operate in the public interest when it enters into exclusive arrangements which prevent it from giving the public the best service of which it is capable, and which, by closing the door of opportunity in the network field, adversely affect the program structure of the entire industry." (Report, pp. 52-57.) Accordingly, the Commission adopted Regulation 3.101, providing as follows: "No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization under which the station is prevented or hindered from, or penalized for, broadcasting the programs of any other network organization."

Regulation 3.102—Territorial exclusivity. The Commission found another type of "exclusivity" provision in network affiliation agreements whereby the network bound itself not to sell programs to any other station in the same area. The effect of this provision, designed to protect the affiliate from the competition of other stations serving the same territory, was to deprive the listening public of many programs that might otherwise be available. If an affiliated station rejected a network program, the "territorial exclusivity" clause of its affiliation agreement prevented the network from offering the program to other stations in the area. For example, Mutual presented a popular program, known as "The American Forum of the Air", in which prominent persons discussed topics of general interest. None of the Mutual stations in the Buffalo area decided to carry the program, and a Buffalo station not affiliated with Mutual attempted to obtain the program for its listeners. These efforts failed, however, on account of the "territorial exclusivity" provision in Mutual's agreements with its outlets. The result was that this program was not available to the people of Buffalo.

The Commission concluded that "It is not in the public interest for the listening audience in an area to be deprived of network programs not carried by one station where other stations in that area are ready and willing to broadcast the programs. It is as much against the public interest for a network affiliate to enter into a contractual arrangement which prevents another station from carrying a network program as it would be for it to drown out that program by electrical interference." (Report, p. 59.)

Recognizing that the "territorial exclusivity" clause was unobjectionable in so far as it sought to prevent duplication of programs in the same area, the Commission limited itself to the situations in which the clause impaired the ability of the licensee to broadcast programs otherwise available. Regulation 3.102, promulgated to remedy this particular evil, provides as follows: "No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which prevents or hinders another station serving substantially the same area from broadcasting the network's programs not taken by the former station, or which prevents or hinders another station serving a substantially different area from broadcasting any program of the network organization. This regulation shall not be construed to prohibit any contract, arrangement, or understanding between a station and a network organization pursuant to which the station is granted the first call in its primary service area upon the programs of the network organization."

Regulation 3.103—Term of affiliation. The standard NBC and CBS affiliation contracts bound the station for a period of five years, with the network having the exclusive right to terminate the contracts upon one year's notice. The Commission, relying upon § 307(d) of the Communications Act of 1934, under which no license to operate a broadcast station can be granted for a longer term than three years, found the five-year affiliation term to be contrary to the policy of the Act: "Regardless of any changes that may occur in the economic, political, or social life of the Nation or of the community in which the station is located, CBS and NBC affiliates are bound by contract to continue broadcasting the network programs of only one network for 5 years. The licensee is so bound even though the policy and caliber of programs of the network may deteriorate greatly. The future necessities of the station and of the community are not considered. The station licensee is unable to follow his conception of the public interest until the end of the 5-year contract." (Report, p. 61.) The Commission concluded that under contracts binding the affiliates for five years, "stations become parties to arrangements which deprive the public of the improved service it might otherwise derive from competition in the network field; and that a station is not operating in the public interest when it so limits its freedom of action." (Report, p. 62.) Accordingly, the Commission adopted Regulation 3.103: "No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which provides, by original term, provisions for renewal, or otherwise for the affiliation of the station with the network organization for a period longer than two years:[2] *Provided*, That a contract, arrangement, or understanding for a period up to two years, may be entered into within 120 days prior to the commencement of such period."

Regulation 3.104—Option time. The Commission found that network affiliation contracts usually contained so-called network optional time clauses. Under these provisions the network could upon 28 days' notice call upon its affiliates to carry a commercial program during any of the hours specified in the agreement as "network optional time". For CBS affiliates "network optional time" meant the entire broadcast day. For 29 outlets of NBC on the Pacific Coast, it also covered the entire broadcast day; for substantially all of the other NBC affiliates, it included 8½ hours on weekdays and 8 hours on Sundays. Mutual's contracts with about half of its affiliates contained such a provision, giving the network optional time for 3 or 4 hours on weekdays and 6 hours on Sundays.

In the Commission's judgment these optional time provisions, in addition to imposing serious obstacles in the path of new networks, hindered stations in developing a local program service. The exercise by the networks of their options over the station's time tended to prevent regular scheduling of local programs at desirable hours. The Commission found that "shifting a local commercial program may seriously interfere with the efforts of a [local] sponsor to build up a regular listening audience at a definite hour, and the long-term advertising contract becomes a highly dubious project. This hampers the efforts of the station to develop local commercial programs and affects adversely its ability to give the public good program service. . . . A station licensee must retain sufficient freedom of action to supply the program and advertising needs of the local community. Local program service is a vital part of community life. A station should be ready, able, and willing to serve the needs of the local community by broadcasting such outstanding local events as community concerts, civic meetings, local sports events, and other programs of local consumer and social interest. We conclude that national network time options have restricted the freedom of station licensees and hampered their efforts to broadcast local commercial programs, the programs of other national networks, and national spot transcriptions. We believe that these considerations far outweigh any supposed advantages from 'stability' of network operations under time options. We find that the optioning of time by licensee stations has operated against the public interest." (Report, pp. 63, 65.)

The Commission undertook to preserve the advantages of option time, as a device for "stabilizing" the industry, without unduly impairing the ability of local stations to develop local program service. Regulation 3.104 called for the modification of the option-time provision in three respects: the minimum notice period for exercise of the option could not be less than 56 days; the number of hours which could be optioned was limited; and specific restrictions were placed upon exercise of

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[2] Station licenses issued by the Commission normally last two years. Section 3.34 of the Commission's Rules and Regulations governing Standard and High-Frequency Broadcast Stations, as amended October 14, 1941.

the option to the disadvantage of other networks. The text of the Regulation follows: "No license shall be granted to a standard broadcast station which options for network programs any time subject to call on less than 56 days' notice, or more time than a total of three hours within each of four segments of the broadcast day, as herein described. The broadcast day is divided into 4 segments, as follows: 8:00 a.m. to 1:00 p.m.; 1:00 p.m. to 6:00 p.m.; 6:00 p.m. to 11:00 p.m.; 11:00 p.m. to 8:00 a.m. Such options may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations."

Regulation 3.105—Right to reject programs. The Commission found that most network affiliation contracts contained a clause defining the right of the station to reject network commercial programs. The NBC contracts provided simply that the station "may reject a network program the broadcasting of which would not be in the public interest, convenience, and necessity." NBC required a licensee who rejected a program to "be able to support his contention that what he has done has been more in the public interest than had he carried on the network program". Similarly, the CBS contracts provided that if the station had "reasonable objection to any sponsored program or the product advertised thereon as not being in the public interest, the station may, on 3 weeks prior notice thereof to Columbia, refuse to broadcast such program unless during such notice period such reasonable objection of the station shall be satisfied."

While seeming in the abstract to be fair, these provisions, according to the Commission's finding, did not sufficiently protect the "public interest". As a practical matter, the licensee could not determine in advance whether the broadcasting of any particular network program would or would not be in the public interest. "It is obvious that from such skeletal information [as the networks submitted to the stations prior to the broadcasts] the station cannot determine in advance whether the program is in the public interest, nor can it ascertain whether or not parts of the program are in one way or another offensive. In practice, if not in theory, stations affiliated with networks have delegated to the networks a large part of their programming functions. In many instances, moreover, the network further delegates the actual production of programs to advertising agencies. These agencies are far more than mere brokers or intermediaries between the network and the advertiser. To an ever-increasing extent, these agencies actually exercise the function of program production. Thus it is frequently neither the station nor the network, but rather the advertising agency, which determines what broadcast programs shall contain. Under such circumstances, it is especially important that individual stations, if they are to operate in the public interest, should have the practical opportunity as well as the contractual right to reject network programs. . . .

"It is the station, not the network, which is licensed to serve the public interest. The licensee has the duty of determining what programs shall be broadcast over his station's facilities, and cannot lawfully delegate this duty or transfer the control of his station directly to the network or indirectly to an advertising agency. He cannot lawfully bind himself to accept programs in every case where he cannot sustain the burden of proof that he has a better program. The licensee is obliged to reserve to himself the final decision as to what programs will best serve the public interest. We conclude that a licensee is not fulfilling his obligations to operate in the public interest, and is not operating in accordance with the express requirements of the Communications Act, if he agrees to accept programs on any basis other than his own reasonable decision that the programs are satisfactory." (Report, pp. 39, 66.)

The Commission undertook in Regulation 3.105 to formulate the obligations of licensees with respect to supervision over programs: "No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which (a), with respect to programs offered pursuant to an affiliation contract, prevents or hinders the station from rejecting or refusing network programs which the station reasonably believes to be unsatisfactory or unsuitable; or which (b), with respect to network programs so offered or already contracted for, prevents the station from rejecting or refusing any program which, in its opinion, is contrary to the public interest, or from substituting a program of outstanding local or national importance."

Regulation 3.106—Network ownership of stations. The Commission found that NBC, in addition to its network operations, was the licensee of 10 stations, 2 each in New York, Chicago, Washington, and San Francisco, 1 in Denver, and 1 in Cleveland. CBS was the licensee of 8 stations, 1 in each of these cities: New York, Chicago, Washington, Boston, Minneapolis, St. Louis, Charlotte, and Los Angeles. These 18 stations owned by NBC and CBS, the Commission observed, were among the most powerful and desirable in the country, and were permanently inaccessible to competing networks. "Competition among networks for these facilities is nonexistent, as they are completely removed from the network-station market. It gives the network complete control over its policies. This 'bottling-up' of the best facilities has undoubtedly had a discouraging effect upon the creation and growth of new networks. Furthermore, common ownership of network and station places the network in a position where its interest as the owner of certain stations may conflict with its interest as a network organization serving affiliated stations. In dealings with advertisers, the network represents its own stations in a proprietary capacity and the affiliated stations in something akin to an agency capacity. The danger is present that the network organization will give preference to its own stations at the expense of its affiliates." (Report, p. 67.)

The Commission stated that if the question had arisen as an original matter, it might well have concluded that the public interest required severance of the business of station ownership from that of network operation. But since substantial business interests have been formed on the basis of the Commission's continued tolerances of the situation, it was found inadvisable to take such a drastic step. The Commission concluded, however, that "the licensing of two stations in the same area to a single network organization is basically unsound and contrary to the public interest", and that it was also against the "public interest" for network organizations to own stations in areas where the available facilities were so few or of such unequal coverage that competition would thereby be substantially restricted. Recognizing that these considerations called for flexibility in their application to particular situations, the Commission provided that "networks will be given full opportunity, on proper application for new facilities or renewal of existing licenses, to call to our attention any reasons why the principle should be modified or held inapplicable." (Report, p. 68.) Regulation 3.106 reads as follows: "No license shall be granted to a network organization, or to any person directly or indirectly controlled by or under common control with a network organization, for more than one standard broadcast station where one of the stations covers substantially the service area of the other station, or for any standard broadcast station in any locality where the existing standard broadcast stations are so few or of such unequal desirability (in terms of coverage, power, frequency, or other related matters) that competition would be substantially restrained by such licensing."

Regulation 3.107—Dual network operation. This regulation provides that: "No license shall be issued to a standard broadcast station affiliated with a network organization which maintains more than one network: *Provided,* That this regulation shall not be applicable if such networks are not operated simultaneously, or if there is no substantial overlap in the territory served by the group of stations comprising each such network." In its Supplemental Report of October 11, 1941, the Commission announced the indefinite suspension of this regulation. There is no occasion here to consider the validity of Regulation 3.107, since there is no immediate threat of its enforcement by the Commission.

Regulation 3.108—Control by networks of station rates. The Commission found that NBC's affiliation contracts contained a provision empowering the network to reduce the station's network rate, and thereby to reduce the compensation received by the station, if the station set a lower rate for non-network national advertising than the rate established by the contract for the network programs. Under this provision the station could not sell time to a national advertiser for less than it would cost the advertiser if he bought the time from NBC. In the words of NBC's vice-president, "This means simply that a national advertiser should pay the same price for the station whether he buys it through one source or another source. It means that we do not believe that our stations should go into competition with ourselves." (Report, p. 73.)

The Commission concluded that "it is against the public interest for a station licensee to enter into a contract with a network which has the effect of decreasing its ability to compete for national business. We believe that the public interest will best be served and listeners supplied with the best programs if stations bargain freely with national advertisers." (Report, p. 75.) Accordingly, the Commission adopted Regulation 3.108, which provides as follows: "No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization under which the station is prevented or hindered from or penalized for, fixing or altering its rates for the sale of broadcast time for other than the network's programs."

The appellants attack the validity of these Regulations along many fronts. They contend that the Commission went beyond the regulatory powers conferred upon it by the Communications Act of 1934; that even if the Commission were authorized by the Act to deal with the matters comprehended by the Regulations, its action is nevertheless invalid because the Commission misconceived the scope of the Act, particularly § 313 which deals with the application of the anti-trust laws to the radio industry; that the Regulations are arbitrary and capricious; that if the Communications Act of 1934 were construed to authorize the promulgation of the Regulations, it would be an unconstitutional delegation of legislative power; and that, in any event, the Regulations abridge the appellants' right of free speech in violation of the First Amendment. We are thus called upon to determine whether Congress has authorized the Commission to exercise the power asserted by the Chain Broadcasting Regulations, and if it has, whether the Constitution forbids the exercise of such authority.

Federal regulation of radio[3] begins with the Wireless Ship Act of June 24, 1910, 36 Stat. 629, which forbade any steamer carrying or licensed to carry fifty or more persons to leave any American port unless equipped with efficient apparatus for radio communication, in charge of a skilled operator. The enforcement of this legislation was entrusted to the Secretary of Commerce and Labor, who was in charge of the administration of the marine navigation laws. But it was not until 1912, when the United States ratified the first international radio treaty, 37 Stat. 1565, that the need for general regulation of radio communication became urgent. In order to fulfill our obligations under the treaty, Congress enacted the Radio Act of August 13, 1912, 37 Stat. 302. This statute forbade the operation of radio apparatus without a license from the Secretary of Commerce and Labor; it also allocated certain frequencies for the use of the Government, and imposed restrictions upon the character of wave emissions, the transmission of distress signals, and the like.

The enforcement of the Radio Act of 1912 presented no serious problems prior to the World War. Questions of interference arose only rarely because there were more than enough frequencies for all the stations then in existence. The war accelerated the development of the art, however, and in 1921 the first standard broadcast stations were established. They grew rapidly in number, and by 1923 there were several hundred such stations throughout the country. The Act of 1912 had not set aside any particular frequencies for the use of private broadcast stations; consequently, the Secretary of Commerce selected two frequencies, 750 and 833 kilocycles, and licensed all stations to operate upon one or the other of these channels. The number of stations increased so rapidly, however, and the situation became so chaotic, that the Secretary, upon the recommendation of the National Radio Conference which met in Washington in 1923 and 1924, established a policy of assigning specified frequencies to particular stations. The entire radio spectrum was divided into numerous bands, each allocated to a particular kind of service. The frequencies ranging from 550 to 1500 kilocycles (96 channels in all, since the channels were separated from each other by 10 kilocycles) were assigned to the standard broadcast stations. But the problems created by the enormously rapid development of radio were far from solved. The increase in the number of channels was not enough to take care of the constantly growing number of stations. Since there were more station than available frequencies, the Secretary of Commerce attempted to find room for everybody by limiting the power and hours of operation of stations in order that several stations might use the same channel. The number of stations multiplied so rapidly, however, that by November, 1925, there were almost 600 stations in the country, and there were 175 applications for new stations. Every channel in the standard broadcast band was, by that time, already occupied by at least one station, and many by several. The new stations could be accommodated only by extending the standard broadcast band, at the expense of the other types of service, or by imposing still greater limitations upon time and power. The National Radio Conference which met in November, 1925, opposed both of these methods and called upon Congress to remedy the situation through legislation.

The Secretary of Commerce was powerless to deal with the situation. It had been held that he could not deny a license to an otherwise legally qualified applicant on the ground that the proposed station would interfere with existing private or Government stations. *Hoover* v. *Intercity Radio Co.*, 286 Fed. 1003. And on April 16, 1926, an Illinois district court held that the Secretary had no power to impose restrictions as to frequency, power, and hours of operation, and that a station's use of a frequency not assigned to it was not a violation of the Radio Act of 1912. *United States* v. *Zenith Radio Corp.*, 12 F. 2d 614. This was followed on July 8, 1926, by an opinion of Acting Attorney General Donovan that the Secretary of Commerce had no power, under the Radio Act of 1912, to regulate the power, frequency or hours of operation of stations. 35 Ops. Atty. Gen. 126. The next day the Secretary of Commerce issued a statement abandoning all his efforts to regulate radio and urging that the stations undertake self-regulation.

But the plea of the Secretary went unheeded. From July, 1926, to February 23, 1927, when Congress enacted the Radio Act of 1927, 44 Stat. 1162, almost 200 new stations went on the air. These new stations used any frequencies they desired, regardless of the interference thereby caused to others. Existing stations changed to other frequencies and increased their power and hours of operation at will. The result was confusion and chaos. With everybody on the air, nobody could be heard. The situation became so intolerable that the President in his message of December 7, 1926, appealed to Congress to enact a comprehensive radio law:

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[3] The history of federal regulation of radio communication is summarized in Herring and Gross, Telecommunications (1936) 239-86; Administrative Procedure in Government Agencies, Monograph of the Attorney General's Committee on Administrative Procedure, Sen. Doc. No. 186, 76th Cong., 3d Sess., Part 3, dealing with the Federal Communications Commission, pp. 82-84; 1 Socolaw, Law of Radio Broadcasting (1939) 38-61; Donovan, Origin and Development of Radio Law (1930).

> "Due to the decisions of the courts, the authority of the department [of Commerce] under the law of 1912 has broken down; many more stations have been operating than can be accommodated within the limited number of wave lengths available; further stations are in course of construction; many stations have departed from the scheme of allocations set down by the department, and the whole service of this most important public function has drifted into such chaos as seems likely, if not remedied, to destroy its great value. I most urgently recommend that this legislation should be speedily enacted." (H. Doc. 483, 69th Cong., 2d Sess., p. 10.)

The plight into which radio fell prior to 1927 was attributable to certain basic facts about radio as a means of communication—its facilities are limited; they are not available to all who may wish to use them; the radio spectrum simply is not large enough to accommodate everybody. There is a fixed natural limitation upon the number of stations that can operate without interfering with one another.[4] Regulation of radio was therefore as vital to its development as traffic control was to the development of the automobile. In enacting the Radio Act of 1927, the first comprehensive scheme of control over radio communication, Congress acted upon the knowledge that if the potentialities of radio were not to be wasted, regulation was essential.

The Radio Act of 1927 created the Federal Radio Commission, composed of five members, and endowed the Commission with wide licensing and regulatory powers. We do not pause here to enumerate the scope of the Radio Act of 1927 and of the authority entrusted to the Radio Commission, for the basic provisions of that Act are incorporated in the Communications Act of 1934, 48 Stat. 1064, 47 U. S. C. § 151 *et seq.*, the legislation immediately before us. As we noted in *Federal Communications Comm'n* v. *Pottsville Broadcasting Co.*, 309 U. S. 134, 137, "In its essentials the Communications Act of 1934 [so far as its provisions relating to radio are concerned] derives from the Federal Radio Act of 1927. . . . By this Act of Congress, in order to protect the national interest involved in the new and far-reaching science of broadcasting, formulated a unified and comprehensive regulatory system for the industry. The common factors in the administration of the various statutes by which Congress had supervised the different modes of communication led to the creation, in the Act of 1934, of the Communications Commission. But the objectives of the legislation have remained substantially unaltered since 1927."

Section 1 of the Communications Act states its "purpose of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges". Section 301 particularizes this general purpose with respect to radio: "It is the purpose of this Act, among other things, to maintain the control of the United States over all the channels of interstate and foreign radio transmission; and to provide for the use of such channels, but not the ownership thereof, by persons for limited periods of time, under licenses granted by Federal authority, and no such license shall be construed to create any right, beyond the terms, conditions, and periods of the license." To that end a Commission composed of seven members was created, with broad licensing and regulatory powers.

Section 303 provides:

> "Except as otherwise provided in this Act, the Commission from time to time, as public convenience, interest, or necessity requires, shall—
>
> (a) Classify radio stations;
>
> (b) Prescribe the nature of the service to be rendered by each class of licensed stations and each station within any class;
>
> * * * * * * *
>
> (f) Make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the provisions of this Act . . .;
>
> (g) Study new uses for radio, provide for experimental uses of frequencies, and generally encourage the larger and more effective use of radio in the public interest;
>
> * * * * * * *
>
> (i) Have authority to make special regulations applicable to radio stations engaged in chain broadcasting;
>
> * * * * * * *
>
> (r) Make such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this Act. . . ."

The criterion governing the exercise of the Commission's licensing power is the "public interest, convenience, or necessity". §§ 307 (a) (d), 309 (a), 310, 312. In addition, § 307 (b) directs the Commission that "In considering applications for licenses and modifications and renewals thereof, when and insofar as there is demand for the same the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same."

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[4] See Morecroft, Principles of Radio Communication (3d ed. 1933) 355-402; Terman, Radio Engineering (2d ed. 1937) 593-645.

The Act itself establishes that the Commission's powers are not limited to the engineering and technical aspects of regulation of radio communication. Yet we are asked to regard the Commission as a kind of traffic officer, policing the wave lengths to prevent stations from interfering with each other. But the Act does not restrict the Commission merely to supervision of the traffic. It puts upon the Commission the burden of determining the composition of that traffic. The facilities of radio are not large enough to accommodate all who wish to use them. Methods must be devised for choosing from among the many who apply. And since Congress itself could not do this, it committed the task to the Commission.

The Commission was, however, not left at large in performing this duty. The touchstone provided by Congress was the "public interest, convenience, or necessity", a criterion which "is as concrete as the complicated factors for judgment in such a field of delegated authority permit". *Federal Communications Comm'n.* v. *Pottsville Broadcasting Co.*, 309 U. S. 134, 138. "This criterion is not to be interpreted as setting up a standard so indefinite as to confer an unlimited power. Compare *N. Y. Central Securities Co.* v. *United States*, 287 U. S. 12, 24. The requirement is to be interpreted by its context, by the nature of radio transmission and reception, by the scope, character, and quality of services . . . ." *Radio Comm'n.* v. *Nelson Bros. Co.*, 289 U. S. 266, 285.

The "public interest" to be served under the Communications Act is thus the interest of the listening public in"the larger and more effective use of radio". § 303 (g). The facilities of radio are limited and therefore precious; they cannot be left to wasteful use without detriment to the public interest. "An important element of public interest and convenience affecting the issue of a license is the ability of the licensee to render the best practicable service to the community reached by his broadcasts." *Federal Communications Comm'n.* v. *Sanders Radio Station*, 309 U. S. 470, 475. The Commission's licensing function cannot be discharged, therefore, merely by finding that there are no technological objections to the granting of a license. If the criterion of "public interest" were limited to such matters, how could the Commission choose between two applicants for the same facilities, each of whom is financially and technically qualified to operate a station? Since the very inception of federal regulation by radio, comparative considerations as to the services to be rendered have governed the application of the standard of "public interest, convenience, or necessity". See *Federal Communications Comm'n.* v. *Pottsville Broadcasting Co.*, 309 U. S. 134, 138 n. 2.

The avowed aim of the Communications Act of 1934 was to secure the maximum benefits of radio to all the people of the United States. To that end Congress endowed the Communications Commission with comprehensive powers to promote and realize the vast potentialities of radio. Section 303(g) provides that the Commission shall "generally encourage the larger and more effective use of radio in the public interest"; subsection (i) gives the Commission specific "authority to make special regulations applicable to radio stations engaged in chain broadcasting"; and subsection (r) empowers it to adopt "such rules and regulations and prescribe such restrictions and conditions not inconsistent with law as may be necessary to carry out the provisions of this Act".

These provisions, individually and in the aggregate, preclude the notion that the Commission is empowered to deal only with technical and engineering impediments to the "larger and more effective use of radio in the public interest". We cannot find in the Act any such restriction of the Commission's authority. Suppose, for example, that a community can, because of physical limitations, be assigned only two stations. That community might be deprived of effective service in any one of several ways. More powerful stations in nearby cities might blanket out the signals of the local stations so that they could not be heard at all. The stations might interfere with each other so that neither could be clearly heard. One station might dominate the other with the power of its signal. But the community could be deprived of good radio service in ways less crude. One man, financially and technically qualified, might apply for and obtain the licenses of both stations and present a single service over the two stations, thus wasting a frequency otherwise available to the area. The language of the Act does not withdraw such a situation from the licensing and regulatory powers of the Commission, and there is no evidence that Congress did not mean its broad language to carry the authority it expresses.

In essence, the Chain Broadcasting Regulations represent a particularization of the Commission's conception of the "public interest" sought to be safeguarded by Congress in enacting the Communications Act of 1934. The basic consideration of policy underlying the Regulations is succinctly stated in its Report: "With the number of radio channels limited by natural factors, the public interest demands that those who are entrusted with the available channels shall make the fullest and most effective use of them. If a licensee enters into a contract with a network organization which limits his ability to make the best use of the radio facility assigned him, he is not serving the public interest. . . . The net effect [of the practices disclosed by the investigation] has been that broadcasting service has been maintained at a level below that possible under a system of free competition. Having so found, we would be remiss in our statutory duty of encouraging 'the larger and more effective use of radio in the public interest' if we were to grant licenses to persons who persist in these practices." (Report, pp. 81, 82.)

We would be asserting our personal views regarding the effective utilization of radio were we to deny that the Commission was entitled to find that the large public aims of the Communications Act of 1934 comprehend the considerations which moved the Commission in promulgating the Chain Broadcasting Regulations. True enough, the Act does not explicitly say that the Commission shall have power to deal with network practices found inimical to the public interest. But Congress was acting in a field of regulation which was both new and dynamic. "Congress moved under the spur of a widespread fear that in the absence of governmental control the public interest might be subordinated to monopolistic domination in the broadcasting field." *Federal Communications Comm'n* v. *Pottsville Broadcasting Co.*, 309 U. S. 134, 137. In the context of the developing problems to which it was directed, the Act gave the Commission not niggardly but expansive powers. It was given a comprehensive mandate to "encourage the larger and more effective use of radio in the public interest", if need be, by making "special regulations applicable to radio stations engaged in chain broadcasting". § 303(g) (i).

Generalities unrelated to the living problems of radio communication of course cannot justify exercises of power by the Commission. Equally so, generalities empty of all concrete considerations of the actual bearing of regulations promulgated by the Commission to the subject-matter entrusted to it, cannot strike down exercises of power by the Commission. While Congress did not give the Commission unfettered discretion to regulate all phases of the radio industry, it did not frustrate the purposes for which the Communications Act of 1934 was brought into being by attempting an itemized catalogue of the specific manifestations of the general problems for the solution of which it was establishing a regulatory agency. That would have stereotyped the powers of the Commission to specific details in regulating a field of enterprise the dominant characteristic of which was the rapid pace of its unfolding. And so Congress did what experience had taught it in similar attempts at regulation, even in fields where the subject-matter of regulation was far less fluid and dynamic than radio. The essence of that experience was to define broad areas for regulation and to establish standards for judgment adequately related in their application to the problems to be solved.

For the cramping construction of the Act pressed upon us, support cannot be found in its legislative history. The principal argument is that § 303(i), empowering the Commission "to make special regulations applicable to radio stations engaged in chain broadcasting", intended to restrict the scope of the Commission's powers to the technical and engineering aspects of chain broadcasting. This provision comes from § 4(h) of the Radio Act of 1927. It was introduced into the legislation as a Senate committee amendment to the House bill (H. R. 9971, 69th Cong., 1st Sess.). This amendment originally read as follows:

> "(C) The commission, from time to time, as public convenience, interest, or necessity requires, shall—
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> * * * * * * *
>
> (j) When stations are connected by wire for chain broadcasting, determine the power each station shall use and the wave lengths to be used during the time stations are so connected and so operated, and make all other regulations necessary in the interest of equitable radio service to the listeners in the communities or areas affected by chain broadcasting."

The report of the Senate Committee on Interstate Commerce, which submitted this amendment, stated that under the bill the Commission was given "complete authority . . . to control chain broadcasting." Sen. Rep. No. 772, 69th Cong., 1st Sess., p. 3. The bill as thus amended was passed by the Senate, and then sent to conference. The bill that emerged from the conference committee, and which became the Radio Act of 1927, phrased the amendment in the general terms now contained in § 303(i) of the 1934 Act; the Commission was authorized "to make special regulations applicable to radio stations engaged in chain broadcasting". The conference reports do not give any explanation of this particular change in phrasing, but they do state that the jurisdiction conferred upon the Commission by the conference bill was substantially identical with that conferred by the bill passed by the Senate. See Sen. Doc. No. 200, 69th Cong., 2d Sess., p. 17; H. Rep. 1886, 69th Cong., 2d Sess., p. 17. We agree with the District Court that in view of this legislative history, § 303(i) cannot be construed as no broader than the first clause of the Senate amendment, which limited the Commission's authority to the technical and engineering phases of chain broadcasting.

There is no basis for assuming that the conference intended to preserve the first clause, which was of limited scope, and abandon the second clause, which was of general scope, by agreeing upon a provision which was broader and more comprehensive than those it supplanted.[5]

A totally different source of attack upon the Regulations is found in § 311 of the Act, which authorizes the Commission to withhold licenses from persons convicted of having violated the anti-trust laws. Two contentions are made—first, that this provision puts considerations relating to competition outside the Commission's concern before an applicant has been convicted of monopoly or other restraints of trade, and second, that in any event, the Commission misconceived the scope of its powers under § 311 in issuing the Regulations. Both of these contentions are unfounded. Section 311 derives from § 13 of the Radio Act of 1927, which expressly commanded, rather than merely authorized, the Commission to refuse a license to any person judicially found guilty of having violated the anti-trust laws. The change in the 1934 Act was made, in the words of Senator Dill, the manager of the legislation in the Senate, because "it seemed fair to the committee to do that". 78 Cong. Rec. 8825. The Commission was thus permitted to exercise its judgment as to whether violation of the anti-trust laws disqualified an applicant from operating a station in the "public interest". We agree with the District Court that "The necessary implication from this [amendment in 1934] was that the Commission might infer from the fact that the applicant had in the past tried to monopolize radio, or had engaged in unfair methods of competition, that the disposition so manifested would continue and that if it did it would make him an unfit licensee." 47 F. Supp. 940, 944.

That the Commission may refuse to grant a license to persons adjudged guilty in a court of law of conduct in violation of the anti-trust laws certainly does not render irrelevant consideration by the Commission of the effect of such conduct upon the "public interest, convenience, or necessity". A licensee charged with practices in contravention of this standard cannot continue to hold his license merely because his conduct is also in violation of the anti-trust laws and he has not yet been proceeded against and convicted. By clarifying in § 311 the scope of the Commission's authority in dealing with persons convicted of violating the anti-trust laws, Congress can hardly be deemed to have limited the concept of "public interest" so as to exclude all considerations relating to monopoly and unreasonable restraints upon commerce. Nothing in the provisions or history of the Act lends support to the inference that the Commission was denied the power to refuse a license to a station not operating in the "public interest", merely because its misconduct happened to be an unconvicted violation of the anti-trust laws.

Alternatively, it is urged that the Regulations constitute an *ultra vires* attempt by the Commission to enforce the anti-trust laws, and that the enforcement of the anti-trust laws is the province not of the Commission but of the Attorney General and the courts. This contention misconceives the basis of the Commission's action. The Commission's Report indicates plainly enough that the Commission was not attempting to administer the anti-trust laws:

> "The prohibitions of the Sherman Act apply to broadcasting. This Commission, although not charged with the duty of enforcing that law, should administer its regulatory powers with respect to broadcasting in the light of the purposes which the Sherman Act was designed to achieve. . . . While many of the network practices raise serious questions under the antitrust laws, our jurisdiction does not depend on a showing that they do in fact constitute a violation of the antitrust laws. It is not our function to apply the antitrust laws as such. It is our duty, however, to refuse licenses or renewals to any person who engages or proposes to engage in practices which will prevent either himself or other licensees or both from making the fullest use of radio facilities. This is the standard of public interest, convenience or necessity which we must apply to all applications for licenses and renewals. . . . We do not predicate our jurisdiction to issue the regulations on the ground that the network practices violate the antitrust laws. We are issuing these regulations because we have found that the network practices prevent the maximum utilization of radio facilities in the public interest." (Report, pp. 46, 83, 83n. 3.)

We conclude, therefore, that the Communications Act of 1934 authorized the Commission to promulgate regulations designed to correct the abuses disclosed by its investigation of chain broadcasting. There remains for consideration the claim that the Commission's exercise of such authority was unlawful.

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[5] In the course of the Senate debates on the conference report upon the bill that became the Radio Act of 1927, Senator Dill, who was in charge of the bill, said: "While the commission would have the power under the general terms of the bill, the bill specifically sets out as one of the special powers of the commission the right to make specific regulations for governing chain broadcasting. As to creating a monopoly of radio in this country, let me say that this bill absolutely protects the public, so far as it can protect them, by giving the commission full power to refuse a license to anyone who it believes will not serve the public interest, convenience, or necessity. It specifically provides that any corporation guilty of monopoly shall not only not receive a license but that its license may be revoked; and if after a corporation has received its license for a period of three years, it is then discovered and found to be guilty of monopoly, its license will be revoked. . . . In addition to that, the bill contains a provision that no license may be transferred from one owner to another without the written consent of the commission, and the commission, of course, having the power to protect against a monopoly, must give such protection. I wish to state further that the only way by which monopolies in the radio business can secure control of radio here, even for a limited period of time, will be by the commission becoming servile to them. Power must be lodged somewhere, and I myself am unwilling to assume in advance that the commission proposed to be created will be servile to the desires and demands of great corporations of this country." 68 Cong. Rec. 2881.

The Regulations are assailed as "arbitrary and capricious". If this contention means that the Regulations are unwise, that they are not likely to succeed in accomplishing what the Commission intended, we can say only that the appellants have selected the wrong forum for such a plea. What was said in *Board of Trade* v. *United States*, 314 U. S. 534, 548, is relevant here: "We certainly have neither technical competence nor legal authority to pronounce upon the wisdom of the course taken by the Commission." Our duty is at an end when we find that the action of the Commission was based upon findings supported by evidence, and was made pursuant to authority granted by Congress. It is not for us to say that the "public interest" will be furthered or retarded by the Chain Broadcasting Regulations. The responsibility belongs to the Congress for the grant of valid legislative authority, and to the Commission for its exercise.

It would be sheer dogmatism to say that the Commission made out no case for its allowable discretion in formulating these Regulations. Its long investigation disclosed the existences of practices which it regarded as contrary to the "public interest". The Commission knew that the wisdom of any action it took would have to be tested by experience: "We are under no illusion that the regulations we are adopting will solve all questions of public interest with respect to the network system of program distribution. . . . The problems in the network field are inter-dependent, and the steps now taken may perhaps operate as a partial solution of problems not directly dealt with at this time. Such problems may be examined again at some future time after the regulations here adopted have been given a fair trial." (Report, p. 88.) The problems with which the Commission attempted to deal could not be solved at once and for all time by rigid rules-of-thumb. The Commission therefore did not bind itself inflexibly to the licensing policies expressed in the Regulations. In each case that comes before it the Commission must still exercise an ultimate judgment whether the grant of a license would serve the "public interest, convenience, or necessity." If time and changing circumstances reveal that the "public interest" is not served by application of the Regulations, it must be assumed that the Commission will act in accordance with its statutory obligations.

Since there is no basis for any claim that the Commission did not fail to observe procedural safeguards required by law, we reach the contention that the Regulations should be denied enforcement on constitutional grounds. Here, as in *N. Y. Central Securities Co.* v. *United States*, 287 U. S. 12, 24-25, the claim is made that the standard of "public interest" governing the exercise of the powers delegated to the Commission by Congress is so vague and indefinite that, if it be construed as comprehensively as the words alone permit, the delegation of legislative authority is unconstitutional. But, as we held in that case, "It is a mistaken assumption that this is a mere general reference to public welfare without any standard to guide determinations. The purpose of the Act, the requirements it imposes, and the context of the provision in question show the contrary." *Ibid.* See *Radio Comm'n* v. *Nelson Bros. Co.*, 289 U. S. 266, 285; *Federal Communications Comm'n* v. *Pottsville Broadcasting Co.*, 309 U. S. 134, 137-38. Compare *Panama Refining Co.* v. *Ryan*, 293 U. S. 388, 428; *Intermountain Rate Cases*, 234 U. S. 476, 486-89; *United States* v. *Lowden*, 308 U. S. 225.

We come, finally, to an appeal to the First Amendment. The Regulations, even if valid in all other respects, must fall because they abridge, say the appellants, their right of free speech. If that be so, it would follow that every person whose application for a license to operate a station is denied by the Commission is thereby denied his constitutional right of free speech. Freedom of utterance is abridged to many who wish to use the limited facilities of radio. Unlike other modes of expression, radio inherently is not available to all. That is its unique characteristic, and that is why, unlike other modes of expression, it is subject to governmental regulation. Because it cannot be used by all, some who wish to use it must be denied. But Congress did not authorize the Commission to choose among applicants upon the basis of their political, economic, or social views, or upon any other capricious basis. If it did, or if the Commission by these Regulations proposed a choice among applicants upon some such basis, the issue before us would be wholly different. The question here is simply whether the Commission, by announcing that it will refuse licenses to persons who engage in specified network practices (a basis for choice which we hold is comprehended within the statutory criterion of "public interest"), is thereby denying such persons the constitutional right of free speech. The right of free speech does not include, however, the right to use the facilities of radio without a license. The licensing system established by Congress in the communications Act of 1934 was a proper exercise of its power over commerce. The standard it provided for the licensing of stations was the "public interest, convenience, or necessity." Denial of a station license on that ground, if valid under the Act, is not a denial of free speech.

A procedural point calls for just a word. The

District Court, by granting the Government's motion for summary judgment, disposed of the case upon the pleadings and upon the record made before the Commission. The court below correctly held that its inquiry was limited to review of the evidence before the Commission. Trial *de novo* of the matters heard by the Commission and dealt with its Report would have been improper. See *Tagg Bros.* v. *United States,* 280 U. S. 420; *Acker* v. *United States*, 298 U. S. 426.

Affirmed.

Mr. Justice BLACK and Mr. Justice RUTLEDGE took no part in the consideration or decision of these cases.

Mr. Justice MURPHY, dissenting.

I do not question the objectives of the proposed regulations, and it is not my desire by narrow statutory interpretation to weaken the authority of government agencies to deal efficiently with matters committed to their jurisdiction by the Congress. Statutes of this kind should be construed so that the agency concerned may be able to cope effectively with problems which the Congress intended to correct, or may otherwise perform the functions given to it. But we exceed our competence when we gratuitously bestow upon an agency power which the Congress has not granted. Since that is what the Court in substance says today, I dissent.

In the present case we are dealing with a subject of extreme importance in the life of the nation. Although radio broadcasting, like the press, is generally conducted on a commercial basis, it is not an ordinary business activity, like the selling of securities or the marketing of electrical power. In the dissemination of information and opinion radio has assumed a position of commanding importance, rivalling the press and the pulpit owing to its physical characteristics radio, unlike the other methods of conveying information must be regulated and rationed by the government. Otherwise there would be chaos, and radio's usefulness would be largely destroyed. But because of its vast potentialities as a medium of communication, discussion and propaganda, the character and extent of control that should be exercised over it by the government is a matter of deep and vital concern. Events in Europe show that radio may readily be a weapon of authority and misrepresentation, instead of a means of entertainment and enlightenment. It may even be an instrument of oppression. In pointing out these possibilities I do not mean to intimate in the slightest that they are imminent or probable in this country, but they do suggest that the construction of the instant statute should be approached with more than ordinary restraint and caution, to avoid an interpretation that is not clearly justified by the conditions that brought about its enactment, or that would give the Commission greater powers than the Congress intended to confer.

The Communications Act of 1934 does not in terms give the Commission power to regulate the contractual relations between the stations and the networks. *Columbia System* v. *United States*, 316 U. S. 407, 416. It is only as an incident of the power to grant or withhold licenses to individual stations under §§ 307, 308, 309 and 310 that this authority is claimed,[1] except as it may have been provided by subdivisions (g), (i) and (r) of § 303, and by §§ 311 and 313. But nowhere in these sections, taken singly or collectively, is there to be found by reasonable construction or necessary inference, authority to regulate the broadcasting industry as such, or to control the complex operations of the national networks.

In providing for regulation of the radio the Congress was under the necessity of vesting a considerable amount of discretionary authority in the Commission. The task of choosing between various claimants for the privilege of using the air waves is essentially an administrative one. Nevertheless, in specifying with some degree of particularity the kind of information to be included in an application for a license, the Congress has indicated what general conditions and considerations are to govern the granting and withholding of station licenses. Thus an applicant is required by § 308(b) to submit information bearing upon his citizenship, character, and technical, financial and other qualifications to operate the proposed station, as well as data relating to the ownership and location of the proposed station, the power and frequencies desired, operating periods, intended use, and such other information as the Commission may require. Licenses, frequencies, hours of operation and power are to be fairly distributed among the several States and communities to provide efficient service to each. § 307(b). Explicit provision is made for dealing with applicants and licensees who are found guilty, or who are under the control of persons found guilty of violating the federal anti-trust laws. §§ 311 and 313. Subject to the limitations defined in the Act, the Commission is required to grant a station license to any applicant "if public convenience, interest or necessity will be served thereby." § 307(a). Nothing is said, in any of these sections, about network contracts, affiliations, or business arrangements.

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[1] The regulations as first proposed were not connected with denial of applications for initial or renewal station licenses but provided instead that: "No licensee of a standard broadcast station shall enter into any contractual arrangement, express or implied, with a network organization," which contained any of the disapproved provisions. After a short time, however, the regulations were cast in their present form, making station licensing depend upon conformity with the regulations.

The power to control network contracts and affiliations by means of the Commission's licensing power cannot be derived from implication out of the standard of "public convenience, interest or necessity." We have held that: "the Act does not essay to regulate the business of the licensee. The Commission is given no supervisory control of the programs, of business management or of policy. In short, the broadcasting field is open to anyone, provided there be an available frequency over which he can broadcast without interference to others, if he shows his competency, the adequacy of his equipment, and financial ability to make good use of the assigned channel." *Commission* v. *Sanders Radio Station,* 309 U. S. 470, 475. The criterion of "public convenience, interest or necessity is not an indefinite standard, but one to be "interpreted by its context, by the nature of radio transmission and reception, by the scope, character and quality of services," . . . *Radio Comm'n* v. *Nelson Bros. Co.,* 289 U. S. 266, 285. Nothing in the context of which the standard is a part refers to network contracts. It is evident from the record that the Commission is making its determination of whether the public interest would be served by renewal of an existing license or licenses, not upon an examination of written applications presented to it, as required by §§ 308 and 309, but upon an investigation of the broadcasting industry as a whole, and general findings made in pursuance thereof which relate to the business methods of the network companies rather than the characteristics of the individual stations and the peculiar needs of the areas served by them. If it had been the intention of the Congress to invest the Commission with the responsibility, through its licensing authority, of exercising far-reaching control—as exemplified by the proposed regulations—over the business operations of chain broadcasting and radio networks as they were then or are now organized and established, it is not likely that the Congress would have left it to mere inference or implication from the test of "public convenience, interest or necessity," or that Congress would have neglected to include it among the considerations expressly made relevant to license applications by § 308(b). The subject is one of such scope and importance as to warrant explicit mention. To construe the licensing sections (§§ 307, 308, 309, 310) as granting authority to require fundamental and revolutionary changes in the business methods of the broadcasting networks—methods which have been in existence for several years and which have not been adjudged unlawful—would inflate and distort their true meaning and extend them beyond the limited purposes which they were intended to serve.

It is quite possible, of course, that maximum utilization of the radio as an instrument of culture, entertainment, and the diffusion of ideas is inhibited by existing network arrangements. Some of the conditions imposed by the broadcasting chains are possibly not conducive to a freer use of radio facilities, however essential they may be to the maintenance of sustaining programs and the operation of the chain broadcasting business as it is now conducted. But I am unable to agree that it is within the present authority of the Commission to prescribe the remedy for such conditions. It is evident that a correction of these conditions in the manner proposed by the regulations will involve drastic changes in the business of radio broadcasting which the Congress has not clearly and definitely empowered the Commission to undertake.

If this were a case in which a station license had been withheld from an individual applicant or licensee because of special relations or commitments that would seriously compromise or limit his ability to provide adequate service to the listening public, I should be less inclined to make any objection. As an incident of its authority to determine the eligibility of an individual applicant in an isolated case, the Commission might possibly consider such factors. In the present case, however, the Commission has reversed the order of things. Its real objective is to regulate the business practices of the major networks, thus bringing within the range of its regulatory power the chain broadcasting industry as a whole. By means of these regulatoins and the enforcement program, the Commission would not only extend its authority over business activities which represent interests and investments of a very substantial character, which have not been put under its jurisdiction by the Act, but would greatly enlarge its control over an institution that has now become a rival of the press and pulpit as a purveyor of news and entertainment and a medium of public discussion. To assume a function and responsibility of such wide reach and importance in the life of the nation, as a mere incident of its duty to pass on individual applications for permission to operate a radio station and use a specific wave length, is an assumption of authority to which I am not willing to lend my assent.

Again I do not question the need of regulation in this field, or the authority of the Congress to enact legislation that would vest in the Commission such power as it requires to deal with the problem, which is has defined and analyzed in its report with admirable lucidity. It is possible that the remedy indicated by the proposed regulations is the appropriate one, whatever its effect may be on the sustaining programs, advertising contracts, and other characteristics of chain broadcasting as it is now conducted in this country. I do not believe, however, that the Commission was justified in claiming the responsibility and authority it has assumed to exercise without a clear mandate from the Congress.

An examination of the history of this legislation convinces me that the Congress did not intend by anything in § 303, or any other provision of the Act to confer on the Commission the authority it has assumed to exercise by the issuance of these regulations. Section 303 is concerned primarily with technical matters, and the subjects of regulation authorized by most of its subdivisions are exceedingly specific—so specific in fact that it is reasonable to infer that, if Congress had intended to cover the subject of network contracts and affiliations, it would not have left it to dubious implications from general clauses, lifted out of context, in subdivisions (g), (i) and (r). I am unable to agree that in authorizing the Commission in § 303(g) to study new uses for radio, provide for experimental use of frequencies, and "generally encourage the larger and more effective use of radio in the public interest," it was the intention or the purpose of the Congress to confer on the Commission the regulatory powers now being asserted. Manifestly that subdivision dealt with experimental and development work—technical and scientific matters, and the construction of its concluding clause should be accordingly limited to those considerations. Nothing in its legislative history suggests that it had any broader purpose.

It was clearly not the intention of the Congress by the enactment of § 303(i), authorizing the Commission "to make special regulations applicable to radio stations engaged in chain broadcasting," to invest the Commission with the authority now claimed over network contracts. This section is a verbatim re-enactment of § 4(h) of the Radio Act of 1927, and had its origin in a Senate amendment to the bill which became that Act. In its original form it provided that the Commission, from time to time, as public convenience, interest, or necessity required, should:

> "When stations are connected by wire for chain broadcasting, [the Commission should] determine the power each station shall use and the wave lengths to be used during the time stations are so connected and so operated, and make all other regulations necessary in the interest of equitable radio service to the listeners in the communities or areas affected by chain broadcasting."

It was evidently the purpose of this provision to remedy a situation that was described as follows by Senator Dill (who was in charge of the bill in the Senate) in questioning a witness at the hearings of the Senate Committee on Interstate Commerce:

> ". . . During the past few months there has grown up a system of chain broadcasting, extending over the United States a great deal of the time. I say a great deal of the time—many nights a month—and the stations that are connected are of such widely varying meter lengths that the ordinary radio set that reaches out any distance is unable to get anything but that one program, and so, in effect, that one program monopolizes the air. I realize it is somewhat of a technical engineering problem, but it has seemed to many people, at least many who have written to me, that when stations are carrying on chain programs that they might be limited to the use of wave lengths adjoining or near enough to one another that they would not cover the entire dial. I do not know whether legislation ought to restrict that or whether it had better be done by regulations of the department. I want to get your opinion as to the advisability in some way protecting people who want to hear some other program than the one being broadcasted by chain broadcast." (Report of Hearings Before Senate Committee on Interstate Commerce on S. 1 and S. 1754, 69th Cong., 1st Sess. (1926), p. 123.

In other words, when the same program was simultaneously broadcast by chain stations, the weaker independent stations were drowned out because of the high power of the chain stations. With the receiving sets then commonly in use, listeners were unable to get any program except the chain program. It was essentially an interference problem. In addition to determining power and wave length for chain stations, it would have been the duty of the Commission, under the amendment, to make other regulations necessary for "equitable radio service to the listeners in the communities or areas affected by chain broadcasting." The last clause should not be interpreted out of context and without relation to the problem at which the amendment was aimed. It is reasonably construed as simply as authorizing the Commission to remedy other technical problems of interference involved in chain broadcasting in addition to power and wave length by requiring special types of equipment, controlling locations, etc. The statement in the Senate Committee Report that this provision gave the Commission "complete authority . . . to control chain broadcasting" (R. Rep. No. 772, 69th Cong., 1st Sess., p. 3) must be taken as meaning that the provision gave complete authority with respect to the specific problem which the Senate intended to meet, a problem of technical interference.

While the form of the amendment was simplified in the Conference Committee so as to authorize the Commission "to make special regulations applicable to radio stations engaged in chain broadcasting", both Houses were assured in the report of the Conference Committee that "the jurisdiction conferred in this paragraph is substantially the same as the jurisdiction conferred upon the Commission by . . . the Senate amendment." (Sen. Doc. No. 200, 69th Cong., 2d Sess., p. 17; H. Rep. No. 1886, 69th Cong., 2d Sess., p. 17). This is further borne out by a statement of Senator Dill in discussing the conference report on the Senate floor:

> "What is happening to-day is that the National Broadcasting Co., which is a part of the great Radio Trust, to say the least, if not a monopoly, is hooking up stations in every community on their various wave lengths with high powered stations and sending one program out, and they are forcing the little stations off the board so that the people cannot hear anything except the one program.
>
> "There is no power to-day in the hands of the Department of Commerce to stop that practice. The radio commission will have the power to regulate and prevent it and give the independents a chance." (68 Cong. Rec. 3031.)

Section 303(r) is certainly no basis for inferring that the Commission is empowered to issue the challenged regulations. This subdivision is not an independent grant of power, but only an authorization to: "Make such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this Act." There is no provision in the Act for the control of network contractual arrangements by the Commission, and consequently § 303(r) is of no consequence here.

To the extent that existing network practices may have run counter to the anti-trust laws, the Congress has expressly provided the means of dealing with the problem. The enforcement of those laws has been committed to the courts and other law enforcement agencies. In addition to the usual penalties prescribed by statute for their violation, however, the Commission has been expressly authorized by § 311 to refuse a station license to any person "finally adjudged guilty by a Federal court" of attempting unlawfully to monopolize radio communication. Anyone under the control of such a person may also be refused a license. And whenever a court has ordered the revocation of an existing license, as expressly provided in § 313, a new license may not be granted by the Commission to the guilty party or to any person under his control. In my opinion these provisions (§§ 311 and 313) clearly do not and were not intended to confer independent authority on the Commission to supervise network contracts or to enforce competition between radio networks by withholding licenses from stations, and do not justify the Commission in refusing a license to an applicant otherwise qualified, because of business arrangements that may constitute an unlawful restraint of trade, when the applicant has not been finally adjudged guilty of violating the anti-trust laws, and is not controlled by one so adjudged.

The conditions disclosed by the Commission's investigation, if they require correction, should be met, not by the invention of authority where none is available or by diverting existing powers out of their true channels and using them for purposes to which they were not addressed, but by invoking the aid of the Congress or the services of agencies that have been entrusted with the enforcement of the anti-trust laws. In other fields of regulation the Congress has made clear its intentions. It has not left to mere inference and guess-work the existence of authority to order broad changes and reforms in the national economy or the structure of business arrangements in the Public Utility Holding Company Act, 49 Stat. 803, the Securities Act of 1933, 48 Stat. 74, the Federal Power Act, 49 Stat. 838, and other measures of similar character. Indeed the Communications Act itself contains cogent internal evidence that Congress did not intend to grant power over network contractual arrangements to the Commission. In § 215(e) of Title II, dealing with common carriers by wire and radio, Congress provided:

> "The Commission shall examine all contracts of common carriers subject to this Act which prevent the other party thereto from dealing with another common carrier subject to this Act, and shall report its findings to Congress, together with its recommendations as to whether additional legislation on this subject is desirable."

Congress had no difficulty here in expressing the possible desirability of regulating a type of contract roughly similiar to the ones with which we are now concerned, and in reserving to itself the ultimate decision upon the matters of policy involved. Insofar as the Congress deemd it necessary in this legislation to safeguard radio broadcasting against arrangements that are offensive to the anti-trust laws or monopolistic in nature, it made specific provision in §§ 311 and 313. If the existing network contracts are deemed objectionable because of monopolistic or other features, and no remedy is presently available under these provisions, the proper course is to seek amendatory legislation from the Congress, not to fabricate authority by ingenious reasoning based upon provisions that have no true relations to the specific problem.

Mr. Justice ROBERTS agrees with these views.

JOHN T. CAHILL (JAMES D. WISE, A. L. ASHBY, HAROLD S. GLENDENNING, and JOHN W. NIELDS with him on the brief) for appellant, National Broadcasting Co., Inc.; E. WILLOUGHBY MIDDLETON (THOMAS H.

MIDDLETON with him on the brief) for appellant Stromberg-Carlson Telephone Mfg. Co.; CHARLES E. HUGHES, Jr. (ALLEN S. HUBBARD, HAROLD L. SMITH, and WRIGHT TISDALE with him on the brief) for appellant, Columbia Broadcasting System, Inc.; CHARLES FAHY, Solicitor General (VICTOR BRUDNEY, RICHARD S. SALANT, CHARLES R. DENNY, General Counsel, Federation Communications Commission, HARRY M. PLOTKIN, DANIEL W. MEYER, and MAX GOLDMAN with him on the brief) for appellees, United States and Federal Communications Commission; LOUIS G. CALDWELL (LEON LAUTERSTEIN, EMANUEL DANNETT, and PERCY H. RUSSELL, JR. with him on the brief) for appellee, Mutual Broadcasting System, Inc.; ISAAC W. DIGGES filed brief of behalf of Association of National Advertisers, Inc., as amicus curiae; GEORGE LINK, JR., filed brief on behalf of American Association of Advertising Agencies as amicus curiae; HOMER S. CUMMINGS, MORRIS L. ERNST, BENJAMIN S. KIRSH, WILLIAM DRAPER LEWIS, and HARRIET F. PILFEL filed brief on behalf of American Civil Liberties Union as amicus curiae.

National Association of Broadcasters

1760 N STREET, N. W. * * * * * * * WASHINGTON 6, D. C.

June 4, 1943 SPECIAL LEGISLATIVE BULLETIN No. 3

BOARD MEETING

Washington, D. C., June 3-4, 1943

The following stories, released to radio and press by the NAB News Bureau, relate in full the proceedings of the NAB Board Meeting, called especially to analyze the import of the Supreme Court decision of May 10 upon the radio industry and to consider means of restoring "free radio" through new legislation.

CONFERENCES WITH WHITE AND WHEELER

Washington, D. C., June 4—"Absolute government control of radio is the worst thing that could happen to this country," Senator Burton K. Wheeler, Chairman of the Interstate Commerce Committee, told Directors of the National Association of Broadcasters, assembled from all sections of the United States, here today. "I will give serious and careful consideration to your problem," Wheeler promised the broadcasters, who called on him regarding hearings on the White-Wheeler Bill, now before Congress, which separates broadcasting from utilities such as telephone and telegraph and redefines the liberties and limitations of radio.

Wheeler, as co-author of the bill with Senator Wallace H. White, Jr. of Maine, and also Chairman of the Interstate Commerce Committee, before which the hearings will be conducted, is a major factor in the progress of new legislation.

After conferring with Senator White earlier in the day regarding various provisions of the bill, the NAB Directors issued a statement concerning the Supreme Court decision of May 10 which they say "gravely jeopardizes the maintenance of a free radio in America."

"The success of any broadcasting station has depended upon the degree to which it served the will and wishes of its listening public in the character and content of its programs," the resolution stated. "Management has therefore been extemely sensitive to the expressed wishes of its public.

"The Supreme Court decision says, 'It (the law) puts upon the Commission the burden of determining the composition of that traffic.' Thus the determination of the character and content of programs is transferred to a single federal appointed agency, remote from the people. This power to determine what shall be the character and content of radio programs, by its mere existence and not necessarily by its exercise, constitutes an abridgement of the right of free speech guaranteed under the First Amendment."

The Conference with Senator Wheeler closed a two-day session of the NAB Board called especially to consider the import of the Supreme Court decision of May 10 on the radio industry and means of restoring "free radio" through new legislation, Neville Miller, President, said.

BANKHEAD BILL

Washington, D. C., June 4—Maintaining the position of the radio industry against "acceptance of government funds for advertising or government loans or subsidy in any form," the Board of Directors of the National Association of Broadcasters here today resolved nevertheless that "if Congress contemplates such legislation every effort should be made to see that there be no discrimination as between the press and radio or any other media of communication."

The industry's Small Station Committee was instructed to determine what class or classes of stations should receive advertising under the Bankhead Bill, now before Congress, which calls for the government's expenditure of $25,000,000 to $30,000,000 in advertising.

The full resolution was as follows:

"WHEREAS, the broadcasting industry through the National Association of Broadcasters has opposed the acceptance of government funds for advertising or the acceptance of government loans or subsidy in any form, and;

WHEREAS, there is before Congress today proposed legislation which provides for the expenditure of government funds for advertising in newspapers, Now, therefore, be it resolved, that the Board of Directors of the National Association of Broadcasters reaffirms its former actions but does now take the position that if Congress contemplates such legislation every effort should be made to see that there be no discrimination as between the press and radio or any other media of communications and,

Be it further resolved that the Board of Directors direct its small stations committee to determine what class or classes of stations should receive such advertising and take such other action as may be necessary to carry out the provisions of this resolution.

ENLARGE SPECIAL LEGISLATIVE COMMITTEE

Washington, D. C., June 4—Enlargement of the Special Legislative Committee of the National Association of Broadcasters was voted today by the Board of Directors, to handle growing problems of legislation in light of the Supreme Court decision of May 10, Neville Miller, President and Chairman of the Committee, announced today.

Members added were James W. Woodruff, WRBL, Columbus, Ga.; Richard Shafto, WIS, Columbia, S. C.; Nathan Lord, WAVE, Louisville, Ky.; and Ed Yocum, KGHL, Billings, Montana.

The original committee consisted of Don S. Elias, WWNC, Asheville, N. C.; Clair R. McCullough, WGAL, Lancaster, Pa.; James D. Shouse, WLW, Cincinnati, O.; Frank M. Russell, NBC, Washington, D. C., and Joseph H. Ream, CBS, New York.

The Board of Directors also gave the committee authority to dispense funds and engage counsel consistent with its objectives.

FULL TEXT OF RESOLUTION

June 4, 1943—The Board of Directors of the National Association of Broadcasters, unanimously endorses the statement issued by its special committee in Washington, D. C. on May 19, 1943, especially the conclusion therein stated that the Supreme Court decision of May 10 gravely jeopardizes the maintenance of a free radio in America.

In furtherance of its position, the Board points out that the success of any broadcasting station has depended upon the degree to which it served the will and wishes of its listening public in the character and content of its programs. Management has therefore been extremely sensitive to the expressed wishes of its public.

The Supreme Court decision says "It (the law) puts upon the Commission the burden of determining the composition of that traffic." Thus the determination of the character and content of programs is transferred to a single federal appointed agency, remote from the people.

This power to determine what shall be the character and content of radio programs, by its mere existence and not necessarily by its exercise, constitutes an abridgement of the right of free speech guaranteed under the First Amendment.

It is obviously the responsibility of the Congress to review the present law in the light of the Supreme Court decision and to enact legislation under which the functions and powers of the government regulatory agency are delimited and clear; and the right of the American people to collaborate with stations in determining the broadcast needs of their community, state and nation is restored.

The National Association of Broadcasters
1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.
June 18, 1943 SPECIAL LEGISLATIVE BULLETIN No. 4

Freedom of Speech

Address of Congressman F. Edward Hebert (Dem. La.) on the floor of the House of Representatives, June 9, 1943

Mr. Speaker, it seems to me that when we entered this war, one of the major rights for which we were fighting was freedom of speech. Can it be that we are winning the war on foreign fronts but losing it right here at home? On May 10, 1942, the United States Supreme Court handed down a decision which seriously threatens the constitutional rights of freedom of speech in the United States. That decision, with the majority opinion written by Justice Frankfurter, gave the Federal Communications Commission absolute authority to tell any radio station in the United States what it may and may not put on the air. From now on, the Federal Communications Commission holds a power over the broadcasting stations of the United States equal to that of any totalitarian government. No bureau in Washington has ever been given such unlimited powers as prescribed in this decision. From now on, the licensee of any broadcasting station, whether he operates a 100-watter or a 50,000-watter, had better make sure that the Commission can find nothing about his operation, his personal life, or, possibly, even his wife's hats, that they might criticize.

In 1934 Congress enacted laws which provided for the Federal licensing of radio stations. The purpose of the law, according to those who were instrumental in writing it, was to provide traffic regulations in the field of radio, and nothing else. In order that a standard of regulation might be established, Congress provided that licenses should be issued on the basis of public interest, convenience, and necessity. In 1941 the Federal Communications Commission issued a set of rules generally known as chain broadcasting regulations. These rules went far beyond the regulation of frequencies and very definitely inserted the Government as a third party in the financial and program arrangements between stations and networks. Two of the networks asked for injunctions and the matter was argued in the lower courts and then taken to the Supreme Court. On May 10 the Supreme Court, by a 5-to-2 decision, with Justice Frankfurter writing the majority decision, not only upheld the right of the Commission to put these rules into effect, but went so much further in outlining the Commission's power that the question of the rules themselves has become a very minor matter and instead today the entire right of freedom of speech is threatened on every radio station in this country, whether or not it is affiliated with any network. In the decision Justice Frankfurter said:

> But the act does not restrict the Commission merely to supervision of the traffic. It puts upon the Commission the burden of determining the composition of that traffic.

In other words, the administration, through the Commission, can tell any radio station what its programs shall or shall not be. Further, in his opinion, Justice Frankfurter stated, in discussing the argument that the Commission is empowered to deal only with the technical and engineering impediments of radio:

> We cannot find in the act any such restriction of the Commission's authority.

And he added further:

> In the control of the developing problems to which it was directed, the act gave the Commission not niggardly but expansive powers.

One editorial states that the Supreme Court accepts Webster's Unabridged Dictionary as an authority on the definition of words, and in Webster the word "expansive" is defined as "unrestrained." I leave it to you, gentlemen, if this is not the most startling, shocking definition of the rights of our Government to dictate to private industry and private life that has ever been granted in the history of this Nation. Leading members of the bar who have studied the decision of the Supreme Court declare it one of the most dangerous precedents ever established in this country.

As I said before, the great controversy for the past 2 years has been whether or not the so-called chain broadcasting regulations were wise. But today as broadcasters throughout the country study the decision of the Supreme Court, they are horror stricken. The chain rules are forgotten. Today it is a question as to whether or not the Government shall dictate what kind of program we shall have, who shall speak, and on what subjects he shall speak over the broadcasting stations of the United States.

Chairman Fly, of the F. C. C., in a recent press conference, reacted to the anxiety of the radio broadcasting industry much as any other totalitarian leader would. He says that their fears are groundless, and brings up the customary cry of the monopolies. He says that any suggestion that the Government now controls radio is "hooey." He asserts that he aims to free radio stations to conduct their business in a manner in which he, Mr. Fly, thinks best for them. If the stations accept Mr. Fly's protection—if, in other words, they are good children—he assures them that stations certainly have nothing to be afraid of. Is there not a very broad hint there that if they do not play his game there may be something to fear? It is strange that station owners have never sought this freedom that Mr. Fly insists on their accepting, and that they have in the past thrived and improved on their own simple brand of free enterprise.

Broadcasters' fear of imminent Government ownership, control, or domination is the fear of a reality and not the "hooey" Mr. Fly so lightly calls it. What Hitler did to German radio is a cause for fear in any language, and, according to the Supreme Court, Mr. Fly now has the power to do it even here. Mussolini took the same parental attitude toward his children of the broadcasting industry in Italy. He gave them their instructions just the same as he gave castor oil to some of his less tractable party members. Chairman Fly now has the power to measure out to stations the exact amount of freedom he or the administration wants them to have, either with an eye dropper or a tankard, depending on how he feels at the moment. Perhaps he will choose a carefully measured bottle with a rubber nipple feeding 912 radio stations in the United States the way the Dionne quintuplets were fed, while the stations remain in an infantile relationship to Father Fly.

I hope that every Member of this body will study this decision of the Supreme Court and reflect seriously upon its possibilities. I think that you will agree with me that there is only one way to prevent this serious threat to the freedom of speech and our way of living—that is for Congress to rewrite the Radio Act in such definite terms that it cannot be seized upon by the party in power, no matter what it may be, for the chief purpose of directing its propaganda and maintaining itself in office.

A year ago the Interstate Commerce Committee of this body studied a new radio act known as the Sanders bill. No action was taken, but when the new Congress assembled last January the bill was resubmitted in practically the same form by Representative Holmes. To date, further hearings have not been held. In the Senate, the White-Wheeler bill, a revision of the 1934 Radio Act, has been introduced by Senator Wallace White of Maine and Senator Burton Wheeler of Montana. Hearings on this bill are scheduled to start in the very near future. The bill is of such a nature that it would definitely prescribe the powers of the F. C. C. and free the industry of this life and death threat from the Government which now hangs over it. I feel that this is a matter in which Congress should act at once. We will be derelict in our duty if we continue to let any bureau of the Government assume the powers of Congress—in fact, not only the powers of Congress, but a supreme dictatorship in a matter which so closely affects the lives of every man, woman, and child in this country.

The National Association of Broadcasters
1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.
July 3, 1943 SPECIAL LEGISLATIVE BULLETIN No. 5

F. C. C. Investigation Under Way

House Committee Convened July 2

Herewith are charges and statements presented at opening session. Committee adjourned to re-convene Friday, July 9

STATEMENT OF EUGENE L. GAREY, GENERAL COUNSEL TO THE SELECT COMMITTEE OF THE HOUSE OF REPRESENTATIVES TO INVESTIGATE THE FEDERAL COMMUNICATIONS COMMISSION, MADE AT THE OPENING OF THE PUBLIC HEARINGS ON JULY 2, 1943.

Mr. Chairman and Members of the Committee:

The House, by practically a unanimous vote, on January 19, 1943, passed Resolution No. 21, pursuant to which your Committee was appointed by the Speaker "to conduct a study and investigation of the organization, personnel and activities of the Federal Communications Commission with a view to determining whether or not such Commission in its organization, in the selection of personnel, and in the conduct of its activities, has been, and is, acting in accordance with law and the public interest."

For sometime past, at your direction, your staff has been engaged in an investigation of the functioning of the Federal Communications Commission, and is now prepared to submit to the Committee, for its consideration, evidence of certain phases of the Commission's activities which has come to the staff's attention during the progress of its work.

Since these particular matters relate primarily to the radio activities of the Commission under Title III of the Communications Act of 1934, it may not be inappropriate at the outset of these public hearings to make a brief reference to the recorded background and legislative history of federal regulation of radio communications.

Radio broadcasting is the transmission of electrical energy from a station using a specific frequency to receivers attuned to the same frequency without the aid of physical connection by wire.

The radio art emerged from its development stage to one of practical utility by the year 1910. The many advantages to mankind resulting from the steady progress made in this field received early recognition by the Congress. The first exercise of the power of the Congress in the radio field is found in the passage of the Wireless Ship Act on June 24, 1910 (36 Stat. 629). By this Act, any steamer authorized to carry fifty or more persons was forbidden to leave American shores unless equipped with radio communication apparatus in charge of a competent operator.

Since the Secretary of Commerce and Labor was administering the marine navigation laws, the administration of the Wireless Ship Act was delegated to that cabinet officer.

In 1912 the United States ratified the first international radio treaty (37 Stat. 1565). Radio was then used primarily for radio telegraphic communication, since radio broadcasting, as we now understand that term, had not then been developed. Nevertheless, the requirement for more comprehensive regulatory legislation had at this early date become imperative.

In obedience to our treaty obligations, the Congress, on August 13, 1912, enacted the Radio Act of 1912 (37 Stat. 302). This Act provided for the federal licensing of radio transmitters and prohibited the use of any apparatus not so authorized. By this legislation certain frequencies in the radio spectrum were allocated for use by the Government and restrictions were imposed upon the character of wave emissions, the transmission of distress signals, and the like. The administration of this Act was likewise entrusted to the Secretary of Commerce and Labor.

For a period of years no serious enforcement problems arose. Meanwhile, however, the radio art had developed to the point that standard broadcasting had become practical. The first World War had rapidly accelerated the development of the art, and in 1921 the first standard broadcasting stations were established. They grew rapidly in number, and by 1923 there were several hundred such stations operating throughout the United States. As a direct and immediate result of this rapid growth, a grave problem was presented. Two radio stations broadcasting simultaneously upon the same frequency cannot be intelligibly heard over reseiving sets within the range of both stations. The chaos thereby resulting in the ether is characterized in radio as interference. With the expansion of standard broadcasting, this problem of interference threatened ultimately to destroy the usefulness of radio.

The problem of interference, which rarely arose prior to the first World War as there were more than sufficient frequencies for all the stations then operating, became a problem of the first magnitude.

The development in radio broadcasting, resulting as it did in a tremendous increase in the number of stations, made the 1912 Act obsolete, because under it the Secretary of Commerce and Labor was required to grant a license to any applicant, and licensees were not required to confine themselves to their allotted frequencies. A factor further contributing to this obsolescence was that the 1912 Act did not set aside any portion of the useful radio spectrum for the exclusive use of commercial broadcasting stations. The Secretary sought to remedy this condition by allocating two frequencies to the standard broadcasting stations, and licensing them to use either of these channels. This attempted solution, however, proved entirely unworkable.

The spectrum was then divided among the various users and allocations were made to each particular type of service. Frequencies were provided for the standard broadcast stations, and resort was had to the policy of assigning a specific frequency to each station. However, the continuous increase in the number of stations soon rendered this solution likewise impracticable. Despite the increased number of frequencies allocated for standard broadcasting, there still were more stations than there were frequencies available.

The then known useful radio spectrum was inadequate to accommodate everybody, because there is a fixed natural limitation upon the number of stations that can operate without interference by one with another. Every channel in the standard broadcast band soon became occupied by at least one, and in many instances by several, stations. The standard broadcast band could only be extended (considering the then known practical limits of the spectrum) at the expense of other types of radio service, by withdrawing channels from them and assigning such frequencies to the broadcast stations, or by compelling existing broadcast stations to divide time with each other on the same channel and imposing severe limitations on the power of such stations so as to permit a number of them to use the same channel simultaneously, without causing too much interference.

Vigorous opposition to both of these methods was voiced, and the Secretary was powerless to remedy the situation under the law then existing. The problem of interference had become so acute by that time that it became all too apparent that, if radio was to survive, it was imperative that more comprehensive regulation be speedily procured. The Congress was therefore asked to enact legislation then deemed adequate to remedy the existing chaos in the radio field.

Recognizing that prompt action was essential if the potentialities and usefulness of radio were not to be lost to the nation, the Congress, to meet the national need, enacted the Radio Act of 1927 (44 Stat. 1162). There was thus placed on the statute books the first real comprehensive legislation for the control of radio communications. By this Act the Federal Radio Commission, composed of five members, was created and granted licensing and regulatory powers in the radio field.

The powers of that Commission were subsequently transferred to the Federal Communications Commission by the Communications Act of 1934 (48 Stat. 1064) which not only created a new commission comprised of seven members, but also mapped out a broader regulatory system for the entire communications industry.

While the powers of the Federal Radio Commission under the Radio Act of 1927 were transferred to the Federal Communications Commission, the substantial objectives of that Act remained the same. Title III of the Communications Act of 1934, which deals with radio broadcasting, reenacted, without substantial change, the provisions of the Radio Act of 1927.

By Section 303 of the 1934 Act, the Federal Communications Commission was granted these powers:

> "Except as otherwise provided in this Act, the Commission from time to time, as public convenience, interest, or necessity requires, shall—
>
> (a) Classify radio stations;
> (b) Prescribe the nature of the service to be rendered by each class of licensed stations and each station within any class;
> (c) Assign bands of frequencies to the various classes of stations, and assign frequencies for each individual station and determine the power which each station shall use and the time during which it may operate;
> (d) Determine the location of classes of stations or individual stations;
> (e) Regulate the kind of apparatus to be used with respect to its external effects and the purity and sharpness of the emissions from each station and from the apparatus therein;
> (f) Make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the provisions of this Act: PROVIDED, HOWEVER, That changes in the frequencies, authorized power, or in the times of operation of any station shall not be made without the consent of the station licensee unless, after a public hearing, the Commission shall determine that such changes will promote public convenience or interest or will serve public necessity, or the provisions of this Act will be more fully complied with;
> (g) Study new uses for radio, provide for experimental uses of frequencies, and generally encourage the larger and more effective use of radio in the public interest;
> (h) Have authority to establish areas or zones to be served by any station;
> (i) Have authority to make special regulations applicable to radio stations engaged in chain broadcasting;
> (j) Have authority to make general rules and regulations requiring stations to keep such records of programs, transmissions of energy, communications, or signals as it may deem desirable;
> (k) Have authority to exclude from the requirements of any regulations in whole or in part

any radio station upon railroad rolling stock, or to modify such regulations in its discretion;

(l) Have authority to prescribe the qualifications of station operators, to classify them according to the duties to be performed, to fix the forms of such licenses, and to issue them to such citizens of the United States as the Commission finds qualified;

(m) (1) Have authority to suspend the license of any operator upon proof sufficient to satisfy the Commission that the licensee—

- (A) Has violated any provision of any Act, treaty, or convention binding on the United States, which the Commission is authorized to administer, or any regulation made by the Commission under any such Act, treaty, or convention; or
- (B) Has failed to carry out a lawful order of the master or person lawfully in charge of the ship or aircraft on which he is employed; or
- (C) Has willfully damaged or permitted radio apparatus or installations to be damaged; or
- (D) Has transmitted superfluous radio communications or signals or communications containing profane or obscene words, language, or meaning, or has knowingly transmitted—
    - (1) False or deceptive signals or communications, or
    - (2) A call signal or letter which has not been assigned by proper authority to the station he is operating; or
- (E) Has willfully or maliciously interfered with any other radio communications or signals; or
- (F) Has obtained or attempted to obtain, or has assisted another to obtain or attempt to obtain, an operator's license by fraudulent means.

(2) No order of suspension of any operator's license shall take effect until fifteen days' notice in writing thereof, stating the cause for the proposed suspension, has been given to the operator licensee who may make written application to the Commission at any time within said fifteen days for a hearing upon such order. The notice to the operator licensee shall not be effective until actually received by him, and from that time he shall have fifteen days in which to mail the said application. In the event that physical conditions prevent mailing of the application at the expiration of the fifteen-day period, the application shall then be mailed as soon as possible thereafter, accompanied by a satisfactory explanation of the delay. Upon receipt by the Commission of such application for hearing, said order of suspension shall be held in abeyance until the conclusion of the hearing which shall be conducted under such rules as the Commission may prescribe. Upon the conclusion of said hearing the Commission may affirm, modify, or revoke said order of suspension.

(n) Have authority to inspect all radio installations associated with stations required to be licensed by any Act or which are subject to the provisions of any Act, treaty, or convention binding on the United States, to ascertain whether in construction, installation, and operation they conform to the requirements of the rules and regulations of the Commission, the provisions of any Act, the terms of any treaty or convention binding on the United States, and the conditions of the license or other instrument of authorization under which they are constructed, installed, or operated;

(o) Have authority to designate call letters of all stations;

(p) Have authority to cause to be published such call letters and such other announcements and data as in the judgment of the Commission may be required for the efficient operation of radio stations subject to the jurisdiction of the United States and for the proper enforcement of this Act;

(q) Have authority to require the painting and/or illumination of radio towers if and when in its judgment such towers constitute, or there is a reasonable possibility that they may constitute, a menace to air navigation;

(r) Make such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this Act, or any international radio or wire communications treaty or convention, or regulations annexed thereto, including any treaty or convention insofar as it relates to the use of radio, to which the United States is or may hereafter become a party."

In this language we find undisputed statutory authority in the Commission to regulate the physical aspects of the use of the radio spectrum. Such authority was to be exercised within the lawful scope of the phrase "public interest, convenience or necessity" as such terminology is employed in the Act. Thus, there was delegated to the Commission the broad visitorial powers of the Congress in this field. Many of the acrimonious disputes which have subsequently arisen respecting the lawful extent and scope of the Commission's powers may be directly traced to the employment of this phrase in the statute.

It is clear that the practically unrestricted delegation of power made by the phrase "public interest, convenience or necessity", without guiding standards and without the check and balance which a full judicial review might have provided, created ample and unlimited opportunity for the Commission, if so minded, to distribute unchecked Government favor and largesse among the politically faithful and subservient; and ample power with which to whip and cow all political opponents possessing the temerity and courage to protest or challenge the actions or policies of the Commission.

And it is claimed that the Commission has not altogether failed to take full advantage of the opportunities presented to establish its own purposes and policies and advance its own ends. It is said that the Commission has neither been slow nor loath to utilize its asserted powers so to entrench itself that on occasion it has even defied the Congress. Power always seeks and thrives on more power. It has been ever thus in Government. The phrase "public interest, convenience or necessity" needs only the proverbial "man on horseback" to bring about a situation such as is said presently to obtain.

Much bitter controversy has raged—and still rages—over the extent and meaning of the statutory words "public interest, convenience or necessity" employed in this legislation. The Commission contends, and the Supreme Court has quite recently agreed, that its powers under Section 303 are much broader and more extensive than those herein suggested as indisputably granted.

Since the Committee will, in the due progress of its labors, enter upon a detailed study of the merits of this controversy and come to its own conclusions on these matters, I now leave that subject for later consideration and pass to other provisions of the Communications Act of 1934 under Title III.

The Commission is required by Sections 307(a) and 309(a) of the Act to license applicants for radio facilities upon a finding of "public interest, convenience or necessity," and the operation of a radio station without a license from the Commission is made illegal. Section 307(a) of the Act directs the Commission to distribute licenses, frequencies, time and power among the several states and communities so as to provide a fair, efficient and equitable distribution of radio service to each.

Evidence gathered by the staff will be presented clearly indicating that at least in this latter statutory direction, the Commission has wholly failed to observe the express intent of the Congress as laid down in the 1934 Act.

Mr. Chairman, I now offer in evidence as Exhibit 1, the Communications Act of 1934, as amended, and ask that it be marked and received in evidence accordingly.

I also offer in evidence, as Exhibit 2, a list of the persons who have served as Commissioners under the 1934 Act and the respective tenures of such persons, and ask that such exhibit be received and marked accordingly.

The administration of this Act by the Commission has been widely and bitterly criticized and condemned—to an extent, perhaps, to which no other federal administrative agency ever has been subjected. These complaints began with the inception of the Commission and have constantly continued to grow in intensity and bitterness.

In order intelligently to find and apply a remedy, a careful examination must first be made of the prevailing evils and abuses and of the basic causes underlying them. A determination should be made as to the extent to which relief by appropriate legislative action can be accorded against proven and conceded abuses. To this end much evidence will be submitted for the Committee's consideration. Some of this material has already been studied and sifted by the staff and more is in the course of examination.

What is charged against the Commission regarding the manner in which it has fulfilled its stewardship?

Broadly stated, among the widespread accusations leveled against the Commission and brought to the attention of the Committee for its investigation, are:

(1) That it has been and is so completely dominated by its Chairman that, for most purposes, it has become and is a one-man Commission;

(2) That it is entirely motivated by political partiality and favoritism in the performance of its duties;

(3) That its powers are unlawfully exercised for the purpose of furthering its own political ideologies and philosophies;

(4) That its powers are employed to reward its political friends and punish its political enemies;

(5) That the radio industry has been so purposefully terrorized by the Commission that it is enslaved and lives in an unremitting state of fear, as a result of which it acquiesces in every whim and caprice of the Commission;

(6) That the fear engendered in the industry is so great that licensees refrain from challenging unlawful and excessive acts of the Commission or from asserting their legal rights;

(7) That it acts arbitrarily, capriciously and without warrant of law;

(8) That in its quest for power it has incurred the antagonism and distrust of other Government departments and agencies;

(9) That it has sought to dominate and control the entire communications field, private and governmental, without lawful authority and contrary to the express intent of the Congress;

(10) That in its lust for power it has usurped the functions of the Congress by arrogating to itself the determination of matters of legislative policy resting solely within the competency of the Congress;

(11) That in pursuing this course it has adopted and followed the reputed communistic technique of "cessation and gradualism";

(12) That it has deliberately abstained from seeking from the Congress powers exercised but not possessed by it because of the fear that the grant of such powers would be denied;

(13) That it has made misrepresentations to the Congress for the purpose of procuring appropriations, and has expended appropriated funds contrary to the purpose for which they were granted;

(14) That it has unlawfully augmented its appropropriated funds by procuring the transfer to it of funds appropriated to other departments and agencies;

(15) That it has violated laws of the United States and defied the will of the Congress;

(16) That it has wilfully evaded and procured the evasion and violation of laws affecting the civil service;

(17) That it has sought to cloak itself as an essential war agency making a vital contribution to the war effort, whereas in truth its alleged war activities constitute a danger and menace to national security;

(18) That in furtherance of its alleged war activities, it has drawn to its use manpower and critical materials from the limited sources available and needed by the armed forces of the United States, and has procured the exemption from military service of a large number of persons not entitled thereto;

(19) That it has set up a group commonly called "the Gestapo" for the purpose of unlawfully dominating the radio industry and rendering it subservient to its will;

(20) That "the Gestapo," under the guise of lawful and proper investigation, is violating constitutional rights of individuals;

(21) That it has been guilty of reprisals against

individuals who have attempted to challenge its asserted powers;

(22) That in its pursuit of power and dominance over broadcasting it has neglected its functions, duties and responsibilities in other fields of communication;

(23) That it is so much interested in obtaining publicity that the possibilities of publicity affect and govern its judgments and determinations; and

(24) That, notwithstanding the express statutory prohibition to the contrary, it has sought to exercise the power of censorship over radio broadcasts and has interfered with the right of free spech over the radio.

The investigation of these and many other matters has been occupying the time of your staff. In due course evidence bearing on the truth or falsity of these charges will be presented to you. In many respects the investigation is yet in a preliminary stage. It is clearly recognized that the inquiry into every phase of the Commission's activities must be thorough, searching and complete.

Without now attempting to specify with exactness, or to outline in detail, the entire program for the inquiry, it should be noted that testimony bearing on important questions of policy, such as network broadcasting, multiple station ownership, newspaper ownership, judicial decisions, practice and procedure, judicial review, personnel, and needed amendatory legislation will in due course be presented for your study.

The investigation will proceed always mindful that the Committee's primary desire is to achieve a constructive result. All inquiries will be made with that objective in view. The full benefits to be obtained from this investigation will not be satisfied by the mere portrayal of evils, since surely more is required. The elimination of the opportunity for the recurrence of abuses by wise and carefully considered corrective legislation must be the ultimate goal.

With the entry of this country into the war, there was a frantic rush by numerous governmental agencies, both old and new, to establish themselves as indispensable units in the conduct and winning of the war. In many instances the war activities of such agencies have been magnified, through one means or another, far and beyond all recognition that may properly be accorded them as true war agencies.

One cannot be unmindful of the fact that when alleged war activities are challenged, either on the floor of the Congress, in committee hearings, or otherwise, as wasteful, extravagant, or as unauthorized by law, the agencies attempting to enhance their importance to the war effort, and their friends, inevitably raise the hue and cry that the war effort is being impeded, and that an inquiry into their war functions will call for a disclosure of secret military information.

This investigation can and will be conducted without the disclosure of any such military information. The responsibility of nondisclosure rests quite as much on this Committee as upon any other part of Government.

It must be recognized that the existence of a state of war constitutes no license to raid the Treasury, either through waste and extravagance by lawfully constituted war agencies, through the operation of worthless activities under the guise of the furtherance of the war effort, or otherwise. Hence this investigation has thus far proceeded in such matters in the belief that this Committee, the Congress, and the public are entitled to know the facts surrounding the Commission's so-called war activities and functions, to the end that such activities and functions may be abolished, curtailed or extended as the Congress shall see fit.

(Joint letter of the Secretaries of War and Navy to the President of the United States.)

WAR DEPARTMENT
WASHINGTON

February 8, 1943.

DEAR MR. PRESIDENT:

We join with the United States Chiefs of Staff in recommending that you promulgate the attached executive order transferring from the Federal Communications Commission to the Department of War certain radio intelligence functions.

Through radio intelligence activities, the military forces of the United States and our Allies obtain military information of the utmost importance. Radio intelligence is an important military weapon.

Participation by the Federal Communications Commission in radio intelligence should be discontinued, because:

> Since radio intelligence develops information as to the movements and dispositions of the enemy, it is essential, for reasons of coordination and security, that there be full military control;
>
> Since the responsibility for military action rests with the armed forces, the responsibility for obtaining the technical information governing that action, must also be in the armed forces;
>
> Military activities have been hampered by severe shortages of trained personnel and critical equipment essential to radio intelligence.

The Secretary of the Navy, on September 11, 1942, requested the Joint Chiefs of Staff to study the problem of responsibility and security of radio intelligence. The Joint Chiefs of Staff have made a thorough and comprehensive study, and their response (based on that study) is attached hereto. They, as well as the responsible military commanders in the field, are of the belief that radio intelligence, the location of clandestine stations, the supervision of military communications security and related activities must, in their very nature, be under the sole control of the military forces.

Enclosed herewith is a copy of a letter from Admiral Leahy recommending this action.

Yours respectfully,

/s/ HENRY L. STIMSON,
Secretary of War.

/s/ FRANK KNOX,
Secretary of the Navy.

The President,
The White House
Washington, D. C.

THE JOINT CHIEFS OF STAFF
WASHINGTON

February 1, 1943.

The Honorable,
The Secretary of the Navy,
Washington, D. C.

MY DEAR MR. SECRETARY:

In response to your memorandum to the Joint Chiefs of Staff, dated September 11, 1942, on the subject of responsibility for the conduct of security of military communications activities, the Joint Chiefs of Staff have had made a thorough and comprehensive study of the problems referred to therein in which full consideration has been given to the views of the military and naval commanders in the field who are charged with responsibility for military action based on radio intelligence. A summary of the findings is given in the following paragraphs.

In general, radio intelligence is the method of determining the enemy's plans and dispositions through observation of his radio communications. The facilities used for this are also used to assist our own forces through monitoring of communications channels to enforce security standards and to render assistance to our own craft.

Both the Army and Navy are engaged in radio intelligence and related activities. In addition, the Federal Communications Commission has set up an elaborate system of its own which is engaged in:

(a) the location of enemy units at sea and abroad;
(b) the interception of enemy army, navy, and diplomatic traffic;
(c) the location of clandestine stations;
(d) the giving of bearing aids to lost planes;
(e) the maintenance of a "marine watch" at distress frequencies; and
(f) the monitoring of military radio circuits.

These activities of the F.C.C. are constantly expanding and are a substantial drain upon available material and personnel.

Radio intelligence activities of the F.C.C. tend to be less and less useful as the art progresses. This is due to integration into proper radio-intelligence systems of large quantities of secret military information accumulated through special processes by the armed forces, including exchanges of military information with our allies, knowledge of present and proposed disposition of forces, and other special information which for obvious reasons cannot be disseminated to an agency such as the F.C.C. Moreover, information obtained by the F.C.C. through its own radio-intelligence activities is not, in the military sense, secure, due to inherent tendencies toward publicity of F.C.C. activities, use of non-secure methods of reporting and correlation, and the necessarily close relationship of F.C.C. military-intelligence activity with other phases of the agency's work.

Because of the essential differences between military and F.C.C. standards and methods it has not been possible to integrate their information, with the result that the attempted duplication by the F.C.C. of work that is being more effecively done by the military has in fact endangered the effectiveness and security of military radio intelligence.

In view of the foregoing it is concluded that the better prosecution of the war will be served by terminating all military and quasi-military radio intelligence activities of the Federal Communications Commission and confining such activities to the Army and Navy.

Since the Army's present need for personnel and equipment in the field of radio intelligence is greater than that of the Navy, all of the radio-intelligence facilities of the F.C.C. should forthwith be transferred to the Army entirely. The personnel of the F.C.C. heretofore engaged in radio intelligence should be made available initially as civilian employees of the Army, pending decision by the Army as to which shall be placed in military status, which replaced by military personnel, and which would be best retained in the Army as civilian employees.

The foregoing conclusions are supported by the views of the Army and Navy commanders in the field who are charged with responsibility for military action based on radio intelligence.

The Joint Chiefs of Staff therefore request the Secretaries of War and Navy to join in a recommendation to the President that he transfer to the Army personnel and equipment now used by the F.C.C. in the field of radio intelligence. A proposed executive order is enclosed.

From the standpoint of the present problem, the promulgation of this Executive Order would leave the F.C.C. in the radio field, with the responsibility for monitoring, processing and disseminating foreign voice, news, and propaganda broadcasts (its Foreign Broadcast Intelligence Service), the monitoring and inspection of stations licensed under the Communications Act of 1934, all necessary licensing procedures, including revocation and suspension, and the institution of prosecutions of *licensed* stations and operators for violations of treaty, statute, or regulations.

The Army and Navy (in accordance with divisions of function between themselves) would have full and exclusive responsibility for the conduct of military radio intelligence as described in the present report.

Sincerely yours,
For the Joint Chiefs of Staff:
/s/ WILLIAM D. LEAHY,
Admiral, U. S. Navy,
Chief of Staff to the
Commander in Chief
of the Army and Navy.

EXECUTIVE ORDER

Transferring Radio Intelligence Functions to the War and Navy Departments

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941, as President of the United States and Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1. All functions, powers, and duties of the Federal Communications Commission in the field of radio intelligence and, particularly: in the conduct of direction-finding activities; the location of enemy radio transmissions abroad and at sea; the interception of radio traffic of foreign countries (excluding voice broadcasting); the detection, location and suppression of clandestine or illegal stations both abroad and within the limits of the United States, its territories and possessions and the areas occupied by its armed forces; the giving of radio and direction-finding navigational aids to vessels and aircraft; the monitoring of United States Army and Navy communications circuits and the maintenance of distress frequency watches, are transferred to the Departments of War and Navy in accordance with distribution of functions established between them.

2. All records and property (including radio transmitting and receiving equipment) and all personnel of

the Federal Communications Commission used primarily in the performance and administration of the functions transferred by this Order are transferred to the War Department for use in the performance and administration of functions transferred by this Order; but any personnel so transferred who are found by the War Department to be in excess of the personnel necessary for the performance and administration of such functions, powers, and duties shall be retransferred under existing law to other positions in the Government or separated from the service. So far as possible, personnel transferred who are found qualified therefor shall be placed in a military status.

3. So much of the unexpended balance of the appropriations or other funds available, including those available for the fiscal year ending June 30, 1943, to the Federal Communications Commission in the exercise of functions transferred by this Order as the Director of the Bureau of the Budget, with the approval of the President, shall determine, shall be transferred to the War Department for use in connection with the exercise of functions so transferred. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidations of obligations incurred against such appropriations or other funds prior to the transfer.

THE WHITE HOUSE,
February, 1943.

(Letter from Eugene L. Garey, General Counsel to the Select Committee of the House of Representatives to Investigate the Federal Communications Commission, addressed to The Secretary of War.)

June
Twenty-fifth
1943.

The Honorable,
The Secretary of War,
Washington, D. C.

Sir:

The Committee has now completed certain phases of its preliminary investigation into the activities of the Federal Communications Commission, and intends to hold formal public hearings and take testimony on such matters within a short day.

In its public consideration of these matters the Committee will require at such hearings (1) the presence of certain officers of the military and naval forces of the United States as witnesses and (2) the production of certain documents and papers from the files of your Department.

The military personnel whose attendance at such hearings as witnesses will be required by the Committee are:

The Secretary of War.
Col. Howard F. Bresee, U.S.A.
Lt. Col. Armand Durant, U.S.A., Military Intelligence Service.
Col. Wesley T. Guest, U.S.A., Director of Planning, Signal Corps.
Major General Dawson Olmstead, U.S.A., Chief Signal Officer.
Col. Conrad E. Snow, U.S.A., Chief, Legal Branch, Office of the Chief Signal Officer.
Major General Frank Stoner, U.S.A., Army Communications Service.
Major General George V. Strong, U.S.A., Assistant Chief of Staff (Military Intelligence).
Captain E. M. Webster, U.S.A.

The Committee will require the attendance of Major General Joseph O. Mauborgne, U.S.A. (Retired), but since he is not now on active duty the Committee presumably will be compelled to require his presence by subpoena, and I will arrange accordingly.

The documents, reports, memoranda and the like which your Department will be required to produce at such hearings are:

1. All Department files and correspondence pertaining to the Army's efforts to obtain approval of the use of ultra-high frequencies, and the difficulty encountered by the Army in getting the Federal Communications Commission to make a study of the subject.
2. All files and correspondence pertaining to the Army's position favoring the passage of a bill to permit wire-tapping, and Chairman Fly's opposition to such bill.
3. All files and correspondence pertaining to the Army's efforts to stop Japanese language radio broadcasts from Hawaii prior to Pearl Harbor and the reports of the Army officers of their activities in negotiating voluntary agreements to that end; and Chairman Fly's opposition to such action and his subsequent actions which are alleged to have caused such voluntary agreements to be abandoned.
4. All files, memoranda, correspondence and the like concerning the mergers (both international and domestic) of telegraph, telephone, and cable companies; the position of the Army in respect thereof and Chairman Fly's unwillingness to hear or consider the military services' position in respect thereto.
5. The letter dated June 12, 1940, from Chairman Fly of the Federal Communications Commission, addressed to the Chief Signal Officer, U.S.A., and to the Director of Naval Communications, stating, in substance, that the Federal Communications Commission had determined that its Chairman should be the Commission's representative on and Chairman of the Defense Communications Board.
6. All files, documents, memoranda and correspondence relating to or bearing on various questions arising between the War Department and Federal Communications Commission, or any of its staff or divisions, or between the Army and the Board of War Communications or its predecessor, the Defense Communications Board, not called for in Item 5 above.
7. All Department files, letters, papers and documents pertaining to the proposed transfer to the military establishments of the Government of the activities of the Federal Communications Commission's Radio Intelligence Division, particularly a copy of the letter dated February 1, 1943, to the Secretary of the Navy, from William D. Leahy, Admiral, U.S.N., Chief of Staff to the Commander

in Chief of the Army and Navy, a copy of the proposed Executive Order therein referred to, a copy of the joint letter dated February 8, 1943, addressed to the President by the Secretary of War and the Secretary of the Navy, and all subsequent memoranda and letters on the same subject matter, including the studies and reports made prior to the letter dated February 1, 1943, and referred to in such letter.

8. Copies of all requests, if any, by the Department to Federal Communications Commission requesting Federal Communications Commission to monitor, intercept, listen to or record, either specifically or generally, domestic foreign language or foreign broadcasts.
9. Copies of all requests, if any, by the Department to Federal Communications Commission to locate clandestine radio stations, either domestic or foreign.
10. Copies of all memoranda, reports or letters to the White House and others respecting the creation of the Defense Communications Board, now known as the Board of War Communications, and pertaining to Executive Order dated September 24, 1940, creating such Board.
11. Copies of any and all reports and correspondence between the Army or the Navy, the Interdepartment Radio Advisory Committee, and Chairman Fly with reference to the application of the U. S. Army for frequencies to broadcast in Alaska and elsewhere for the purpose of maintaining morale among the United States armed forces stationed there, and the opposition of Chairman Fly to such broadcasting by the Army for such purposes, and his insistence that such broadcasting be done by the Office of War Information.
12. All correspondence, files and memoranda relating to the difficulties of the Army and Navy in having their views properly presented by Federal Communications Commission representatives to the International Conference in Madrid.
13. Copies of reports from the Federal Communications Commission to the Army as to the alleged direction finding and location by it of certain enemy ships, particularly those which developed upon investigation by the Navy to be enemy stations located in Japan.
14. Any and all correspondence between the Army and the Federal Communications Commission with reference to Chairman Fly's proposal to establish East and West Coast Central Intelligence services and requesting the Army to contribute to the cost thereof.
15. All memoranda and correspondence with reference to the passage of the resolution (and a copy thereof) forbidding the release of any information unless authorized by the Board of War Communications, which was adopted by such Board for the purpose of curbing Chairman Fly's unauthorized disclosure of the Board's activities.
16. Copies of all correspondence between the Army and the Federal Communications Commission respecting the material compiled by Foreign Broadcast Intelligence Service.
17. Copies of reports received by the Army with reference to certain information improperly evaluated, edited and distributed by the Federal Communications Commission pertaining to the war in Alaskan waters.
18. Proposed constitution of the Interdepartment Radio Advisory Committee proposed by the representatives of the Army, which Chairman Fly opposed and which therefore never became effective.
19. All memoranda, reports and correspondence relating to charges filed (and as changed from time to time during the hearing) before the Board of War Communications, against Neville Miller, President of the National Association of Broadcasters, the Army and Navy's opposition thereto, the transcript of testimony taken at the hearing on such charges, and the findings exonerating Mr. Miller.
20. All reports, memoranda and correspondence in the Department relating to, or dealing or connected with, any of the subjects hereinafter outlined.

(Remainder of letter virtually duplicates letter to Secretary of Navy.)

(Letter from Eugene L. Garey, General Counsel to the Select Committee of the House of Representatives to Investigate the Federal Communications Commission, addressed to the Secretary of the Navy.)

June
Twenty-fifth
1943

The Honorable,
The Secretary of the Navy,
Washington, D. C.

Sir:

The committee has now completed certain phases of its preliminary investigation into the activities of the Federal Communications Commission and intends to hold formal public hearings and take testimony on such matters within a short day.

In its public consideration of these matters the Committee will require at such hearings (1) the presence of certain officers of the military and naval forces of the United States as witnesses and (2) the production of certain documents and papers from the files of your Department.

The naval personnel whose attendance at such hearings as witnesses will be required by the Committee are:

The Secretary of the Navy.
Captain Andrew H. Addons, U.S.N., Communications Officer, Eastern Sea Frontier.
Captain Jerome L. Allen, U.S.N., former Communications Officer, Eastern Sea Frontier.
Lieutenant Commander Cecil H. Coggins, U.S.N.
Lieutenant (j.g.) Edward Cooper, U.S.N.
Captain John Lawrason Driscoll, U.S.M.C., Air Station at Cherry Point, N. C.
Captain Chas. F. Fielding, U.S.N.
Captain Carl F. Holden, U.S.N., former Director of Naval Communications.
Rear Admiral R. E. Ingersoll, U.S.N.

Lieutenant Vanner T. Larson, U.S.N.R., Office of Naval Intelligence.
Rear Admiral Leigh Noyes, U.S.N.
Lieutenant Commander Duke M. Patrick, U.S.N.R.
Rear Admiral Joseph R. Redman, U.S.N., Director of Naval Communications.
Lieutenant Commander Paul Segal, U.S.N.R.
Rear Admiral Harold C. Train, U.S.N., Director of Naval Intelligence.
Rear Admiral Theodore S. Wilkinson, U.S.N.
Commander F. O. Willenbucher, U.S.N. (Retired), Chief of the Legal Section, in the Office of the Director of Naval Communications.
Captain Ellis M. Zacharias, U.S.N., Assistant Director, Office of Naval Intelligence.

The Committee will require the attendance of Rear Admiral Adolphus R. Staton, U.S.N. (Retired) and Rear Admiral Stanford C. Hooper, U.S.N. (Retired), former Director of Naval Communications, but since these Admirals are not now on active duty the Committee presumably will be compelled to require their presence by subpoena, and I will arrange accordingly.

The documents, reports, memoranda and the like which your Department will be required to produce at such hearings are:

1. Report of Admiral Hooper recommending that all persons doing monitoring work in wartime should be under complete supervision of the armed forces and should not be under civilian control.
2. Memorandum to the Secretary of the Navy, dated May 14, 1942, regarding the undesirability of chairmanship of Defense Communications Board being vested ex officio in Chairman of Federal Communications Commission, especially during wartime.
3. Memoranda made by Admiral Hooper (from the Department's "Policy Files") concerning disputes with Federal Communications Commission with respect to the assignment of frequencies to the Navy and other governmental departments and agencies.
4. All Department files concerning the establishment on the Fleet of a new type of radio, and the Navy's consequent necessity of promptly ascertaining the frequencies that would be allocated to it to enable the purchase by it of the essential equipment necessary to carry out such purpose, the delay in allocating such frequencies and subsequent change in the frequencies allocated, due to Federal Communications Commission's activities and inactivities, in consequence of which it was necessary for the Navy to purchase new equipment to replace the new equipment already purchased for such purpose and rendered useless as a result.
5. All Department files and correspondence pertaining to the Navy's efforts to obtain approval of the use of ultra-high frequencies, and the difficulty encountered by the Navy in getting the Federal Communications Commission to make a study of the subject.
6. All files and correspondence pertaining to the Navy's position favoring the passage of a bill to permit wire-tapping, and Chairman Fly's opposition to such bill.
7. All files and correspondence pertaining to the Navy's efforts to stop Japanese language radio broadcasts from Hawaii prior to Pearl Harbor and the reports of the naval commanders of their activities in negotiating voluntary agreements to that end; and Chairman Fly's opposition to such action and his subsequent actions which are alleged to have caused such voluntary agreements to be abandoned.
8. All files, memoranda, correspondence and the like concerning the mergers (both international and domestic) of telegraph, telephone, and cable companies; the position of the Navy in respect thereof and Chairman Fly's unwillingness to hear or consider the military services' position in respect thereto.
9. The letter dated June 12, 1940, from Chairman Fly of the Federal Communications Commission, addressed to the Chief Signal Officer, U.S.A., and to the Director of Naval Communications, stating, in substance, that the Federal Communications Commission had determined that its Chairman should be the Commission's representative on and Chairman of the Defense Communications Board.
10. All Department files, letters, papers and documents pertaining to the proposed transfer to the military establishment of the Government of the activities of the Federal Communications Commission's Radio Intelligence Division, particularly a copy of the letter dated February 1, 1943, to the Secretary of the Navy, from William D. Leahy, Admiral, U.S.N., Chief of Staff, to the Commander-in-Chief of the Army and Navy, a copy of the proposed Executive Order therein referred to, a copy of the joint letter dated February 8, 1943, addressed to the President by the Secretary of War and the Secretary of the Navy and all subsequent memoranda and letters on the same subject matter, including the studies and reports made prior to the letter dated February 1, 1943, and referred to in such letter.
11. All other files, letters, papers, and documents of the Navy Department, in the form of letters from naval commanders, giving their estimate that work being done by the Federal Communications Commission's Radio Intelligence Division was of no value to the Navy and constituted a danger to the national defense, not submitted in response to Item 10 above.
12. Copies of all correspondence between the Navy and the Federal Communications Commission with respect to the opposition of the Navy to the proposal of the Federal Communications Commission to establish stations overseas.
13. Copies of all requests, if any, by the Department to Federal Communications Commission to locate clandestine radio stations, either domestic or foreign.
14. Copies of all reports, memoranda or letters to the White House and others respecting the creation of the Defense Communications Board, now known as the Board of War Communications, and pertaining to Executive Order dated September 24, 1940, creating such Board.
15. Copies of any and all reports and correspondence between the Army or the Navy, the interdepart-

ment Radio Advisory Committee, and Chairman Fly with reference to the application of the U. S. Army for frequencies to broadcast in Alaska and elsewhere for the purpose of maintaining morale among the United States armed forces stationed there and the opposition of Chairman Fly to such broadcasting by the Army for such purposes and his insistence that such broadcasting be done by the Office of War Information.

16. All correspondence, files and memoranda relating to the difficulties of the Army and Navy in having their views properly presented by the Federal Communications Commission representatives to the International Conference in Madrid.
17. Copies of reports from the Federal Communications Commission to the Navy as to the alleged direction finding and location by it of certain enemy ships, particularly those which developed upon investigation by the Navy to be enemy stations located in Japan.
18. Any and all correspondence between the Navy and the Federal Communications Commission with reference to Chairman Fly's proposal to establish East and West Coast Central Intelligence services and requesting the Navy to contribute to the cost thereof and the basis or reasons for the Navy's refusal to do so.
19. All memoranda and correspondence with reference to the passage of the resolution (and a copy thereof) forbidding the release of any information unless authorized by the Board of War Communications, which was adopted by such Board for the purpose of curbing Chairman Fly's unauthorized disclosure of the Board's activities.
20. Copies of all correspondence between the Navy and the Federal Communications Commission stopping the transmission to the Navy of the material compiled by Foreign Broadcast Intelligence Service because it was of no value.
21. Copies of reports received by the Navy with reference to certain information improperly evaluated, edited and distributed by the Federal Communications Commission pertaining to the war in Alaskan waters.
22. The report to Admiral Noyes with respect to the fitness of the persons proposed to be appointed to the various Committees of the Board of War Communications and the letter requests of the Secretary of the Navy to the Chairman of the Federal Communications Commission for such an investigation of such persons before they were so appointed, including all reports of the Office of Naval Intelligence regarding the importance of and delay of the Federal Communications Commission to investigate and fingerprint the radio operators on board ships in the merchant marine.
23. Proposed constitution of the Interdepartment Radio Advisory Committee proposed by the representatives of the Navy which Chairman Fly opposed and which therefore never became effective.
24. Memoranda and reports of Admiral Hooper with reference to the failure of Chairman Fly to cooperate with the Interdepartment Radio Advisory Committee and the tactics employed by him to defeat its recommendations.
25. Reports of Stanford C. Hooper, as a member of the Naval Districts Readiness Inspection Board, relating to the danger arising out of the activities of the Federal Communications Commission in its clandestine station location work outside of the United States beyond the purview of its authority and an encroachment in fields in which the Army and Navy were better qualified to function.

For your information and guidance, the testimony of the officers above named, to be presented to the Committee at such public hearings, will not call for the disclosure of any secret military information. Inquiries to the officers of the armed forces will be directed to the establishment of the subjects hereinbelow broadly noted. The existence of these facts has been heretofore substantially established through investigation by this Committee.

A brief outline of the subjects of inquiries to be made of such officers is as follows:

The personal history, training and experience of such officers, particularly in the communications field and generally in respect of the personnel, activities, actions and non-actions of the Federal Communications Commission and its related or affiliated agencies.

The participation of such officers in the preparation of the reports, memoranda and papers enumerated hereinabove and generally with respect to their knowledge of the subject matter, facts, opinions and circumstances which are referred to therein.

The composition, functions and duties of the Interdepartment Radio Advisory Committee.

The refusal of Mr. Fly to transmit to the President without comment, for his approval, the constitution of the Interdepartment Radio Advisory Committee as drafted and proposed by the Army and Navy for the express purpose of eliminating Mr. Fly's control of such Committee; the resulting failure to have such constitution adopted and the consequences flowing therefrom.

The conclusion of the Army-Navy Joint Board, reached after a long study by that Board and approved by the Secretaries of War and Navy, that a board or committee should be formed solely to assist the military services in planning the control of non-military communications for war uses in such a manner as to bring them into coordination with the military communications; and that such a board should have no authority whatsoever over military communications.

That the Defense Communications Board, now known as the Board of War Communications, was created by Executive Order pursuant to the approved conclusion reached as stated aforesaid.

The letter dated June 12, 1940, from Mr. Fly to the Chief Signal Officer and Director of Naval Communications, stating that the Commission had determined that its Chairman should be the representative of the Commission on the Defense Communications Board, and had also decided that its Chairman should act as Chairman of such Board.

The memorandum to the Secretary of the Navy dated May 14, 1942, "regarding the undesirability of chairmanship of Defense Communications Board (now known as Board of War Communications) being vested ex-officio in Chairman of Federal Communications Commission, especially during wartime" and the facts, circumstances and reasons underlying each of such objections which were made.

The insidious steps by which Mr. Fly injected himself into the control of the Board of War Communications which he and his organization dominate, and the methods and manner in which he brought about and has since maintained that domination and control.

Mr. Fly's successful efforts in defeating the recommendations of the Army and Navy representatives to keep off the technical committees of the Defense Communications Board which handled secret and confidential matters, certain proposed members who had no proper place thereon.

Mr. Fly's assumption, through the Board of War Communications, of power over the communications facilities of all Government departments, including the Army and Navy, contrary to the powers of such Board and over the vigorous protests of the Army and Navy and other Government departments.

The difficulties encountered by the military services in making wartime arrangements for military communications facilities through the Board of War Communications, as opposed to direct action by them, due to the domination of such Board by Mr. Fly.

Mr. Fly's refusal to collaborate with interested Government departments in preparing recommendations to the Congress on the subject of international merger of communications.

Mr. Fly's disposition to speak for the Army and Navy due to his Board of War Communications connection; his testimony before Committees of the Congress on national defense matters contrary to the views of the Army and Navy and without authority from them; the resolution adopted by the Board of War Communications for the purpose of preventing Mr. Fly from making public utterances on matters relating to such Board affecting national defense.

Mr. Fly's insistence on reopening the consent decree and refusing to renew RCAC licenses despite the protests of the Army and Navy.

Mr. Fly's refusal to approve the operation of miniature broadcast stations at isolated combat outposts if the stations are to be soldier operated.

Mr. Fly's insistence that the broadcasting stations operated by the Army in Alaska and elsewhere abroad for the purpose of maintaining morale in the armed forces should be operated by the Office of War Information.

The Federal Communications Commission's consistent effort through the years to exercise jurisdiction, domination and control over the useful radio spectrum, not only in respect of the allocation of standard commercial broadcasting frequencies as provided by law, but also over the allocation of frequencies for use by Government departments and agencies, the jurisdiction of which has not been entrusted to the Federal Communications Commission by law; and the manner by which Mr Fly, through his domination and control of the Interdepartment Radio Advisory Committee, has prevented Government agencies from having their needs and opinions in such matters presented to the President for his consideration.

Mr. Fly's insistence that the question of sending cable ships to certain places was a matter to be decided by the Board of War Communications, which he dominated, notwithstanding the needs of the armed forces and the primary duty resting on the Navy to arrange a convoy to prevent the loss of such cable ships in transit.

Mr. Fly's insistence that no commercial company could permit the War or Navy Department to take over and operate a transmitter without a license from the Federal Communications Commission.

Mr. Fly's insistence that the Board of War Communications should handle Army and Navy requests of commercial companies for frequencies and stations and the consequent resulting and unjustifiable delay which endangered the national defense.

Mr. Fly's refusal for a period of nine months—and for nearly seven months after Pearl Harbor—to turn over to the Federal Bureau of Investigation, at the request of that Bureau and the Navy, the fingerprints of radio operators aboard American merchant marine vessels, for investigation by the Federal Bureau of Investigation; the importance to the national defense that such investigation should have been promptly made, and the strategic position occupied by any disloyal or enemy operators to endanger the national defense; the incompetent manner in which such fingerprints were taken by the Federal Communications Commission, compelling the return to the Federal Communications Commission of the fingerprints of some 55,000 operators as useless and of no value.

The protests made by the Admirals in charge of convoys respecting the failure of the Federal Communications Commission to have the ship radio operators investigated by the Federal Bureau of Investigation promptly because of the imminent danger to the national interests in the event that such action was not promptly taken.

Mr. Fly's successful activities in defeating the Army-Navy and Hawaiian broadcasting stations' voluntary pre-Pearl Harbor joint efforts to arrange for the elimination of Japanese language broadcasts in Hawaii; and the contribution of such resulting failure to the Pearl Harbor disaster.

Federal Communications Commission's penetration into the military field of radio intelligence and direction finding; the resulting duplication of such services maintained by the Army and Navy; the fact that the names of Federal Communications Commission's two divisions—Radio Intelligence Division and Foreign Broadcast Intelligence Service—are misnomers and misleading, since such divisions do not perform intelligence services, because it is impossible to impart to an agency like the Federal Communications Commission information which it would have to have, and which the Army and Navy do have, in order to do such work effectively; that such services was first known as Foreign Broadcast Monitoring Service (F. B. M. S.); and the fact that it is impossible to coordinate any civilian agency like the Federal Communications Commission with the Navy's radio direction finding systems, which are coordinated with military systems.

That the Federal Communications Commission is not equipped to do radio intelligence work because of the elaborate systems that the military services maintain, the location of their stations, and the work done by such services with the stations maintained by our military allies, and because of the nature of the secret military information which can be known only to the few military people charged with the responsibility of doing that kind of work; that such work is a form of military work more distinctly necessary than combat work itself.

That military radio intelligence means gaining through the radio spectrum intelligence of the enemy; and that what Federal Communications Commission attempts to do does not constitute radio intelligence but merely constitutes monitoring or more primarily listening to the enemy's transmissions.

That radio intelligence requires a staff of expert people with knowledge of military operations. Such a service must know where its own forces are and, by reconnaissance and other means must also know where the enemy forces are.

That such a service must have specially trained operators, who must know the enemy's code and be familiar with the traffic handled, because in wartime, unlike peacetime, the messages are in secret code. Such a service must be able, when they take a bearing, to identify it and know where it is coming from and must have full knowledge of the cryptographic systems employed, which oftentimes vary from message to message.

In none of the respects above noted, as well as in other respects not specifically herein noted, can Federal Communications Commission meet the necessary requirements referred to.

That the Federal Communications Commission personnel is inadequately trained in radio intelligence work and not familiar with the methods and radio activities of our enemies. That essential information to a proper conduct of this intelligence work is of the highest degree of secrecy, which can be given only to the most trusted and experienced personnel, who must also be subject to military discipline. That without this essential information, no matter how technically able any civilian agency might be, the inevitable result would necessarily be information which could not be properly evaluated. That if such information is disseminated it would result in operations based on such improperly evaluated information.

That such an event would be highly dangerous, and that such an incident based on such improperly evaluated information furnished by the Federal Communications Commission actually transpired in Alaskan waters.

That the Radio Intelligence Division of the Federal Communications Commission definitely overlaps functions and operations of the military services in the fields of radio direction finding overseas, radio direction finding of domestic clandestine stations, the interception of enemy radio telegraph transmissions, the conduct of a distress service, and such matters as the furnishing of information to aircraft in operation. That the War and Navy Departments believe that the above activities should be conducted by the military services, Army and Navy, in accordance with the delineation of fields of responsibility between them.

The fact that the Radio Intelligence Division (R. I. D.) of the Federal Communications Commission is not qualified, either from the standpoint of equipment or personnel, to do other than local monitoring, because (1) its stations are not properly located, (2) its personnel lacks adequate intelligence information respecting the enemy and is not trained to handle direction finding triangulations and other radio intelligence functions, and (3) the military services cannot entrust secret military information essential to the proper functioning in radio intelligence to a civilian agency, and more particularly to one prone to publicize its activities for its own aggrandizement. The fact that the military personnel is trained and equipped to and does perform adequate radio intelligence functions; and the fact that the alleged national defense efforts of the Federal Communications Commission constitute a duplication of no value whatsoever to the armed forces, but, on the contrary, in fact endanger national security.

That the Federal Communications Commission does not and cannot, as claimed by Mr. Fly, render services of any value to the Navy in locating enemy ships or in reporting attacks upon war shipping.

That Federal Communications Commission, through its Radio Intelligence Division, does not perform the services which Mr. Fly has claimed it renders for the Army and Navy in his testimony before various committees of the Congress, such as the Appropriations, Costello and other committees. That the Army and Navy have never requested (and do not want) Federal Communications Commission to perform for them the services claimed by Mr. Fly to be rendered to them by their request. That such information furnished the Navy by the Radio Intelligence Division of the Federal Communications Commission respecting the alleged location of enemy ships has necessitated the expenditure by the Navy of days in checking such reports, only to ascertain that the alleged enemy ships were in fact standard radio stations located in Japan.

That neither the Army nor the Navy is engaged in work which calls for the use of the transcripts of foreign broadcasts prepared by the Federal Communications Commission's Foreign Broadcast Intelligence Service, with the possible exception of Naval Intelligence, and that with the exception noted none of such material is used by either.

That the daily, weekly and other analyses prepared by the Federal Communications Commission's Foreign Broadcast Intelligence Service from the foreign broadcasts are of no value to the Army or Navy, since they are engaged in military operations controlled by Chiefs of Staff pursuant to plans made long in advance.

That the Army and Navy prefer to have information in the form of "raw material" so that they can subject the same to their own intelligence tests and make their own analyses of the same rather than to accept the analyses made by the inexperienced and only partly informed staff of the Federal Communications Commission's Foreign Broadcast Intelligence Service.

That neither the Army nor the Navy makes use of the wire or analysis material put out by the Federal Communications Commission's Foreign Broadcast Intelligence Service, because they have their own well tried and established means of obtaining such material as they require for the purpose of military operations.

That the material gathered by the Federal Communications Commission's Foreign Broadcast Intelligence Service and wired by it through the Office of War Information is nothing more than a sort of glorified, world-wide news-gathering and disseminating agency which serves the national and international press associations, the daily press, and the broadcasting companies.

That the Foreign Broadcast Intelligence Service is a service in which neither the Army nor the Navy is engaged, in which neither service has any desire to engage, and in which neither service would engage, even though no such service were maintained by the Federal Communications Commission.

That the disclosures made by Mr. Fly to the Appropriations Committee of the Congress in respect of the alleged war activities of the Federal Communications Commission in support of appropriations sought by him to maintain these useless divisions, are detrimental to the national security, because the Army and Navy feel that even the existence of the conduct of such services should not be disclosed, much less a description of the manner in which they function. That false impressions have been given to the Congress in the representations made to get appropriations for such services.

That the influx of the civilian employees of the Foreign Broadcast Intelligence Service of the Federal Communications Commission and the Office of War Information in the North African theatre of war operations has presented difficulties and embarrassment to the armed forces there which have necessitated a request for their immediate withdrawal and transfer.

Mr. Fly's domination of the Federal Communications Commission and his control over its actions and activities.

The letter dated February 1, 1943, to the Secretary of the Navy from William D. Leahy, Admiral, U.S.N., Chief of Staff to the Commander in Chief of the Army and Navy, requesting the Secretaries of War and Navy to join in a recommendation to the President that he transfer to the Army personnel and equipment now used by the Federal Communications Commission in the field of radio intelligence, and transmitting a proposed Executive Order designed to accomplish that objective.

The joint letter dated February 8, 1943, of the Secretaries of War and Navy to the President recommending the transfer aforesaid and transmitting to the President the letter dated February 1, 1943, aforesaid.

The thorough and comprehensive study of the problems made by the Joint Chiefs of Staff on the Federal Communications Commission activities last above described, pursuant to the Directive of the Secretary of the Navy dated September 11, 1942, and a discussion of the facts and circumstances revealed by such study.

Mr. Fly's successful efforts in delaying television, thereby depriving the national defense of the benefits of such development in wartime.

Mr. Fly's delay of frequency modulation (F.M.) by the expenditure of the Commission's time in establishing Commission policy with respect of matters more properly within the competency of the Congress rather than within the lawful jurisdiction of the Commission; and his activities in keeping the radio industry terrorized and in a state of fear, particularly during a period when unity is required and every energy devoted to the winning of the war.

From information in the possession of the Committee, these naval officers can be made available for the purposes stated, and I assume that you will direct the attendance of such officers before the Committee for the purpose of giving testimony, within substantially the limits above stated, on the day(s) which I will in due course advise you the Committee has fixed for such purpose, without the necessity of requiring the Committee to issue its process either to compel the attendance of such officers or the production of the documents desired from your Department.

It will be extremely helpful to the Committee if you would forward to it at once the documents and files herein enumerated for consideration by the Committee and its staff in advance of the public hearings.

Will you be good enough to advise me promptly in your official capacity and over your own signature of your willingness to cooperate with the Committee in the manner and to the extent requested herein so that the Committee may be advised accordingly.

With assurance of high respect and esteem, I am, Sir

Faithfully yours,

Eugene L. Garey,
General Counsel.

FLY STATEMENT

James Lawrence Fly, Chairman of the Federal Communications Commission released this statement following the opening of the hearings:

> "We have grown accustomed to Cox announcing conclusions in advance of a hearing. These charges are a tissue of falsehoods. They will be wholly disproved if anything like a fair hearing can be expected from a Committee constituted and motivated as is this one."

The National Association of Broadcasters
1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.
July 7, 1943 SPECIAL LEGISLATIVE BULLETIN No. 6

STATEMENT OF JAMES LAWRENCE FLY, CHAIRMAN OF THE FEDERAL COMMUNICATIONS COMMISSION

In its first open session on Friday the Cox Committee "to investigate" the Communications Commission was finally unveiled to the public in its true character. There it stands in its stark reality announcing to the public through its Wall Street mouthpiece the 50 vicious conclusions it is going to arrive at come hell or high water, after purporting to go through some of the forms of a "judicial" inquiry and "due process of law."

Three years ago Congressman Cox had defended the Commission and condemned the radio monopoly on the floor of the House. He said, "Mr. Speaker, an attack is being made upon the Federal Communications Commission. . . . What we probably need more than anything else is an investigation of the broadcasters' trust. It is time they were stopped from monopolizing the air." Three months later he came to the defense of the Commission and made the observation "that we have about reached the point where we should investigate the broadcasting business." Some time thereafter it became the unfortunate duty of the Commission to report to the Attorney General that Representative Cox had procured a $2,500 fee for representing a successful applicant for a broadcast station license. Congressman Cox, now calling for an investigation of the Commission, stated on the floor of the House, "Mr. Speaker. I am this morning bringing to you a matter in which I have the deepest possible personal interest." And again he stated:

> **"Mr. Fly of the Communications Commission is guilty of a monstrous abuse of power and is rapidly becoming the most dangerous man in the Government. He maintains an active and ambitious Gestapo and is putting shackles on the freedom of thought, press and speech without restraint. . . . The Communications Commission, as now operating under Mr. Fly, must be stopped."**

The House of Representative then voted Cox's Resolution to "investigate" the Commission, particularly its Chairman. Cox immediately joined forces with the radio monopoly and Wall Street interests on the one hand and the Military on the other, all moving in for the kill. The aim has obviously been to wreck the Commission, the only agency representing the public in this important field, to set up monopolistic control by commercial interests and to establish actual and coercive surveillance of the nation's most significant mechanism of free speech.

Already Cox's Wall Street mouthpiece has declared the intention of destroying the highly valuable war work of the Commission—particularly that part which has made it literally impossible for a single enemy transmitter in this country to communicate with our enemies abroad. That is the inexorable fact—and it is the simple result of the expertness, loyalty and devotion of the men who for twenty-four hours every day are patrolling the radio ether. These are the men who have taken the lead in improving and developing the very mechanisms employed by the armed forces. These are the same men who have rendered invaluable aid in closing out the espionage stations of Central and South America. These are the men who have operated the schools to instruct men of the armed forces and of our neighbor countries in the art of radio direction-finding. These are the activities so frequently commended by the Army, Navy and other Government Departments for the valuable results achieved and for the efficiency and security of the methods employed and the complete cooperation of its personnel.

In addition, the Federal Communications Commission has a highly effective organization charged with collecting, translating, analyzing and reporting to 200 Government offices the radio propaganda of the world at war. Adequate information on the world's psychological warfare is utterly essential to a nation at war. It is this important agency—the Commission's Foreign Broadcast Intelligence Service—which comes in for a vicious attack from the Committee, all without the form of a hearing.

Cox and his Wall Street mouthpiece have been slow in disclosing to the public their long existing tie-in with the radio monopoly. But the cat was out of the bag when the Committee's counsel referred on Friday to Mr. Fly's successful efforts in delaying television, which all too obviously is directed at the Commission's earlier stand against the radio monopoly in its efforts to lock down the great future of the television industry to the inadequate systems then controlled by that monopoly. This is the same stand of the Commission which Congressman Cox had so vigorously defended on the floor of the House in happier days.

Again Committee Counsel emphasized "Mr. Fly's insistence on reopening the consent decree and refusing to renew RCAC licenses." This, it may be observed, was the Commission's insistence that RCA strike out of its traffic agreements with its foreign correspondents, clauses which prevented other companies from establishing competing circuits.

The Committee further revealed its marriage to the broadcast trust by announcing that it plans to attack the anti-monopoly regulations in chain broadcasting which the Commission under attack from the radio trust has successfully defended before both Houses of Congress and in the Supreme Court of the United States.

The time has come for the public to know not merely what the Cox Committee has concluded to conclude but also some of the vicious processes employed which further reveal what the Cox Committee is up to. To take but a few of the many examples:

(a) The long continued conduct of star-chamber proceedings where witnesses were required to appear privately before the Committee's lawyers. On certain important occasions these "hearings" were conducted in hotel rooms. The failure to give the Commission notice of any hearing whatsoever, or to permit its representatives to attend any of these hearings or to permit the Commission to purchase a copy of the transcript or even to inspect a copy thereof. The Commission on different occasions formally requested permission to purchase these transcripts and on each occasion this request was denied.

(b) The illegal issuance of subpoenas requiring appearances before staff members—and on certain occasions in the Wall Street offices of a lawyer who is contributing his services to "the cause" at $1.00 a year.

(c) Constant efforts, by badgering Commission employees and other witnesses and by circularizing radio stations for complaints, to stir up destructive criticism of the Commission.

(d) Seizure of a truckload of irreplaceable Commission files without opportunity for property listing or copying them to insure against loss or interference with the essential functions of the Commission.

(e) Widespread efforts by stirring up vicious rumors and gossip to destroy the reputation and standing of the Commission, its individual Commissioners and staff members.

The foregoing are but a few of the examples which demonstrate the character and the activation of the Cox Committee. I cannot but feel that this sort of harassing and unfair tactics ought to stop. If we must be slandered $2,500 worth is enough, and we have been visited with that much long ago. We have a war on other fronts and those of us who are devoting ourselves to that war might well be permitted to get on with the job.

The National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

July 9, 1943 **SPECIAL LEGISLATIVE BULLETIN** **No. 7**

78th CONGRESS
1st Session

H. R. 3109

IN THE HOUSE OF REPRESENTATIVES

July 2, 1943

Mr. Holmes of Massachusetts introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend the Communications Act of 1934, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Communications Act of 1934, as amended, is amended by adding after paragraph (aa) the following new paragraphs:

> "(bb) The term 'construction permit' or 'permit for construction' means that instrument of authorization required by this Act for the construction of apparatus for the transmission of energy, or communications, or signals by radio, by whatever name designated by the Commission.
>
> "(cc) The term 'license', 'station license', or 'radio-station license' means that instrument of authorization required by this Act, or the rules and regulations of the Commission enacted pursuant to this Act, for the use or operation of apparatus for the transmission of energy, or communications, or signals by radio, by whatever name designated by the Commission."

Sec. 2. Subsection (b) of section 4 of such Act, as amended, is amended by striking out the last sentence thereof and by inserting in lieu thereof the following: "Not more than four members of the Commission and not more than two members of either Division thereof shall be members of the same political party."

Sec. 3. Section 5 of such Act, as amended, is amended to read as follows:

"DIVISIONS OF THE COMMISSION

"Sec. 5. (a) The members of the Commission other than the Chairman shall be organized into two divisions of three members each, said divisions to be known and designated as the Division of Public Communications and the Division of Private Communications and no member designated or appointed to serve on one Division shall have or exercise any duty or authority with respect to the work or functions of the other Division, except as hereinafter provided. The President shall designate the Commissioners now in office who shall serve upon a particular Division, but all Commissioners other than the Chairman subsequently appointed shall be appointed to serve upon a particular Division and the Chairman subsequently appointed shall be appointed to serve in that capacity.

"(b) The Division of Public Communications shall have jurisdiction over all cases and controversies arising under the provisions of this Act and the rules and regulations of the Commission enacted pursuant to this Act relating to wire and radio communications intended to be received by the public directly, and shall make all adjudications involving the interpretation and application of those provisions of the Act and of the Commission's regulations.

"(c) The Division of Private Communications shall have jurisdiction over all cases and controversies arising under the provisions of this Act and the rules and regulations of the Commission enacted pursuant to this Act relating to wire and radio communications by a common carrier or carriers, or which are intended to be received by a designated addressee or addressees, and shall make all adjudications involving the interpretation and application of those provisions of the Act and of the Commission's regulations.

"(d) The whole Commission shall have and exercise jurisdiction over the adoption and promulgation of all rules and regulations of general application authorized by this Act, including procedural rules and regulations for the Commission and the Divisions thereof; over the assignment of bands of frequencies to the various radio services; over the qualification and licensing of all radio operators; over the selection and appointment of all officers and other employees of the Commission and the Divisions thereof; and generally over all other matters with respect to which authority is not otherwise conferred by the other provisions of this Act. In any case where a conflict arises as to the jurisdiction of the Commission or any Division thereof, such question of jurisdiction shall be determined by the whole Commission.

"(e) The Chairman of the Commission shall be the chief executive officer of the Commission. It shall be his duty to preside at all meetings and sessions of the whole Commission, to represent the Commission in all matters relating to legislation and legislative reports, to represent the Commission or any Division thereof in all matters requiring conferences or communications with representatives of the public or other governmental officers, departments, or agencies, and generally to coordinate and organize the work of the Commission and each division thereof in such manner as to promote prompt and efficient handling of all matters within the jurisdiction of the Commission. The Chairman of the Commission shall not be a member of or serve upon either of said Divisions, except that in the case of a vacancy or the absence or inability of any Commissioner appointed to serve thereon, the Chairman may temporarily serve on either of said Divisions with full power as a member thereof until the cause or circumstance requiring said service shall have been eliminated or corrected.

"(f) Each Division of the Commission shall choose its own chairman, and, in conformity with and subject to the foregoing provisions of this section, shall organize its membership and the personnel assigned to it in such manner as will best serve the prompt and orderly conduct of its business. Each Division shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions over which it has jurisdiction. Any order, decision, report made or other action taken by either of said Divisions with respect to any matter within its jurisdiction, shall be final and conclusive, except as otherwise provided by said Communications Act of 1934 as hereby amended. The secretary and seal of the Commission shall be the secretary and seal of each Division thereof.

"(g) In the case of a vacancy in the office of the Chairman of the Commission or the absence or inability of the Chairman to serve, the Commission may temporarily designate and appoint one of its members to act as Chairman of the Commission until the cause or circumstance requiring said service shall have been eliminated or corrected. During the temporary service of any such Commissioner as Chairman of the Commission, he shall continue to exercise the other duties and responsibilities which are conferred upon him by this Act.

"(h) The term 'Commission' as used in this Act shall be taken to mean the whole Commission or a Division thereof as required by the context and the subject matter dealt with. The term 'cases and controversies', as used herein, shall be taken to include all adversary proceedings whether judicial or quasi-judicial in nature, and whether instituted by the Commission on its own motion or otherwise, and the term 'adjudications' means the final disposition of particular cases, controversies, applications, complaints, or proceedings involving named persons or named res.

"(i) The Commission or either division thereof is hereby authorized by its order to assign or refer any portion of its work, business, or functions to an individual Commissioner, or to a board composed of an employee or employees of the Commission, to be designated by such order for action thereon, and by its further order at any time to amend, modify, or rescind any such order or reference: *Provided, however,* That this authority shall not extend to duties specifically imposed upon the Commission, either division thereof, or the Chairman of the Commission, by this or any other Act of Congress. Any order, decision, or report made or other action taken by any such individual Commissioner or board in respect of any matter so assigned or referred shall have the same force and effect and may be made, evidenced, and enforced as if made by the Commission or the appropriate division thereof: *Provided, however,* That any person affected by any such order, decision, or report may file a petition for review by the Commission or the appropriate division thereof, and every such petition shall be passed upon by the Commission or that division."

Sec. 4. (a) So much of subsection (a) of section 308 of such Act, as amended, as precedes the first proviso is amended to read as follows: "The Commission may grant instruments of authorization entitling the holders thereof to construct or operate apparatus for the transmission of energy, or communications, or signals by radio only upon written application therefor received by it:".

(b) Such subsection (a) is further amended by striking out the period at the end thereof and inserting a colon and the following: "*And provided further,* That (1) in cases of emergency found by the Commission involving danger to life or property, or (2) during the continuance of any war in which the United States is engaged and when such action is necessary for the national defense or security or otherwise in furtherance of the war effort, the Commission may grant and issue authority to construct or operate apparatus for the transmission of energy or communications or signals by radio in such manner and upon such terms and conditions as it shall by regulation prescribe, and without the filing of a formal application."

Sec. 5. Section 309 of such Act, as amended, is amended to read as follows:

"HEARINGS ON APPLICATIONS FOR LICENSES; FORM OF LICENSES; CONDITIONS ATTACHED TO LICENSES

"Sec. 309. (a) If upon examination of any application provided for in section 308 the Commission shall determine (1) that public interest, convenience, or necessity would be served by the granting thereof, and (2) that such action would not aggrieve or adversely affect the interest of any licensee or applicant, it shall authorize the issuance of the instrument of authorization for which application is made in accordance with said findings.

"(b) If upon examination of any such application the Commission is unable to make either or both of the findings specified in subsection (a), it shall designate the application for hearing and forthwith notify the applicant and other parties in interest of such action and the grounds or reasons therefor. Any hearing subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest, whether originally notified by the Commission or subsequently admitted as interveners, shall be permitted to participate. Such hearing shall be preceded by a notice to all such parties in interest specifying with particularity the matters and things in issue and not including issues or requirements phrased generally or in the words of the statute.

"(c) When any instrument of authorization is granted by the Commission without a hearing, as provided in subsection (a), such grant shall remain subject to protest as hereinafter provided for a period of thirty days. During such thirty-day period, any person who would be entitled to challenge the legality or propriety of such grant under the provisions of section 402 may file a protest directed to such grant, and request a hearing on said application so granted. Any protest so filed shall contain such allegations of fact as will show the protestant to be a proper party in interest and shall specify with particularity the matters and things in issue but shall not include issues or allegations phrased generally or in the words of the statute. Upon the filing of such protest, the application involved shall be set for hearing upon the issues set forth in said protest and heard in the same manner in which applications are heard under subsection (b). Pending hearing and decision upon said protest, the effective date of the Commission's action to which said protest is directed shall be postponed to the date of the Commission's decision after hearing unless the authorization involved in such grant is necessary to the maintenance or conduct of an existing service, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing on said protest.

"(d) Such station licenses as the Commission may grant shall be in such general form as it may prescribe, but each license shall contain, in addition to other provisions, a statement of the following conditions to which such license shall be subject: (1) The station license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized therein; (2) neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of this Act; (3) every license issued under this Act shall be subject in terms to the right or use or control conferred by section 606."

Sec. 6. Subsection (b) of section 310 of such Act, as amended, is amended to read as follows:

"(b) No instrument of authorization granted by the Commission entitling the holder thereof to construct or operate radio apparatus, and no rights granted thereunder, shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such instrument of authorization, to any person except upon application to the Commission and upon a finding by the Commission that the proposed transferee or assignee is capable of constructing or operating under such instrument of authorization in the public interest, convenience, and necessity. The procedure to be employed in the handling of such applications shall be that provided in section 309, as amended."

Sec. 7. Section 326 of such Act, as amended, is amended to read as follows:

"SCOPE OF COMMISSION'S POWERS OVER LICENSEES; CENSORSHIP; OBSCENE, INDECENT, OR PROFANE LANGUAGE

"Sec. 326. (a) Nothing in this Act shall be understood or construed to give the Commission the power to regulate the business of the licensee of any radio broadcast station and no regulation, condition, or requirement shall be promulgated, fixed, or imposed by the Commission, the effect or result of which shall be to confer upon the Commission supervisory control of station programs or program material, control of the business management of the station or control of the policies of the station or of the station licensee.

"(b) Nothing in this Act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communications. No person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio communication."

Sec. 8. Section 402 of such Act, as amended, is amended to read as follows:

"PROCEEDINGS TO ENFORCE OR SET ASIDE THE COMMISSION'S ORDERS—APPEAL IN CERTAIN CASES

"Sec. 402. (a) The provisions of the Act of October 22, 1913 (38 Stat. 219), as amended, relating to the enforcing or setting aside of orders of the Interstate Commerce Commission are hereby made applicable to suits to enforce, enjoin, set aside, annul, or suspend any order of the Commission under this Act (except those appealable under the provisions of subsection (b) of this section), and such suits are hereby authorized to be brought as provided in that Act. In addition to the venues specified in that Act, suits to enjoin, set aside, annul, or suspend, but not to enforce, any such order of the Commission may also be brought in the District Court for the District of Columbia.

"(b) Appeals may be taken from decisions and orders of the Commission to the United States Court of Appeals for the District of Columbia in any of the following cases:

"(1) By an applicant for any instrument of authorization required by this Act, or the regulations of the Commission enacted pursuant to this Act, for the construction or operation of apparatus for the transmission of energy, or communications, or signals by radio whose application is denied by the Commission.

"(2) By any party to an application for authority to assign any such instrument of authorization or to transfer control of any corporation holding such instrument of authorization whose application is denied by the Commission.

"(3) By any applicant for the permit required by section 325 or any permittee under said section whose permit has been modified, revoked or suspended by the Commission.

"(4) By any other person who is aggrieved or whose interests are adversely affected by any order of the Commission granting or denying any application described in paragraphs (1), (2), and (3) of this subsection.

"(5) By the holder of any instrument of authorization required by this Act, or the regulations of the Commission enacted pursuant to this Act, for the construction or operation of apparatus for the transmission of energy, or communications, or signals by radio, which instrument has been modified, revoked, or suspended by the Commission.

"(6) By any radio operator whose license has been revoked or suspended by the Commission.

"(c) Such an appeal shall be taken by filing a notice of appeal with the court within thirty days after the entry of the order complained of. Such notice of appeal shall contain a concise statement of the nature of the proceedings as to which appeal is taken; a concise statement of the reasons on which the appellant intends to rely, separately stated and numbered; and proof of service of a true copy of said notice and statement upon the Commission. Upon the filing of such notice, the court shall have exclusive jurisdiction of the proceeding and of the questions determined therein and shall have power, by order directed to the Commission or any other party to the appeal, to grant such temporary relief as it may deem just and proper. Orders granting temporary relief may be either affirmative or negative in their scope and application and may be such as to permit either the maintenance of the status quo in the matter in which the appeal is taken or the restitution of a position or status terminated or adversely affected by the order appealed from and shall, unless otherwise ordered by the court, be effective pending hearing and determination of said appeal and compliance by the Commission with the final judgment of the court rendered in said appeal.

"(d) Upon the filing of any such notice of appeal, the Commission shall, not later than five days after date of service upon it, notify each person shown by the records of the Commission to be interested in said appeal of the filing and pendency of the same and shall thereafter permit any such person to inspect and make copies of said notice and statement of reasons therefor at the office of the Commission in the city of Washington. Within thirty days after the filing of an appeal, the Commission shall file with the court a copy of the order complained of, a full statement in writing of the facts and grounds relied upon by it in support of the order involved upon said appeal, and the originals or certified copies of all papers and evidence presented to and considered by it in entering said order.

"(e) Within thirty days after the filing of an appeal any interested person may intervene and participate in the proceedings had upon said appeal by filing with the court a notice of intention to intervene and a verified statement showing the nature of the interest of such party, together with proof of service of true copies of said notice and statement, both upon appellant and upon the Commission. Any person who would be aggrieved or whose interests would be adversely affected by a reversal or modification of the order of the Commission complained of shall be considered an interested party.

"(f) The record upon which any such appeal shall be heard and determined by the court shall contain such information and material and shall be prepared within such time and in such manner as the court may by rule prescribe.

"(g) At the earliest convenient time the court shall hear and determine the appeal upon the record before it and shall have power upon such record to enter judgment affirming or reversing the order of the Commission. As to the findings, conclusions, and decisions of the Commission, the court shall consider and decide, so far as necessary to its decision and where raised by the parties, all relevant questions of (1) constitutional right, power, privilege, or immunity; (2) the statutory authority or jurisdiction of the Commission; (3) the lawfulness and adequacy of Commission procedure; (4) findings, inferences, or conclusions of fact unsupported, upon the whole record, by substantial evidence;

and (5) administrative action otherwise arbitrary or capricious.

"(h) In the event that the court shall render a decision and enter an order reversing the order of the Commission, it shall remand the case to the Commission to carry out the judgment of the court and it shall be the duty of the Commission, in the absence of proceedings to review such judgment, to forthwith give effect thereto, and unless otherwise ordered by the court, to do so upon the basis of the proceedings already had and the record upon which said appeal was heard and determined.

"(i) The court may, in its discretion, enter judgment for costs in favor of or against an appellant, or other interested parties intervening in said appeal, but not against the Commission, depending upon the nature of the issues involved upon said appeal and the outcome thereof.

"(j) The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States as follows:

"(1) An appeal may be taken direct to the Supreme Court of the United States in any case wherein the jurisdiction of the court is invoked, or sought to be invoked, for the purpose of reviewing any decision and order entered by the Commission in proceedings instituted by the Commission which have as their object and purpose the revocation, modification, or failure to renew or extend an existing license. Such appeal shall be taken by the filing of an application therefor or notice thereof within thirty days after the entry of the judgment sought to be reviewed, and in the event such an appeal is taken the record shall be made up and the case docketed in the Supreme Court of the United States within sixty days from the time such an appeal is allowed under such rules as may be prescribed. Appeals under this section shall be heard by the Supreme Court at the earliest possible time and shall take precedence over all other matters not of a like character.

"(2) In all other cases, review by the Supreme Court of the United States shall be upon writ of certiorari on petition therefor under section 240 of the Judicial Code, as amended, by the appellant, by the Commission, or by any interested party intervening in the appeal or by certification by the court pursuant to the provisions of section 239 of the Judicial Code, as amended."

SEC. 9. Section 405 of such Act as amended, is amended to read as follows:

"REHEARING BEFORE COMMISSION

"SEC. 405. After a decision, order, or requirement has been made by the Commission or any Division thereof in any proceeding, any party thereto or any other person aggrieved or whose interests are adversely affected thereby may petition for rehearing. When the decision, order, or requirement has been made by the whole Commission, the petition for rehearing shall be directed to the whole Commission; when the decision, order, or requirement is made by a division of the Commission, the petition for rehearing shall be directed to that Division; petitions directed to the whole Commission requesting a rehearing in any matter determined by a division thereof shall not be permitted or considered. Petitions for rehearing must be filed within thirty days from the entry of any decision, order, or requirement complained of and except for those cases in which the decision, order, or requirement challenged is necessary for the maintenance or conduct of an existing service, the filing of such a petition shall automatically stay the effective date thereof until after decision on said petition. The filing of a petition for rehearing shall not be a condition precedent to judicial review of any such decision, order or requirement, except where the party seeking such review was not a party to the proceedings before the Commission resulting in such decision, order or requirement, or where the party seeking such review relies on questions of fact or law upon which the Commission has been afforded no opportunity to pass. Rehearings shall be governed by such general rules as the Commission may establish but any decision, order, or requirement made after such rehearing reversing, changing, or modifying the original determination shall be subject to the same provisions as an original order. The time within which an appeal must be taken under section 402 (b) hereof shall be computed from the date upon which the Commission enters its order disposing of all petitions for rehearing filed in any case."

SEC. 10. Subsection (a) of section 409 of such Act, as amended, is amended to read as follows:

"(a) In all cases where a hearing is required by the provisions of this Act, or by other applicable provisions of law, such hearing shall be a full and fair hearing. Hearings may be conducted by the Commission or a Division thereof having jurisdiction of the proceeding or by any member or any qualified employee of the Commission when duly designated for such purpose. The person or persons conducting any such hearing may sign and issue subpenas, administer oaths, examine witnesses, and receive evidence at any place in the United States designated by the Commission. In all cases, whether heard by a quorum of the Commission or a Division thereof, or by any member or qualified employee of the Commission, the person or persons conducting such hearing shall prepare and file an intermediate report setting out in detail and with particularity all basic or evidentiary facts developed by the evidence as well as conclusions of fact and of law upon each issue submitted for hearing. In all cases the Commission, or the Division having jurisdiction thereof, shall, upon request of any party to the proceeding, hear oral argument on said intermediate report or upon such other and further issues as may be specified by the Commission or the Division and such oral argument shall precede the entry of any final decision, order, or requirement. Any final decision, order, or requirement shall be accompanied by a full statement in writing of all the relevant facts as well as conclusions of law upon those facts."

Sec. 11. Title IV of such Act, as amended, is amended by adding at the end thereof the following sections:

"DECLARATORY RULINGS

"Sec. 417. (a) The Commission shall have the power to issue declaratory rulings concerning the rights, status, and other legal relations of any person who is the holder of or an applicant for a construction permit or license provided for in this Act or by the rules and regulations of the Commission enacted pursuant to this Act.

"(b) Upon the petition of any such person and when necessary to terminate a controversy or to remove a substantial uncertainty as to the application of the terms of this Act or of Commission regulations enacted pursuant to this Act to such person, the Commission may hear and determine the matters and things in issue and may enter a declaratory ruling which shall, in the absence of reversal after appropriate judicial proceedings, have the same force and effect and be binding in the same manner as a final order of the Commission. When a petition for declaratory ruling is entertained by the Commission, all persons shown by the records of the Commission to have or claim any interest in the subject matter shall be ordered by the Commission to be made parties to the proceeding and no such ruling shall bind or affect the rights of persons who are not parties to such proceeding.

"(c) In all proceedings instituted by the Commission and which have as their object and purpose the revocation, modification, or failure to renew or extend an existing construction permit or license, the Commission shall be required to entertain any petition for declaratory relief which is filed within a period of ten days after the institution of any such proceedings, and such proceedings so instituted by the Commission shall be held in abeyance until all petitions for declaratory rulings involving the same parties and the same subject matter have been heard and determined and the results thereof made subject to judicial review as herein provided.

"(d) Any party to a proceeding in which the Commission has entered a declaratory ruling may appeal from such ruling and any party to a proceeding arising under paragraph (c) hereof in which the Commission is requested to issue a declaratory ruling may appeal from such ruling or from the Commission's failure to issue such ruling to the United States Court of Appeals for the District of Columbia, and that court shall have jurisdiction to hear and determine any such appeal in the same manner and to the same extent as in the case of final orders of the Commission appealable under section 402 (b) of this Act, as amended.

"SCOPE OF COMMISSION'S POWER WITH RESPECT TO PENALTIES, PROHIBITIONS, CONDITIONS, AND SO FORTH

"Sec. 418. Penalties, denials, prohibitions, and conditions other than those expressly authorized by statute shall not be exacted, enforced, or demanded by the Commission in the exercise of its licensing function or otherwise, and no sanctions not authorized by statute shall be imposed by the Commission upon any person. Rights, privileges, benefits, or licenses authorized by law shall not be denied or withheld in whole or in part where adequate right or entitlement thereto is shown. The effective date of the imposition of sanctions or withdrawal of benefits or licenses shall, so far as deemed practicable, be deferred for such reasonable time as will permit the persons affected to adjust their affairs to accord with such action or to seek administrative reconsideration or judicial review."

The National Association of Broadcasters

1760 N STREET, N. W. * * * * * * * WASHINGTON 6, D. C.

July 9, 1943 SPECIAL LEGISLATIVE BULLETIN No. 8

More Material on the FCC-Supreme Court Decision

Speeches of Senator Robert Taft (Ohio) and Congressman Dewey Short (Missouri) given on the floors of Congress July 7 and July 3, respectively. Speech of Neville Miller given before the Advertising Federation of America War Conference, June 30, in New York City. Article by Frank C. Waldrop appeared in the Washington Times-Herald, July 5, 1943:

FREEDOM OF EXPRESSION IN PRESS AND RADIO

MR. TAFT: Mr. President, on May 10 of this year the Supreme Court of the United States handed down an opinion in the case of the National Broadcasting Co. against the United States, which subjects the radio stations of this country to the absolute and arbitrary rule of the Federal Communications Commission. It is my belief that this opinion threatens freedom of speech in the United States unless it is corrected by legislation. Such legislation is pending before the Committee on Interstate Commerce. It was introduced by the senior Senator from Maine [Mr. White] and the senior Senator from Montana [Mr. Wheeler]. My belief is that the committee should consider the bill and should report it during the approaching recess.

I suppose there is no other place in the world where the right of free speech is so freely granted as in the United States Senate. Therefore it is all the more our obligation to see that that right is preserved throughout the United States, and it is appropriate that I should speak here when that right is threatened.

We have been told that one of the great purposes of this war is to spread freedom of expression throughout the world. Whether any such purpose is feasible insofar as it interferes with the governments of other countries may be doubtful, but there can be no doubt that our victory in the war will contribute largely to its establishment elsewhere. However, in urging that ideal upon the world certainly we cannot forget the right of the people of the United States to free speech. That right is far older than the "four freedoms." Article I of the Bill of Rights says:

> "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press. . . ."

There is no more fundamental liberty. If freedom of speech is destroyed, then every other freedom can be whittled away without the realization that it is disappearing. Anyone who aims at arbitrary government must first destroy freedom of speech or he will not reach his goal.

There are a number of reasons why we must exert every effort today to protect this right. It is a time of war and distress, when men's minds are confused and diverted to the needs of the moment. Even before the war, we were overwhelmed by a general passion to regulate everything and everybody. Because the war requires that we must all submit to certain Fascist controls, Government regulation has been indefinitely extended, and at least in some instances those who have a passion for running other people's business have availed themselves of the war necessities to acquire power which the war does not justify.

We are governed by an administration which, however much it may be interested in abstract freedom in Europe and Asia, certainly does not seem interested in individual freedom in the United States. It is therefore inevitable that this passion for regulation should extend to the institutions through which free expression reaches the people of the United States. Yet the freedom of these institutions, in particular the press and radio, is essential to freedom of speech for the people. If speech is to be really free, there must be freedom of every possible means of communicating ideas and views and principles and hopes from one citizen to another, from one section of the country to another. It is only by free means of communication that a people can remain free. There is no freedom if these means of communication are owned and operated by the Government. Freedom of speech does not mean that only those in control of the Government shall have the right to speak. The people must have the right and the means to speak to each other. The opposition to those in power must have the same right and means of speaking as the directors of government.

The present administration has shown no concern for freedom of the press at home. The suit brought against the Associated Press under the Sherman Act shows the attitude of the administration that the press and distribution of news shall be subjected to the same kind of rules as the manufacturer or the chain store. Regardless of the legalities of the case, it is clear that the policy which directed the bringing of this suit is part of the general passion for Government control, and those who brought it show a reckless disregard for freedom of the press. Those who drafted the Sherman Act surely had no thought that it could ever be used for such a purpose. No doubt today the Associated Press could secure the dismissal of the suit, if they were willing to run their business as the Department of Justice or some other new Deal agency thinks that the distribution of news should be run.

The Senate only this week had to step in to prohibit the wide distribution of Government propaganda within the United States by the Office of War Information. There is no freedom of speech if the Government, by the use of its vast funds and the means that are open to it, floods the country with propaganda and blankets the voices which speak in opposition. When Mr. Elmer Davis requisitions all four networks to hear his weekly outpourings and everyone must listen or turn off the radio, it is an infringement upon freedom of speech.

We have seen on the part of the Government a complete suppression of a great deal of news relating directly to the war, far more complete than seems to be necessary for any legitimate war purpose. There has been imposed on the newspapers a voluntary censorship of many facts the knowledge of which will do the enemy no good. Naturally, when news is suppressed, all comment on such news is automatically destroyed. The people were not told the whole truth about Pearl Harbor until a year after that inexcusable disaster, and the news relating to the bombing of Tokyo went even further in almost deliberate misrepresentation. In two very recent instances the administration sought to achieve complete secrecy in relation to international conferences of far-reaching application—the Refugee Conference held in Bermuda, and the International Food Conference at Hot Springs.

The Office of Censorship has been less criticized than the O. W. I., but here also it seems that suppression of facts has amounted to a denial of freedom of speech. There has been much complaint from British and other foreign correspondents over the censorship of their dispatches. In the case of Alex Faulkner, correspondent of the London Telegraph, it was agreed by Mr. Byron Price that in one instance at least his dispatch had been heavily overcensored. Don Iddom, correspondent of the London Daily Mail and Sunday Dispatch, said in a report to the British press:

> "The American censorship of outgoing press messages is preventing the British people from getting a complete picture of America at war. What we have been sending is the truth, but not the whole truth. . . . Officialdom is partly gagging us."

Quoting the head of a British news agency, who has recently completed a tour of the United States, he said: "The British censorship at its worst is better than the American censorship at its best," and added:

> "Our censorship of dispatches and articles going out of Britain is much more lenient, much more tolerant, much more in democratic tradition.
>
> "Now what is the reason for this bad and stifling American censorship? I suggest that it is because it is trying to do too big a job. Instead of trying to carry out its function of preventing information that might be of military value reaching the enemy it has taken on itself the task of deciding what the British public should know about America and what they should not know about America.
>
> "One day there might be a major schism in Anglo-American policy and the people in Britain will say and rightly: 'But we had no idea American opinion took this view. This is absolutely new to us. There were never any indications of such a trend."

From the time that the President traveled publicly all over the United States without a word appearing in the newspapers, the people have lost confidence in the accuracy or completeness of any news. Such a condition is not freedom of the press.

And yet while all these policies indicate that the administration has no real interest in freedom of the press in this country, the ingrained insistence of our people upon that freedom has prevented any great progress toward actual suppression of the freedom of newspapers and magazines. Publications still represent every shade of opinion among the people, and anyone with a real message can find a newspaper or magazine to print it. There is as yet no Federal agency in control of the press, and there is as yet no Federal bureau which licenses the press.

But what is true of the newspapers is no longer true of the radio, and the radio is an even more important instrument of free speech than the newspaper. In the broadcasting case the Federal Communications Commission undertook to issue regulations assuming complete control of all the relations between the local broadcasting stations and the networks and breaking down the network system which has grown up in recent years. The Commission did this under the Communications Act of 1934, not by direct regulations of chain broadcasting but by using its power to refuse licenses to local stations. These regulations provided that no license should be granted to any station having a contract with a network which provides that it shall only broadcast the programs of that network, or a contract which provides that other stations within the area cannot use the network's programs. Licenses are to be denied to any station having a contract with a network for more than 2 years, or giving the network options on more than a very limited period of time. The Commission will refuse licenses to any local station which does not retain the complete right to reject any program in its own discretion, or which agrees that it will not undercut its network rates for national advertisers who come to it directly.

It seems obvious that if licenses can be denied for violations of regulations of this kind, they can be denied for almost any method of conducting the local radio business of which the Commission does not approve. If these regulations are valid, then local stations are subject to almost any rules which the Federal Communications Commission sees fit to make. The Court held that these regulations were valid, and the majority decision of Mr. Justice Frankfurter is broad enough to justify any regulation which is not completely arbitrary.

The Communications Act was undoubtedly passed because of the confusion which would exist in broadcasting without some regulations. Unlike the situation of the newspapers, it was essential that stations be confined to specific wavelengths and powers, so that they might not conflict with each other. There is nothing in the Communications Act, as I read it, which shows any intention of Congress to go beyond that simple purpose in conferring power to regulate. The Court relies on that section of the act which authorizes the Commission "from time to time, as public convenience, interest, or necessity requires," to make various types of regulation. I believe this language refers merely to qualifications of the stations to serve the public, but the breadth of Mr. Justice Frankfurter's decision is evident from his use of the following language:

> "We are asked to regard the Commission as a kind of traffic officer, policing the wavelengths to prevent stations from interfering with each other. But the act does not restrict the Commission merely to supervision of the traffic. It puts upon the Commission the burden of determining the composition of that traffic."

I repeat the language of the majority opinion:

> "It puts upon the Commission the burden of determining the composition of that traffic."

In other words, it is declared that control of what reaches the American people over the air has passed from the American public into the hands of an all-powerful Commission, whose edicts are final and conclusive, and which exercises powers as complete as those existing in many foreign countries.

Mr. Justice Murphy and Mr. Justice Roberts dissented, but they take the same view of the scope of the Frankfurter opinion, for Mr. Justice Murphy says:

> "By means of these regulations and the enforcement program, the Commission would not only extend its authority over business activities which represent interests and investments of a very substantial character, which have not been put under its jurisdiction by the act, but would greatly enlarge its control over an institution that has now become a rival of the press and pulpit as a purveyor of news and entertainment and a medium of public discussion. To assume a function and responsibility of such wide reach and importance in the life of the Nation, as a mere incident of its duty to pass on individual applications for permission to operate a radio station and use a specific wave length, is an assumption of authority to which I am not willing to lend my assent. . . . We exceed our competence when we gratuitously bestow an agency power which the Congress has not granted."

The majority opinion rests its case on the authority given the Commission to do certain things "as public convenience, interest, or necessity requires." I agree that these words are broad. Congress has been properly criticized for passing statutes like this statute and the National Labor Relations Act and the Securities Act, conferring power on administrative agencies in loose language with no definite meaning. Congress has been too prone to give to these agencies the right to make rules and regulations without defining clearly enough the limitations on the delegation of what is actually law-making power. And yet I believe this decision goes far beyond any intent of Congress which can be read into the act by the average layman having some knowledge of its history.

Mr. President, the apparent intent of the new regulations, as stated by the Commission, is to free the local broadcasting stations from network control and permit them to do as they please. But this is not the real effect. It may be that they will be less subject to influence by the networks, but the direct effect of the regulations is to prevent them from making the contracts which they may desire to make. Such freedom as they acquire is only acquired by the adoption of a principle under which in the future they may be made to do exactly as the Government pleases. There is practically no limit to the manner in which their business may hereafter be regulated by the Federal Communications Commission. There will remain to them no freedom of expression. The present regulations cover every phase of the manner in which these stations may make contracts with the networks, they extend to certain phases of their charges for advertising, and presumably may be extended to the entire manner in which advertising charges are made, and the amount of such charges. From the language of the Frankfurter opinion the Commission may determine "the composition of the traffic over the air." This apparently means that the Government can prescribe the amount of time to be devoted to every kind of program, and perhaps even specify the programs themselves. If the character of the programs and the right to advertise may be restricted and limited, then these local broadcasting stations cannot long survive under private control.

As for the network system, the effect of the decision is ultimately destructive. Many persons have regarded the networks as somewhat monopolistic, but, on the whole, I believe the people approve the job they have done. The destruction of that system would be itself a serious limitation of freedom of expression throughout the United States. It is the network which makes it possible for the whole people of the United States to listen to the Philharmonic Symphony under Bruno Walter on a Sunday afternoon. It has made it possible for all our people to listen to the N. B. C. Symphony under Toscanini, a delight once reserved to a few people in very large cities. It has opened the doors of the Metropolitan Opera to the whole American people rather than to the few who could afford to buy a seat in New York. It has opened avenues for personal discussion and debate for such institutions as the Town Meeting of the Air, the American Forum, the Chicago Round Table, and other organizations for discussing important public questions. It has made it possible for public officials and Members of Congress to reach millions of citizens. When the President of the United States wishes to, he can speak directly to the whole American people sitting in their homes. It requires organization to develop such facilities. In contrast to other countries where the radio is controlled by the Government, these networks have been developed by private capital, individual ability, and freedom to keep a proper balance between the artistic, theatrical, humorous, and political outpourings of the Nation. No other country produces programs of equal quality and quantity.

The protection of the network system has been commercial advertising. By this means it has been possible for the broadcasters to send over the air programs that represent millions of dollars of expenditure. But if that expenditure is to be justified, the advertiser must be guaranteed an audience sufficiently large to make the expenditures worth while. The Texas Oil Co., for instance, finances the broadcasting of the Metropolitan Opera Co. every Saturday afternoon during the season. The program involves a huge expenditure for a very few minutes of advertising. The advertiser can only afford to underwrite such a huge enterprise—opera available to perhaps 200,000,000 people—because he knows that a large number of those people will hear his name and have some sense of gratitude to him for that service.

But the regulations which have been upheld prevent any network from guaranteeing to an advertiser any of the affiliated stations; in fact, they destroy the whole system of affiliated systems. A majority of a seven-man board has decided that the present network system is entirely wrong, and, without consultation with Congress, has undertaken a compulsory restriction which may well destroy these systems.

Mr. President, I may say that the senior Senator from Maine [Mr. White] was one of the authors of the Communications Act of 1934. I think he agrees with me that when the act was written Congress did not have the slightest intention of granting any such power to the Radio Commission.

Mr. President, the radio is a means of communication, a facility of free speech, of equal importance today with the press. From its very nature, it must be regulated in a manner which is not necessary in the case of the press. But that regulation should be limited to the essential rules necessary to prevent confusion in the air, decent expression, and the affording of facilites to all points of view. If Congress feels that rules to prevent monopoly in the network field should be added, they should be made by Congress, and not by a subordinate agency of the Government.

In my opinion the Congress should proceed at once to amend the Federal Communications Act to define precisely the limitations of authority to be conferred on the Federal Communications Commission. The senior Senator from Maine [Mr. White] and the senior Senator from Montana [Mr. Wheeler] have introduced a bill to carry out this purpose. They are experts on the question, and are familiar with the intent of the former act. I hope that hearings may be held immediately upon the proposed bill, and that Congress may consider it immediately upon its return from the recess. In the meantime, the regulations should be suspended until the whole problem can be considered by Congress. Only in that way can we defend ourselves against the most serious infringement on the right of freedom of speech in the United States which has occurred since the Bill of Rights was adopted.

DEFENSE OF OUR LIBERTIES

Mr. SHORT. Mr. Speaker, I want to speak for a few minutes about the defense of our liberties—not by our armed forces abroad but by ourselves at home.

I think we have no right to send men out to fight and to die for liberty if we are not ready at least to speak for liberty at home when it is in danger.

The decision of the Supreme Court on May 10, in connection with radio broadcasting, has done something to one of our liberties. Either it has begun to destroy a specific part of American liberty or it has redefined the word until it has no meaning for true Americans. Look at our United States Supreme Court today and you will know why Jesus wept.

If we are honest with ourselves, we will all admit that our liberties have been jeopardized. Some of us think the danger is serious, others are complacent. But no one in this Chamber believes that our solitude for freedom is, in the elegant words of the Chairman of the Federal Communications Commission, "hooey." Mr. Fly, as Chairman of the F. C. C., has been authorized by the Supreme Court to take charge of all radio programs in the United States. There is, to be sure, a statute which forbids Mr. Fly to interfere with the services and the pleasures which radio brings to the American people. But the Supreme Court has explained the law away. It has gone beyond Mr. Fly's bid for power over the business of broadcasting and has given him and the Communications Commission, supreme and unlimited power over programs as well.

We are in the midst of a war for liberty. If I were to inform this body that a company, a battalion, or a regiment had been lost unnecessarily—by ignorance or neglect—every Member, regardless of party, would cry out for court martial of the guilty, or for impeachment. By the Supreme Court decision we have lost more than a battalion of fighters for liberty. We have begun to lose what we fight for—since you cannot lose one civil right without endangering all civil liberty. And there is no one to impeach for ignorance and neglect—no one except ourselves. In the miserable loophole left—the almost invisible loophole through which a tiny ray of light still shines—the Court itself has challenged us, saying that "the responsibility belongs to the Congress." All we are guilty of is not taking our responsibility—and acting wisely upon it.

I do not know whether all of you have read the decision of May 10. Perhaps the headlines repeated the old words about the Court curbing the networks. Curbing has become a friendly word—almost like checking abuses—not at all like destroying freedom. Perhaps you have thought it only natural that the networks should protest—after all, they lost the decision. Perhaps you have heard many times that Congress meant the F. C. C. to be something more than a traffic officer of the radio waves. The sharp outlines of objects are dulled by familiarity—we hear a phrase so often that it ceases to have meaning. And when five members of the Court deliver a decision we assume that all is right with the world. It does not seem possible that in the midst of a war to bring freedom to the world one of our own basic freedoms should be destroyed. It hardly seems necessary to worry about it. Mr. Fly would be glad if we did not worry about freedom. The fuss about freedom is all "hooey," says Mr. Fly. Maybe it is, to him. Maybe freedom is also "hooey." But millions of men and women are in the armed services of this country, and many of them will die—at this very moment some of them are dying—for freedom. We have the right to be concerned.

Is it true that the Federal Communications Commission has been given authority over radio programs? Can the Commission actually prevent a radio station from putting on a comedian whose humor it does not appreciate? Or a commentator whose philosophy it does not share? It seems improbable. But it is so.

Let me go back to the business of the traffic cop. You may know that before 1927 there was a totally unregulated scramble for the air waves, one station overlapped another and broadcasting might have been destroyed if some traffic regulations had not been put into force. These regulations were not made for the benefit of the broadcasters. They were set up for the advantage of the American people—and Congress imposed regulation of the traffic in accordance with public interest, convenience, and necessity.

The five judges who gave the May 10 decision say that the act of Congress "does not restrict the Commission merely to supervision of the traffic." The act, says the Court, "puts upon the Commission the burden of determining the composition of that traffic."

You and I, Mr. Speaker, are not familiar with the intricate problems of broadcasting, but we do know about traffic officers. And we know what English words mean. Let us, then, imagine that we have been made special traffic officers in the meaning of the Supreme Court's decision.

We do not merely see to it that east-west traffic moves on a green light, while north-south stands still on red. We are not restricted to preventing speed maniacs from cutting out of line, jamming ahead of other drivers into wrong lanes of traffic. No. The Supreme Court says to us "You are now a Federal bureau. You are to have the burden of determining the composition of the traffic."

So, as good Federal bureaucrats we do nothing openly at first—we let common people drive blue cars or green ones, limousines or roadsters—but on the side we confine station wagons to truck roads. Then we announce that only 10 per cent of the commercial vehicles owned by one company may operate on one day. We deny driving licenses to women drivers, we refuse the road to cars bought on the installment plan, and finally we get tired of all these half measures and determine the composition of the traffic once for all—we drive all privately owned vehicles off the road entirely.

It sounds preposterous. But apply it to radio. The F. C. C. is authorized to decide what radio shall be. It may begin by changing the business methods of the stations—but it has the power to go farther—and power never lies around unused. Mr. Fly, it is reported, is satisfied with his victory over American broadcasting. His appetite for dictating the composition of the programs may be dormant. But the power is there. This month and next, nothing may change. But if a station thinks the people in its neighborhood want comedy at night and the F. C. C. thinks the people ought to have lectures—the F. C. C. has the last word. The comedian will be kept off the highways of the air. If a woman commentator disagrees with someone's policy on regimenting women, the woman—or the station on which she appears—will be warned and, by one means or another, will be shunted off the air. And as the appetite for tyranny grows, someone, today's F. C. C. or its successor tomorrow, will also determine the traffic for good and all, and we will have no private radio—which means no free radio.

That sounds ominous. To a minority of the Supreme Court it seems even lacking in common sense. If the Congress meant to interfere with the business arrangements of the highways—not to mention the composition of the traffic—it would have said so. The minority says with some irony that "the subject is one of such scope and importance as to warrant explicit mention." But, of course, Congress did not mean to let any traffic officer determine the composition of the traffic—not on the highway—and not on the air waves.

If the American people were informed today that after the war a Federal agency will tell them what size and color and type of car to buy, they would march on Washington and demand, from us, redress of grievances. We are a long-suffering people, but we are not so stupified as to let all our freedom go by default. Why is it, then, that our folks at home have not protested against destruction of their liberty to hear whatever they want on the air?

I hope we will not delude ourselves, gentlemen, into thinking the people do not care. They care intensely. For 20 years American radio has given the American people a greater range, a finer standard, of information and entertainment than any other people of the world has enjoyed—and this has been done without taxing the people, without propagandizing the people. In short, it has been American—and it has been free. The lives of millions of us are in an orbit which radio touches—in important ways—at every hour of the day, from the moment it gives us crop information in the morning through the news of the day, the music and the plays and the war messages of the evening to the music which sends us to sleep at night.

No one can tamper with the legitimate entertainment of a democratic people and survive. The reason we have not been denounced is that the American people do not know what has happened. They are not interested in networks and affiliated stations. They are interested in programs, in Fibber McGee and Fred Allen, in Raymond Gram Swing and Toscanini and the Man Behind the Gun. They do not know that these are threatened. They imagine that some complicated contracts between networks and stations will be altered. They have not been told that the composition of the traffic will be determined in Washington by the Federal Communications Commission. And if they have heard that the networks can find no defense against this tyranny, they have also heard Mr. Fly say "hooey."

I do not know how you can be too solicitous of liberty. If you think liberty was created, once for all, in 1776, and all we have to do is enjoy it, then you may retire into your cave and wait until the war is over and other men have fought and died for liberty. For liberty is like our daily bread, and is our daily bread, because we live by it, and it must be created again and again, and watched over and protected. And in defense of liberty we who do not run the risk of death in action have an obligation to those who do. We must see to it that liberty is not diminished when they return.

I challenge Mr. Fly to say to our armed services that while they were away he has taken radio away from the people. Let him tell them that he will decide what the composition of the radio traffic will be when they get back, and if they will politely petition him to let them hear Jack Benny or Invitation to Learning, he and the F. C. C. will listen to their request, and grant it if they happen to feel so inclined. For the court says the commissioners have expansive powers. The court places no restriction upon them.

But we—as part of the Congress of the United States—we can restrict the Commission. We can restore freedom to radio under the regulations and restrictions we have always imposed.

We must not let the defense of American liberty fall into the hands of one party. We must not, by default, let ourselves become the party of its enemies. If we do not fight, if we are silent, we are betraying liberty, and it shall not be forgiven us.

The liberty of a people is made up of many things—some great, some trifling. And the attack upon liberty always begins with the little things, those hardly worth fighting for. The attack on free radio is almost invisible now; it is concealed under legal terms. It seems concerned only with insignificant business details.

But the stake is a great one; it is even greater than the people's rights in radio. The stake is freedom.

An outpost has been taken. If we react promptly we can throw the enemy back and punish him for his arrogance. We have the weapons, it is our right to make laws, to define powers, to protect liberty. I hope we will have the courage and intelligence to do our duty.

Mr. ELSTON of Ohio. Mr. Speaker, will the gentleman yield?

Mr. SHORT. I yield to the gentleman from Ohio.

Mr. ELSTON of Ohio. Does not the gentleman think that under the decision of the Supreme Court, to which he has referred, it is possible for the Federal Communications Commission to deny to any political party the right to use the airways?

Mr. SHORT. Of course, the distinguished gentleman from Ohio is one of the ablest lawyers in this House and I am neither a lawyer nor the son of a lawyer, but I can, I think, understand fairly well the English language. The gentleman almost answers his own question. I think it has such broad and expansive powers that it could do that very thing.

The Court has shown us the way. We have the solemn obligation of writing a law so clear that it will forever do away with the shabby generalizations by which authority is usurped. In place of "the composition of the traffic" we can write the exact phrases by which the powers of the F. C. C. will be described. If we want to protect liberty in America, we must make the laws precise and practical, by which radio can continue to function as one of the most powerful engines of democracy ever invented by the mind of man.

Talk Before the Meeting of AFA

Wednesday, June 30, 1943

by

Neville Miller, President

National Association of Broadcasters

With over 900 radio stations in the United States and only 106 airlanes, the need for physical regulation of the wave lengths is evident. Realizing this fact, Congress, when it enacted the Radio Act of 1927, saw fit to impose regulations of purely a technical nature. Radio is not a public utility and the power which Congress exercised in passing this Act arises from its constitutional grant to regulate interstate and foreign commerce.

It is important to keep in mind the reason for regulation and the source of the power.

During its lifetime radio has grown in number of sets and number of listeners because it has served the American public by giving it programs equalled by no other system in the world. This high standard was not arrived at by the brain work of one group of men, but by the competing brain work of many men. Free speech, free enterprise and good old American competition built radio as we know it today. You who have competed with the other fellow, who have experienced the thrill of success and have been pushed to even greater efforts by the untiring efforts of your competitors can realize the chilling, dampening effect which would have been produced on programs had the control been under a government bureau.

Radio as you know it has operated under a Commission whose jurisdiction was summarized by the Supreme Court in the Sanders case as follows:

> "But the Act does not essay to regulate the business of the licensee. The Commission is given no supervisory

control of the programs, of business management or of policy. In short, the broadcasting field is open to anyone, provided there be an available frequency over which he can broadcast without interference to others, if he shows his competency, the adequacy of his eequipment, and financial ability to make good use of the assigned channel."

Now what has happened?

On May 10th, the Supreme Court by a 5-to-2 decision, written by Justice Frankfurter, gave the F. C. C. practically unlimited power to exercise as it thinks best "in the public interest, convenience and necessity." As one editor said: "It takes little imagination to picture the possible consequences to the public's liberty of the rule by a group of Commissioners all equipped with powers to make regulations which the respective majorities of Commissioners deem to be 'in the public interest, convenience and necessity.'" Let me read to you from that Opinion and you can understand why we in radio are greatly concerned. I quote from the Opinion:

> Page 19. ". . . we are asked to regard the Commission as a kind of traffic officer, policing the wave lengths to prevent stations from interfering with each other. But the Act does not restrict the Commission merely to supervision of the traffic. It puts upon the Commission the burden of determining the composition of that traffic."

What does the Court mean when it says: "It puts upon the Commission the burden of determining the composition of that traffic." It means that the Commission has control of programs.

I quote again:

> Page 20. "These provisions, individually and in the aggregate preclude the notion that the Commission is empowered to deal only with technical and engineering impediments to the 'larger and more effective use of radio in the public interest.' We cannot find in the Act any such restriction of the Commission's authority."
>
> Page 21. "In the context of the developing problems to which it was directed, the Act gave the Commission not niggardly but expansive powers."

This grant of expansive power was opposed by Justices Murphy and Roberts and was attacked by Justice Murphy when he said:

> Page 31. "By means of these rgulations and the enforcement program, the Commission would not only extend its authority over business activities which represent interests and investments of a very substantial character, which have not been put under its jurisdiction by the Act, but would greatly enlarge its control over an institution that has now become a rival of the press and pulpit as a purveyor of news and entertainment and a medium of public discussion. To assume a function and responsibility of such wide reach and importance in the life of the nation, as a mere incident of its duty to pass on individual applications for permission to operate a radio station and use a specific wave length, is an assumption of authority to which I am not willing to lend my assent."
>
> Page 28. ". . . we exceed our competence when we gratuitously bestow upon an agency power which the Congress has not granted. Since that is what the Court in substance does today, I dissent."

What is the net result of the majority decision? It is this: The FCC can tell broadcasters what must be broadcast whether it be news, public discussion, political speeches, music, drama or other entertainment.

The Commission can likewise enforce its edicts of what may not be broadcast in any one of these fields.

The Commission can regulate the business arrangements by which broadcasters operate and direct the management of each individual radio station. It can issue or deny licenses based upon business affiliations.

What may we expect? Will the FCC in the near future issue some rules regarding program content? Certainly not. It does not need to. The mere fact that the FCC has this unlimited power gives it complete and effective control without the need of issuing any rules. Let me explain. Imagine yourself a newscaster in foreign country A which has a censor. That censor looks over your script and blue pencils what he does not like. That may restrict you and you may not like it, but at least you can argue with him and can try to tell the news as you see it.

You move over to country B which has no censor. The government there merely says you can broadcast anything you like, but if you say anything the government does not think is in the public interest, it will run you out of the country. Will you do anything to cause the government to chop off your head? No—and moreover, if you ever get the least bit independent, a letter requesting a copy of yesterday's broadcast will quiet you down. Your broadcast is controlled without the government's lifting a finger. The inherent power and the threat to use it is sufficient.

Let's apply that to radio. Will the FCC put out program rules? No—but every radio station must come up for license renewal every two years and failure to renew is equal to a death sentence. The FCC need only indicate its displeasure by referring a matter to the Department of Justice or to the FTC. Both the Department of Justice and the FTC may report they have no power to deal with the situation, but you can bet your bottom dollar that radio stations are not going to risk loss of license to carry for your advertisers something which is perfectly legal, but which the FCC for reasons of its own does not like—does not think is compatible with the "public interest, convenience and necessity," as interpreted by the FCC.

Let's take another example. Maybe some bureaucrat should believe more religion should be carried. A casual statement by some one in authority may have a very marked effect. You can multiply the possibilities.

The point is that the mere existence of the power and the drastic penalty provided in the Act accomplishes the result.

There is always this threat in any system of licensing, and this thought was well expressed in *Thornhill* v. *Alabama*, decided April 22, 1940, (310 U. S. 88), when the Court said:

> "The power of the licensor against which John Milton directed his assault by his 'Appeal for the Liberty of Unlicensed Printing' is pernicious not merely by reason of the censure of particular comments, but by reason of the threat to censure comments on matters of public concern. It is not the sporadic abuse of power by the censor, but the pervasive threat inherent in its very existence that constitutes the danger to freedom of discussion."

I emphasize this point because I believe that freedom of thought, freedom of discussion, freedom of the press and of speech—yes, freedom of radio—form the cornerstone of democracy. It is and always has been recognized that the rights of free men can only be guaranteed through the free play of ideas and through the right to criticize the action of those placed in temporary authority of office. Except in the case of violent revolution, the rights of citizens are never taken away abruptly, but little by little essential rights are plucked away if protests and remedial measures are not made.

Chairman Fly has asserted that he does not believe the decision of the Supreme Court has given the FCC the broad power as alleged by the NAB and if it has, he does not intend to use it. I hope he is right and that he will not use it if he has it, but the next Chairman will not be controlled by Mr. Fly's declarations. So long as the words which I have read to you remain in the reports unreversed they are a serious threat to the freedom of radio.

Further, actions of the FCC unfortunately indicate a tendency on part of the Commission to supervise programs. Take two examples: The regulations of FM prescribe that there must be two hours of non-duplicated programs. Explain it any way you will, yet that is a definite step towards program supervision.

Also, the proposed new FCC renewal application has a new section calling for information concerning foreign language broadcasts. The Attorney General has ruled that the control of foreign language broadcasts lies with the Office of Censorship and that Office has requested no help from the FCC. What does the FCC propose to do with the information if it is not going to use it, and how is it going to use it unless to control programs?

Put yourself in the place of a station carrying foreign language broadcasts and with your license coming up for renewal shortly. Read the Opinion which says the Commission has 'the burden of determining the composition of the traffic.' If the Commission has any views about foreign language broadcasts, will it have to do more than indicate its views to secure compliance, especially when the penalty which can be meted out for a single offense is revocation of license.

What is the answer? The answer is legislation. Legislation to limit the power of the Commission and not legislation to set aside the network rules—they have gone into effect and time alone will tell whether they are wise or not. The network rules are involved in the present dispute merely because it was a case involving those rules in which the Court gave the FCC its broad grant of power. It is this grant of power which concerns us.

What is our legislative program? Time today is insufficient to go into the various amendments in detail, but I shall describe them generally.

NAB Platform

We propose an amendment limiting the Commission's jurisdiction to technical regulation in conformity with the decision in the Sanders Case. We do not believe that the Commission should have charge of determining "the composition of the traffic." We do not believe that we need the beneficent hand of bureaucracy to tell us what programs the American people should hear, nor supervise the contractual relationship between parties.

We believe a man is entitled to his day in court and to secure that result the Federal Communications Bar Association is advocating certain procedural changes. Furthermore, we are advocating the adoption of an amendment providing for declaratory judgment procedure. Today it is impossible to challenge the actions of the FCC without violating the Commission's order and placing your license in jeopardy. Under the declaratory judgment procedure, a station may request a ruling on any Commission action, and if not satisfied, may appeal the Commission's ruling to the court for review.

There are other provisions regulating the use of a station for the discussion of public or political questions and other amendments may be proposed before the hearings are concluded, but briefly our legislative program is aimed at maintaining a free radio. The White-Wheeler Bill embodying these provisions was introduced March 2, 1943, and hearings will start in September. It is possible to secure these needed amendments if we can only bring the need of them to the consciousness of the American people. It is highly important that this be done.

What is Chairman Fly's attitude towards this legislation? I think that is best told by quoting the remarks of Senator White made at the opening of hearings by the Senate Interstate Commerce Committee on May 13, 1941:

> "I have long been an advocate of a comprehensive study of this whole radio problem and of the administration of our present radio law.
>
> "As far back as 1937 I offered in the Senate a resolution which was pretty general in its character, and I strenuously urged at that time that we should undertake a study of the whole radio situation, and that the Congress should particularly concern itself with matters of principles and policies as they should guide the industry, whereby we would guide our regulatory body in its efforts to administer the law.
>
> "I still favor a comprehensive study of the whole radio situation.
>
> "I still feel that the Congress perhaps ought to lay down more definitely than we have in the existing law, the policies and principles which should guide us and which should control the regulatory body, and which should keep the industry itself in what we believe to be the appropriate bounds."

Referring to the regulations promulgated by the FCC, Senator White continued:

> "I am very frank to say that it never occurred to me there would be any substantial opposition in any quarter to a study of the possible or probable or feared effects of those regulations. I have thought and I might as well say it here openly, that I have been rather surprised, even shocked, that the Commission itself feels it appropriate to oppose the study which the resolution suggests.
>
> "I have been here in Congress quite a while; I think there is only one member about this table who has served longer than I, and this is the first time so far as my knowledge goes that a regulatory body of the Government, a creature of the Congress itself, has felt it appropriate to challenge either the wisdom or the right of a committee of Congress to review its acts and the policies which it is undertaking to put into effect."

It is important to you as advertisers because radio is an important medium of advertising. It is important that it be kept free. Let government control of programs once get started and it will, like creeping paralysis, gradually suck the vitality of radio.

Today your clients, because radio is free, can combat the many theories of the starry eyed boys who would love to remake the world. Yet let the government secure control of programs—let the FCC by raising its finger indicate that more time should be given to government officials and less to advertisers—and the very basis of free enterprise will be threatened.

But it is more important to you as an American interested in the future of this country. We have seen how radio has been used in Europe as a means to enslave nations. We all say it cannot happen here. Let's just look at a few examples. Take our elections. They are one of the cornerstones of our democracy. Elections though are based on free discussion, and elections without free discussion are merely a farce. Take these figures from a FORTUNE poll, made in November, 1942 limited to high school students. This question was asked:

Where do you get most of your news—from newspapers, radio, magazines, talking with people, or where?

The answer was:

Radio	57.2%
Newspapers	34.8%
Talking with people	20.7%
Magazines	5.6%
Others and don't know	1.4%

The man or group of men who control radio control the future of this country. That's why it is important to you that radio is kept free. That is why the decision of May 10, giving the FCC unlimited power is of importance to you, and that is why we ask your help and that of all right thinking people in securing the needed legislation so that radio may again be free.

EXTENSION OF REMARKS

of

Hon. William M. Colmer

of Mississippi

In the House of Representatives

Monday, July 5, 1943

Mr. COLMER. Mr. Speaker, under leave to extend my remarks in the *Record*, I include the following article by Frank C. Waldrop, from the Washington *Times-Herald* of today:

TAKE OFF THESE HANDCUFFS

(By Frank C. Waldrop)

New and further sensations are promised for next Friday when the Congressional Committee Investigating the Federal Communications Commission resumes hearings. If the revelations to come are more staggering than those made on the opening day of the hearings, last Friday, they will be stunners. On opening day, Eugene Garey, counsel for the investigating committee, disclosed that the Army and Navy distrust the Federal Communications Commission and have asked the President to take away from it control of a staff which conducts "radio intelligence" work, polite term for radio espionage and counter-espionage.

Garey read into the record letters and documents concerning activities of the Federal Communications Commission, and to its chairman, James L. Fly, which he said "constitute a danger and menace to national security."

Garey said the Federal Communications Commission is also accused of being "entirely motivated by political partiality and favoritism in the performance of its duties" and "its powers are unlawfully exercised for the purpose of furthering its own political ideologies and philosophies."

One more. "The radio industry has been so purposefully terrorized by the Commission that it is enslaved and lives in an unremitting state of fear, as a result of which it acquiesces in every whim and caprice of the Commission."

That is tough talk. And the word is that the congressional committee expects to demonstrate proof of the charges by documented detailed evidence.

As to that, we will see. Congress plans to adjourn shortly, and there are no other big investigations on just now unless the Jesse Jones-Wallace controversy gets off to an unexpectedly quick start, so this Federal Communications Commission investigation is likely to get a lot of attention during these next few weeks.

But whatever happens in detail, the fact remains that the Federal Communications Commission is in a bad way, and needs a going over. Herewith, the background.

The Federal Communications was one of the first projects of the New Deal, and has been an excellent demonstration of its basic philosophy toward private industry, property, and free enterprise.

Radio transmission was at the beginning of the First World War just about where television was at the beginning of this war—proved in the laboratory and waiting only on the breaks to emerge into the common stream of affairs.

World War No. 1 gave it a tremendous push forward, knocked together small companies warring for trade position, and brought the broadcasting of news and entertainment into being as a gigantic industry.

The peculiarities of radio transmission, that one station may pirate into another's territory and crowd out its program if there is no firm division of fields, in time brought the need for aerial traffic cops.

The first United States radio law was passed in 1910. It was a mere requirement that users of ship wireless obtain licenses from the Secretary of Commerce and Labor. In 1912 it was revised, but still there was no power given by Congress to withhold a license from any applicant.

The 1912 law stayed on the books until 1927, by which time radio had long since outgrown the field of mere ship's wireless, and the anarchy of program piracy was in danger of wrecking the whole, battling new industry of broadcasting.

The 1927 act provided for a radio commission of five members to grant broadcasting licenses and really act as aerial traffic cop between the tooth-and-claw competitors.

But radio kept on outrunning the regulators, so that it was obvious by 1933 that the act needed broadening again. This gave the New Dealers their chance.

The Federal Communications Commission as we know it today came into existence with the act of 1934, which in effect swept all property rights out from under the holder of a radio license and made him a mere dependent upon the Government.

His license, as of today, is for 2 years only. The law and the regulations attached thereto, really do make the radio broadcaster entirely dependent upon the Federal Communications Commission as to whether he will stay in business. Of independence in radio there is none. The whole industry is at the finger's beck of Government.

That is the basic vice in the Federal Communications Commission Act of 1934—its destruction of property rights in radio and the immediately consequent wreck of free, independent behavior by radio operators.

The committee investigating the Federal Communications Commission has a chance to show up that vice, if it will, and to demonstrate what happens when men are made entirely dependent upon governmental bureaucracy for their daily bread.

Once that is shown, maybe Congress will start to roll back oppressions laid upon us all in the past 10 years, not only in radio but all across the field of business enterprise and daily living.

The New Deal laid those oppressions on us calling them reforms.

They are not reforms, they are handcuffs. The affairs of this country cannot really be moved ahead until they are unlocked.

The National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

July 9, 1943 SPECIAL LEGISLATIVE BULLETIN No. 9

Additional Cox Investigation Information

(This bulletin contains Chairman James Lawrence Fly's twelve questions addressed to the Cox Committee and also contains four copies of correspondence exchange between Fly and Representative Cox in connection with questions 6, 10 and 11. Also reprinted is a story from the Washington Times-Herald of Tuesday, July 6, 1943, which is self-explanatory.)

July 6, 1943.

Select Committee to Investigate the
Federal Communications Commission,
535 Old House Office Building,
Washington, D. C.

My Dear Sirs:

In view of the gravity of the formal public statements issued through the Committee Counsel, in further view of the extremity and unfairness of the procedures heretofore followed by the Committee and its Counsel, and in further view of the need of the Commission, its Commissioners and staff members for some information as to what procedures may be expected from the Committee, I sincerely request the Committee to respond to the following questions at its early convenience:

1. Has the Committee already concluded that it will make findings as set forth in its Counsel's formal and broadly publicized statement?

2. Does the Committee have an open mind on these matters, and if so may we have a public statement to that effect?

3. Did the Committee authorize the publication of those conclusions of its Wall Street Counsel?

4. Is this Committee going to continue to permit such conclusions to be broadcast without giving the Commission an opportunity for a hearing?

5. Is the Committee now going to adjourn for the summer without giving the Commission an opportunity for a hearing on the publicly announced conclusions?

6. Will the Committee now give to the Commission whatever notice it is possible to afford it as to when hearings may be expected to be held and as to when individual Commissioners or staff members may be expected to be called for testimony?

7. Is the Committee going to continue the services of dollar-a-year men on Wall Street?

8. Is the Committee going to continue to permit lawyers to issue subpoenas requiring appearances before themselves?

9. Is the Committee going to permit its Wall Street lawyers to purport to put witnesses under oath?

10. Is the Committee going to continue to permit this sort of "testimony" behind closed doors, in private offices and hotel rooms with the Commission excluded?

11. Is the Committee going to continue the practice of refusing to permit the Commission to purchase copies of the transcripts of such testimony?

12. In view of repeated statements that the investigation is to be a constructive one, is the Committee going to afford the Commission any form of hearing procedure by permitting its counsel to bring matters to the attention of the Committee:

(a) in connection with statements by Committee Counsel; (b) in relation to the introduction of documents by Committee Counsel, or (c) in the giving of testimony by witnesses called by Committee Counsel without threats of being ejected by the police, and by permitting reasonable cross examination of such witnesses to ensure against further falsehood and distortion.

Very truly yours,

/s/ James Lawrence Fly,
Chairman.

April 15, 1943.

DEAR CONGRESSMAN COX:

The Commission is informed that Mr. Donald Flamm of New York City was subpoenaed to appear before Mr. Hauser of the Committee's staff, that upon his appearance an oath was administered and a complete written record made of the questions asked Mr. Flamm and the answers given.

We are also advised that when Nicholas F. Cureton, an employee of this Commission, appeared at the Committee's offices at your request he likewise was sworn and a record was made of the questions asked and his answers. We do not know what, if any, other witnesses have testified.

It would be appreciated if the Committee would make available to the Commission at the Commission's expense a copy of these transcripts and transcripts of all other testimony taken in this manner.

By direction of the Commission.

Very truly yours,

/s/ JAMES LAWRENCE FLY,
Chairman.

The Honorable,
Eugene S. Cox,
Chairman, Select Committe to Investigate
the Federal Communications Commission,
Room 535, Old House Office Building,
Washington, D. C.

April 19, 1943.

MY DEAR MR. CHAIRMAN:

Judge Cox has forwarded to me for reply your letter, dated April 15, 1943, asking for a transcript of all testimony taken on behalf of the Committee.

It is to be regretted that your request cannot be granted, however, at this time. To grant such request at this time would be incompatible with the public intent. After the Committee's investigations have been completed your request will be reconsidered by the Committee and you will be advised of its then action in respect to your request.

Very truly yours,

/s/ EUGENE L. GAREY,
General Counsel.

Honorable James Lawrence Fly,
Federal Communications Commission,
Washington, D. C.

May 19, 1943.

Honorable E. E. Cox,
Honorable Richard B. Wigglesworth,
Honorable Warren B. Magnuson,
Honorable Edward J. Hart,
Honorable Louis E. Miller,
House of Representatives,
Washington, D. C.

MY DEAR SIRS:

Some weeks ago the Commission received information that Mr. Donald Flamm of New York City had been subpoenaed to appear before Mr. Hauser of the Committee's staff, that upon his appearance an oath was administered and a complete record made of the questions asked Mr. Flamm and the answers given. The Commission at that time was also advised that the same procedure had been followed in the case of Nicholas F. Cureton, a Commission employee.

On April 15, 1943, at the direction of the Commission I addressed a letter to the Chairman of the Committee requesting that the Committee make available to the Commission at the Commission's own expense a copy of these transcripts and a copy of transcripts of all testimony taken in this manner. On that same date Congressman Cox advised me in writing that he was referring my letter to Mr. Garey for attention and reply. In a letter dated April 19, 1943, Mr. Garey denied the request made to the Committee.

It is now apparent that various other examinations of the above type have been made by the Committee's staff. We earnestly request the full Committee to reconsider this refusal and grant the Commission the privilege of purchasing copies of all such transcripts.

Sincerely yours,

/s/ JAMES LAWRENCE FLY,
Chairman.

June 3, 1943.

MY DEAR MR. CHAIRMAN:

Your letter, dated May 19, 1943, addressed to Congressmen Cox, Wigglesworth, Magnuson, Hart and Miller was considered by the full Committee this morning in Executive Session. I have been directed to advise you that the position that the

Committee heretofore adhered to is sustained and your request is again denied.

Very truly yours,

/S/ EUGENE L. GAREY,
General Counsel.

Honorable James Lawrence Fly,
Chairman,
Federal Communications Commission,
Washington, D. C.

(The following story is reprinted verbatim from the Washington Times-Herald of July 6, 1943.)

Fly Undermines Soldier Morale, Cox Charges

In a withering counter-blast at James L. Fly, chairman of the Federal Communications Commission, Representative Eugene Cox (D.) of Georgia, last night charged the FCC chairman with attempting to "destroy the confidence of American soldiers in their commanders."

Cox's criticism came in answer to a diatribe loosed by Fly at the Cox committee, which is currently investigating the FCC. In his statement, Fly charged the congressional committee with "joining with the military, the radio monopoly and Wall Street interests" in a plot to wreck the commission.

Too Serious to Ignore

When reached for comment on the Fly statement, Cox at first was reluctant to make answer. He said that it was a rule of the committee that individual members would not speak on current developments. Later he said he was unable to get the committee together, but that he considered Fly's statement too serious to go without an immediate answer.

Chairman Fly had stated in his blast at the Cox committee:

"The aim has obviously been to wreck the commission, the only agency representing the public in this important field, to set up monopolistic control by commercial interest and to establish actual and coercive surveillance of the nation's most significant mechanism of free speech."

Won't Be Sidetracked

The Georgia Representative declared:

"As to the attack of Mr. Fly upon the select committee of the House of Representatives, now investigating the commission, the committee has no statement to make. The committee does not mean to be drawn away from the constructive job it has undertaken.

"Mr. Fly's attack upon the military and naval departments for objecting to his attempt to take over the responsibilities of war activities cannot be ignored. The joint Chiefs of Staffs of the Army and Navy, the Chief of Staff to the Commander in Chief of the Army and Navy, the Secretary of War and the Secretary of the Navy say it has been found that the operations of Mr. Fly's commission constitute an interference with the war effort and a threat to the nation's security. If this be true then all possible effort must be made to stop this action.

Look to Military

"The fathers and the mothers of the boys and girls fighting this war, the wives and sweethearts of the soldiers and sailors and the men of the armed forces themselves are looking to our military authorities to direct the winning of the war in the shortest possible time and with the least possible loss of lives.

"Even Mr. Fly owes a service to the nation rather than the disservice of trying to destroy the confidence of the soldier in his commanders by charging them with conspiring to destroy the FCC. This commission is made up of seven members and several hundred employes that many of our citizens feel could better serve our country during this great conflict by carrying guns."

"The welfare of the millions of the boys at the battlefronts and in the camps is of far greater concern than Mr. Fly and his commission. The citizens are supremely interested in saving this country.

"Has not Mr. Fly in issuing this statement in question confessed all the Army and Navy had to say about him? If the first public hearing of the select committee has thrown Mr. Fly into such a state of hysterical wrath then what will be his condition after this inquiry has really gotten under way?"

The National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

July 14, 1943 **SPECIAL LEGISLATIVE BULLETIN** No. 10

Volume No. 2

Hearings Before the Select Committee to Investigate Federal Communications Commission, House of Representatives, U. S., Seventy-Eighth Congress

Place, Washington, D. C. Date, July 9, 1943.

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Friday, July 9, 1943

House of Representatives, U. S., Select Committee to Investigate the Federal Communications Commission, Washington, D. C.

The Select Committee met at 10 a.m. in the Committee Room of the House Banking and Currency Committee, Room 1301 New House Office Building, Hon. E. E. Cox (chairman) presiding.

Present: Representatives E. E. Cox (chairman), Edward J. Hart, Richard B. Wigglesworth, and Louis E. Miller.

Eugene L. Garey, General Counsel to the Select Committee.

The Chairman. The Committee will come to order. Mr. Garey, proceed, sir.

Mr. Garey. Mr. Chairman, in the stenographic transcript of the hearing before the Committee on July 2, 1943, at pages 60 and 84 thereof, the following statement appears in my letters to the Secretaries of War and of the Navy:

"That the influx of the civilian employees of the Foreign Broadcast Intelligence Service of the Federal Communications Commission and the Office of War Information in the North African theatre of war operations has presented difficulties and embarrassment to the armed forces there which have necessitated a request for their immediate withdrawal and transfer."

Shortly after the hearing adjourned on that day, a representative of the Office of War Information directed my attention to the fact that that paragraph which I have just read could be construed to mean that a request had been made for the withdrawal of the employees of the Office of War Information, as well as those of the Foreign Broadcast Intelligence Service, and that if so construed the paragraph would inaccurately state the situation so far as employees of the Office of War Information were concerned.

I suggested to him that the matter be directed to the attention of the Committee by letter, and I subsequently received from Mr. Elmer Davis, Director of the Office of War Information, a letter dated July 3, 1943, addressed to me, which reads as follows:

"Dear Mr. Garey:

"In your letters of June 25 to the Secretary of War and the Secretary of the Navy you stated that investigators of the Select Committee of the House of Representatives to Investigate the Federal Communications Commission had substantially established, among other things, 'that the influx of the civilian employees of the Foreign Broadcast Intelligence Service of the Federal Communications Commission and the Office of War Information in the North African theatre of war operations has presented difficulties and embarrassment to the armed forces there which have necessitated a request for their immediate withdrawal and transfer.' You also stated the Committee proposed to inquire further into the validity of this allegation by direct examination of witnesses.

"The Office of War Information desires to go on record that the above allegation in so far as it relates to the Office fo War Information is absolutely without foundation. The facts are completely contrary to this allegation, namely, that the operations of the Overseas Branch staff have neither presented difficulties nor embarrassment to the armed forces. Instead of requesting the immediate withdrawal and transfer of our Overseas staff, Allied Forces Headquarters, Algiers, has requested that our staff in North Africa be substantially increased.

"I desire that this letter be incorporated in the record of your hearings, and further that Mr. Philip C. Hamblet, Assistant Director, Overseas Branch, be given an opportunity to testify before the Committee on these charges. Will you please notify Mr. Hamblet the time when the Committee will grant him a hearing? No subpoena will be necessary.

Very truly,

Elmer Davis,
Director."

Mr. Chairman, after the receipt of that letter I endeavored to establish contact with Mr. Hamblet, found he was out of the city, and yesterday his convenience and mine were not such that I could communicate with him directly. However, the paragraph in my letters to which Mr. Davis' letter refers would appear to be susceptible to a construction not intended by me. I am therefore glad to bring to the Committee's attention the suggested correction, and suggest that it will not be necessary for Mr. Hamblet to appear for that purpose.

The Chairman. Do you want the letter made a part of the record as an exhibit?

Mr. Garey. I think, Mr. Chairman, the reading of it into the record will be sufficient, and we need not incorporate it in the record as an exhibit.

With the Committee's permission I would like to call as a witness Mr. Harold D. Smith, Director of the Budget.

Mr. Smith, will you be sworn?

(Thereupon the witness, Harold D. Smith, was duly sworn by the Chairman.)

Sworn Testimony of Harold D. Smith, Director of the Budget

Mr. Garey. Mr. Smith, you are the Director of the Budget?

Mr. Smith. Yes.

Mr. Garey. How long have you acted in that capacity?

Mr. Smith. Since April 15, 1939.

Mr. Garey. On or about June 18, 1943, did you receive from a member of this Committee a letter requesting certain information?

Mr. Smith. May I see that?

Mr. Garey. Let me show you a carbon copy of that letter and ask you whether or not that is a copy of the letter which you received on or about that date?

Mr. Smith. (After examining paper) Yes.

Mr. Garey. With the Committee's permission I will read that letter into the record. This letter, if the Committee please, is dated June 18, 1943, and is addressed to The Director of the Budget:

"My dear Mr. Smith:

"This Committee has information to the effect that a proposal was recently made to transfer to the military establishments the functions and duties now being performed by the Radio Intelligence Division of the Federal Communications Commission; and that the proposal was referred to the Bureau of the Budget for consideration and recommendations.

"It will be very much appreciated if you will permit duly accredited representatives of this Committee to examine the files of the Bureau of the Budget concerning said proposal, including the Bureau's conclusions and recommendations.

"If such examination is permitted, it will doubtless obviate the necessity for later issuing a subpoena to you to produce the files and testify before the Committee in this matter.

"Thanking you for your anticipated cooperation in this matter, I am,

"Sincerely yours,"

signed by Mr. Wigglesworth, a Member of the Committee, for the Chairman.

Your reply to that letter is dated July 6, 1943. Am I correct, Mr. Smith?

Mr. Smith. Yes, you are.

Mr. Garey. Will you look at the letter which I now hand you, and I ask you whether that is the letter by which you made reply?

Mr. Smith. That is correct.

Mr. Garey. And that bears your signature?

Mr. Smith. Right.

Mr. Garey. Now, the documents that were specified in that letter—and so that there won't be any doubt about the documents to which I refer I will describe them in detail to you, namely, all the files, records, papers, correspondence, and memoranda of the Bureau of the Budget relating and pertaining to the request of the War and Navy Departments to the President to sign an executive order transferring the functions of the Radio Intelligence Division of the Federal Communications Commission to the military establishments, including the recommendations of the Bureau of the Budget with respect thereto—are in your possession and under your control and jurisdiction, are they not?

Mr. Smith. Yes, so far as I know.

Mr. Garey. What do you mean by that answer, Mr. Smith?

Mr. Smith. I mean that I haven't recently seen the files.

Mr. Garey. They are files that are part of your office?

Mr. Smith. Executive Office of the President.

Mr. Garey. And they are under your jurisdiction and control?

Mr. Smith. So far as I know, yes.

Mr. Hart. May I have that question answered again? I don't know what the witness means by saying that so far as he knows the records in the office of which he is Chief are under his control. Is there any doubt of the papers in your office being under your control?

Mr. Smith. I think I can clear that up if I may read the letter I addressed to this Committee.

The Chairman. I think you might read the letter, Mr. Garey.

Mr. Garey. The letter is dated July 6, 1943, Mr. Chairman. It is on the stationery of the Executive Office of the President, Bureau of the Budget, Washington, D. C.

"My dear Mr. Wigglesworth:

"This will acknowledge your letter of June 18, written in behalf of the Chairman of the Select Committee of the House of Representatives to Investigate the Federal Communications Commission, requesting permission for accredited representatives of the Committee to examine files of this Bureau relating to a reported proposal to transfer certain radio intelligence functions of the Federal Communications Commission to the military establishments.

"Proposals of this character relate directly to problems and activities of military concern which affect the national defense and conduct of the war, and the President has issued specific instructions that their contents should not be made public. The files of the Bureau relating thereto and its conclusions and recommendations thereon are considered to be confidential papers, and disclosure of them would not comport with the public interest. For the reasons stated, and for additional reasons discussed at length in the attached opinion of the Attorney General, I have been directed by the President not to make the Bureau files available to the Committee or to testify as to their contents if called as a witness.

"Sincerely yours,

"Harold D. Smith,
Director."

It is addressed to the Honorable Richard B. Wigglesworth, House of Representatives, Washington, D. C.

The enclosure to which Mr. Smith makes reference in his letter is an Opinion of the Attorney General of the United States dated April 30, 1941, on the Position of the Executive Department Regarding Investigative Reports, and the opinion relates to the request of Congressman Vinson, when acting as Chairman of the House Committee on Naval Affairs, for certain reports in the Federal Bureau of Investigation.

Mr. Hart. The fact remains, despite the letter you addressed to the Committee, that these files and documents are at least under your physical control?

Mr. Smith. I would interpret this that they are not.

Mr. Garey. Let us see, Mr. Smith. You have an office known as the Bureau of the Budget, do you not?

Mr. Smith. That is right.

Mr. Garey. And where is that office located?

Mr. Smith. In the State Department Building, in part, and several other buildings.

Mr. Garey. And these particular papers, documents, memoranda and the like to which your attention has already been directed are located where?

Mr. Smith. I am not aware, sir, where they are located at the moment.

Mr. Garey. When did you last see them?

Mr. Smith. I don't recall the date, but it was at least several months ago.

Mr. Garey. How long ago?

Mr. Smith. Several months ago.

Mr. Garey. And where did you see them then?

Mr. Smith. In part they were on my desk. I am not sure I ever saw all the documents assembled.

Mr. Garey. And they were at that time a part of the records of your office?

Mr. Smith. That is right.

Mr. Garey. How were they brought to your desk at that time?

Mr. Smith. Probably by a staff member.

Mr. Garey. Pursuant to a direction that you gave?

Mr. Smith. I think not.

Mr. Garey. Under what circumstances did those papers happen to come to your desk at the time to which you refer?

Mr. Smith. Probably for discussion of some point.

Mr. Garey. With some member of your staff?

Mr. Smith. Yes.

Mr. Garey. And they were taken up with you as the executive head of the Bureau of the Budet?

Mr. Smith. Yes.

Mr. Garey. I take it you don't want this record to show, Mr. Smith, that any doubt exists in your mind of the fact that physically the papers we have been talking about are actually located in the office of the Bureau of the Budget?

Mr. Smith. I am not sure that they are located in the Bureau of the Budget at the moment. I did not check that.

Mr. Garey. Did you make any search for them?

Mr. Smith. No, I did not. It is my understanding they were turned over to the White House at the request of someone over there in my absence.

Mr. Garey. Let me direct your attention, if I may, Mr. Smith, to a subpoena dated July 3, 1943, which bears on the back thereof a return that it was served on you in your office in the State Department Building on July 8, 1943, by exhibiting the same to you and leaving with you a true copy thereof. Is that return a correct return?

Mr. Smith. Is that a technical question you are asking me?

Mr. Garey. Was that subpoena served upon you?

Mr. Smith. Yes, it was.

Mr. Garey. And a copy left with you?

Mr. Smith. Yes.

Mr. Garey. With the Committee's permission, I offer in evidence the subpoena which has just been identified by the witness, and ask that it be marked Exhibit No. 3 and received in evidence accordingly.

The Chairman. It is admitted.

(The Subpoena for Harold D. Smith, Director, Bureau of the Budget, above referred to, offered and received in evidence, was marked Exhibit 3 and is filed in connection with these proceedings.)

Mr. Garey. You noted when this writ was served upon you, did you not, Mr. Smith, that you were commanded to appear here this morning, as you have, and to produce and bring with you, I quote, "All the files, records, papers, correspondence, and memoranda of the Bureau of the Budget relating and pertaining to the request of the War and Navy Departments to the President to sign an executive order transferring the functions of the Radio Intelligence Division of the Federal Communications Commission to the military establishments, including the recommendations of the Bureau of the Budget with respect thereto"?

Mr. Smith. I did.

Mr. Garey. Did you make any search for these records before you came here this morning, in response to this subpoena?

Mr. Smith. I did not, in view of the position in which I find myself on advice of counsel—

Mr. Garey. Which counsel, Mr. Smith?

Mr. Smith. Counsel of the Bureau of the Budget, and the Attorney General's opinion, that these papers constituted confidential papers flowing between the Director of the Budget and the President of the United States, and therefore I am not to testify.

Mr. Garey. When did you first discuss the matter with your counsel?

Mr. Smith. Upon the receipt of this letter.

Mr. Garey. That is the letter of June 18, 1943, which was signed by Mr. Wigglesworth?

Mr. Smith. Yes.

Mr. Garey. And after you received that letter, what was the first thing that you did?

Mr. Smith. I don't recall, sir.

Mr. Garey. Well, with respect to this particular matter, now, something happened when that letter came into your hands?

Mr. Smith. This is an issue that has been up a number of times, it is not a new issue, and on which I asked advice.

Mr. Garey. So that the first thing you did, then, was to seek advice, is that correct?

Mr. Smith. That is right. I considered it a legal problem.

Mr. Garey. So that the first thing you did, Mr. Smith, was to seek legal advice, is that true?

Mr. Smith. Well, I don't recall if it was the first or second, sir, or the third.

Mr. Garey. Among the first things you did, then, was to seek legal advice. Can we agree upon that?

Mr. Smith. Yes.

Mr. Garey. From whom did you seek that advice?

Mr. Smith. From the counsel of the Bureau of the Budget.

Mr. Garey. And what is his name?

Mr. Smith. Edward Kemp.

Mr. Garey. And will you tell us just what transpired at that time?

Mr. Smith. I think if I were to discuss that it would be inconsistent with the position I am taking here.

Mr. Garey. Whether it is inconsistent or consistent, will you be good enough to answer the question?

Mr. Smith. I consider the question inconsistent with my position, and it is impossible for me to answer it.

Mr. Garey. Will the Committee direct the witness to answer that question?

The Chairman. You will do the best you can to answer it, Mr. Witness.

Mr. Smith. I will do the best I can to answer it within this framework.

The Chairman. Is the Committee to understand you decline to answer?

Mr. Smith. I think if this series of questions involves a violation of the position in which I find myself, that I don't feel I can answer the questions. My position is not of my own making. It is a very clear position, as stated here in the letter to the Committee, and I don't think any amount of argument can change the position.

Mr. Hart. You feel compelled to carry out the orders of the Chief Executive?

Mr. Smith. That is right.

Mr. Garey. Upon whose orders did you take this position?

Mr. Smith. I am not a lawyer. I am not familiar with all the judicial or constitutional questions involved here, but I took the position upon the direction of counsel, because it involves an issue which goes back, as I understand it, historically, to the days of George Washington.

Mr. Garey. So that your position is based on this historical background rather than the specific advice of counsel?

Mr. Smith. I think the counsel of the Bureau of the Budget relied heavily on the opinion of the Attorney General enclosed with my letter to the Committee.

Mr. Garey. Miss Arceneaux, will you read the question, and I will ask you, Mr. Smith, to answer the question.

> (The question was repeated by the reporter as follows:
>
> "So that your position is based on this historical background rather than the specific advice of counsel?")

Mr. Smith. My position is based upon the advice of counsel.

Mr. Garey. And you have received no further or other directions with respect to the production of these papers except the advice of your counsel?

Mr. Smith. Except as stated in my letter of July 6th to Mr. Wigglesworth.

Mr. Garey. What do you find in that letter?

Mr. Smith. (Reading:) "Proposals of this character relate directly to problems and activities of military concern which affect the national defense and conduct of the war, and the President has issued specific instructions that their contents should not be made public. The files of the Bureau relating thereto and its conclusions and recommendations thereon are considered to be confidential papers, and disclosure of them would not comport with the public interest. For the reasons stated, and for additional reasons discussed at length in the attached opinion of the Attorney General, I have been directed by the President not to make the Bureau files available to the Committee or to testify as to their contents if called as a witness."

Mr. Garey. Now let us take this last statement that you have just read:

> "I have been directed by the President not to make the Bureau files available to the Committee or to testify as to their contents if called as a witness."

Did you receive from the President a direction not to produce here before this Committee the documents that you have been asked to produce?

Mr. Smith. What I have received from the President is a matter of confidence, and something as to which I cannot testify.

Mr. Garey. Mr. Chairman, this letter contains a statement that is either true or false. He has already made a statement of what the President said to him. If it is true, it is one thing; if it is not true, that is quite another thing.

The Chairman. Will you indulge me, Mr. Garey, to propound this question:

I wonder if the instructions you refer to as having received from the President were general, or were they specific? Did such instructions come to you with particular reference to this specific material that this summons called for?

Mr. Smith. They did, sir, or I would not have so stated in this letter.

The Chairman. Then the question did not involve, or did not call for making public, a confidence that you had not already voluntarily exposed?

Mr. Smith. That is so.

Mr. Garey. The Chairman understands, I think, that if anything was said to this witness by the President, he has already made disclosure of it in this letter.

The Chairman. That is what I was trying to develop.

Proceed, Mr. Garey.

Mr. Garey. I ask you, Mr. Smith, have you been directed by the President not to make available to this Committee the papers and documents enumerated in the subpoena which has been exhibited to you and which is in the record as Exhibit 3?

Mr. Smith. I repeat, my position is very clear in this letter of July 6th.

Mr. Garey. May I have this question answered, Mr. Chairman?

Mr. Hart. He states in his letter that the President has directed him not to testify.

Mr. Garey. Yes, but that is a statement not under oath, and I want that statement made under oath, Mr. Congressman, just so there may be no question about the fact.

The Chairman. No embarrassment should be involved in making response to that question, because you have already answered it in your letter.

Mr. Smith. That is right.

The Chairman. Is the answer "yes"?

Mr. Smith. The answer is "yes".

Mr. Garey. And is the opinion of the Attorney General to which you make reference in your letter the opinion which you enclosed with your letter, dated April 30, 1941 and signed by Robert H. Jackson, who was then Attorney General of the United States?

Mr. Smith. I didn't get the question.

Mr. Garey. Read the question.

(The pending question was repeated by the reporter.)

Mr. Smith. I believe the opinion was April 30, 1941. I don't know who signed it. (After examining opinion) Yes, that is right.

Mr. Garey. And you don't make reference, in your letter of July 6, 1943 to Congressman Wigglesworth, to any other opinion of the Attorney General of the United States except the one which you enclosed?

Mr. Smith. That is right.

Mr. Garey. You didn't seek the opinion of the Attorney General of the United States at the time the request was made of you by this Committee to produce these documents?

Mr. Smith. I assume counsel of the Bureau of the Budget may have done so. I am quite sure he did.

Mr. Garey. What reason have you for telling the Committee that? Is that an assumption, or is it based upon some knowledge?

Mr. Smith. I have not questioned him on that point, but I know—

Mr. Garey. Then your answer is based upon pure conjecture?

Mr. Smith. I know he consults him.

Mr. Garey. But your answer in this case is based on pure surmise and conjecture?

Mr. Smith. Yes, at the moment.

Mr. Garey. I will ask to have the opinion enclosed in Mr. Smith's letter marked and received in evidence as Exhibit 3-a.

The Chairman. It is admitted.

(The Opinion of the Attorney General of the United States, above referred to, offered and received in evidence, was marked Exhibit 3-a and is filed in connection with these proceedings.)

Mr. Garey. Do you have in the Bureau of the Budget copies of the various documents that are referred to in this subpoena?

Mr. Smith. I would have to check to be absolutely sure of the answer to that question.

Mr. Garey. Is it a practice to make a number of copies of all the documents in the Bureau of the Budget?

Mr. Smith. It has been a practice but, unfortunately, I find often that they are not made.

Mr. Garey. Mr. Smith, will you be good enough to produce for this Committee and for its information the documents enumerated in the subpoena that was served upon you and which, as you have observed, has been received and marked in evidence here as Exhibit 3?

Mr. Smith. I feel, under the position that I must take in this matter, that it will be necessary for me to refuse to produce those documents.

The Chairman. Do I understand that for the reasons you have stated you decline to produce them?

Mr Smith. Yes.

Mr. Garey. Will the Committee direct him to produce those documents in response to its writ?

(Conference between members of the Committee and the General Counsel off the record.)

The Chairman. This is an issue that has to be fought out. In order to make the record certain on the response that has been given to the subpoena, the Chairman directs the witness to produce the documents called for. Now you can make your answer.

Mr. Smith. I feel, in view of the position which I am taking on advice of counsel, that I cannot make those documents available as requested in the subpoena.

The Chairman. All right. Proceed, Mr. Garey.

Mr. Garey. And you do decline to produce them for the reasons you have stated?

Mr. Smith. I do. I see no alternative.

Mr. Garey. Do you draw any distinction between producing those documents before this Committee in a public hearing and producing them in a private hearing, or, stated in another way, before the Committee in executive session?

Mr. Smith. I am not able to draw any such distinction at the moment.

Mr. Garey. Would your position be the same, Mr. Smith, if you were asked to produce those documents before the Committee in executive session?

Mr. Smith. I would have to seek the advice of counsel on that.

Mr. Garey. Do you want to do that and appear before the Committee again?

Mr. Smith. If the Committee so wishes.

Mr. Garey. You want to seek the advice of your counsel before you take the position with respect to the production of these documents before the Committee in executive session?

Mr. Smith. I do.

Mr. Garey. I think perhaps, Mr. Chairman, we should accord that privilege to Mr. Smith so that he may take whatever consequences may be involved by his refusal into consideration after having received such advice in the premises as he deems it advisable to seek.

The Chairman. All right. If he wishes opportunity to consult with counsel on the point raised, of course it will be accorded him.

Mr. Garey. How long, Mr. Smith, do you think it will require for you to obtain such advice?

Mr. Smith. I should say in a very reasonable length of time. I don't know.

Mr. Garey. And would you be good enough to communicate with me and let me know when you are ready to make a further appearance before this Committee and state your final position?

Mr. Smith. I will be glad to; I will be glad to.

Mr. Garey. I think, then, the witness may be excused, Mr. Chairman.

Mr. Miller. I wanted to ask one question:

Mr. Smith, you were asked here in reference to certain books and papers and memoranda which you were requested to produce. If I understood you correctly, I think you stated you turned those over to a representative from the White House?

Mr. Smith. I would have to check that, because I have been out of town and something happened in my absence.

Mr. Miller. You stated you last saw them on your desk?

Mr. Smith. I never saw all these papers together at one time, but I have seen them at various times in connection with work we have done; I have seen various parts of them.

Mr. Miller. Did you see some of the papers you have been requested to produce on your desk?

Mr. Smith. Yes.

Mr. Miller. What became of them?

Mr. Smith. They were returned to the files, I assume.

Mr. Miller. Are you basing that on any information you have, or is that conjecture?

Mr. Smith. That is the usual procedure.

Mr. Miller. Maybe I am in error, but I understood you to say that a representative of the White House called and you turned certain papers and memoranda over to him. Is that correct?

Mr. Smith. I would have to check that. I don't know.

Mr. Miller. Did anyone at your direction?

Mr. Smith. Not at my direction.

Mr. Miller. Did you later learn that someone in your absence turned over any of the papers to a representative of the White House?

Mr. Smith. I am not certain. I can check that.

Mr. Miller. Didn't you consider the request of sufficient importance to check to see if the documents specified were under your control or if someone else had them under his control?

Mr. Smith. I considered it of sufficient importance, but wherever the documents are, I still felt that under the circumstances I could not produce them.

The Chairman. I think we should at this point give Mr. Smith an opportunity to consult with his counsel.

Mr. Garey. I think so too. However, I would like, with the Committee's permission, to ask Mr. Smith one or two more questions which Mr. Miller's questions have suggested to me.

The Chairman. Proceed.

Mr. Garey. Do you draw any distinction between producing documents and giving testimony with respect to them?

Mr. Smith. I think there probably is a distinction, but it is a difficult one to make, and I would like to explore it in connection with the question you earlier raised.

Mr. Garey. So that when you come before the Committee the next time, will you be good enough to state whether or not whatever position you take is predicated upon your unwillingness to produce documents or your unwillingness to testify with respect to them, or both?

Mr. Smith. I shall do so.

Mr. Garey. And will you make such search as may be regarded as adequate to determine the location of these papers, before your next appearance before this Committee?

Mr. Smith. I shall do so.

Mr. Garey. So that you can tell the Committee the present whereabouts of these documents when you next come before them?

Mr. Smith. I do not consider that the conclusion follows.

The Chairman. Let us excuse Mr. Smith.

Mr. Wigglesworth. When did you return to Washington, and how long had you been away?

Mr. Smith. I had been away about seven days. I returned Tuesday morning.

Mr. Wigglesworth. Tuesday morning—

Mr. Smith. Of this week.

Mr. Wigglesworth. Of this week?

Mr. Smith. Yes.

Mr. Wigglesworth. That would be July 6th?

Mr. Smith. I believe it was the date of this letter. Yes, I believe it was.

Mr. Wigglesworth. Were you in Washington at the time my letter on behalf of the Chairman was delivered to your office?

Mr. Smith. I think it came just before I was leaving.

The Chairman. All right.

Mr. Miller. Just one more question:

You spoke of seeing some of those papers on your desk. I will ask whether or not you saw any of those papers or memoranda on your desk after Mr. Wigglesworth had made formal request on you for them?

Mr. Smith. No. This goes back several months when I saw them on my desk, and has no relation to Mr. Wigglesworth's request.

Mr. Miller. Did you make any effort at any time to locate any of the documents you were asked to produce?

Mr. Smith. No. I assumed they could be easily located.

Mr. Wigglesworth. If these papers went to the White House, they went after this trip which you say was about the time you received my letter?

Mr. Smith. I would assume it was sometime about that time.

Mr. Wigglesworth. After you received my letter?

Mr. Smith. I don't know about that. I will have to find out. We made a complete report to the White House at someone's request.

Mr. Hart. Making a report to the White House wouldn't involve returning the papers, would it?

Mr. Smith. It might.

Mr. Garey. You did make a report on the documents I have directed your attention to, did you not?

Mr. Smith. I think the evidence would indicate that.

Mr. Garey. And you made a recommendation with respect to the request of the military establishments for the transfer of the functions of the Federal Communications Commission's Radio Intelligence Division to the Army?

Mr. Smith. I don't think I can testify on that.

Mr. Garey. You did make a report? I am not asking you at this time what that report was, but you did make a report?

Mr. Smith. That is right.

Mr. Garey. And when you come the next time I want you to be prepared to take a position before the Committee, Mr. Smith, if you will, as to whether you will or will not produce that report.

The Chairman. All right. Suppose we let Mr. Smith go. Thank you, Mr. Smith.

Mr. Miller. One more question:

Mr. Smith, did you ever at any time reach any personal or independent conclusion that in your judgment the production of those documents would involve the disclosure of secret or confidential information?

Mr. Smith. The nature of the request would naturally raise the question in my mind.

Mr. Miller. That does not answer my question. Did you yourself ever reach any independent conclusion that the production of those documents would involve the disclosure of secret or confidential information?

Mr. Smith. No.

The Chairman. Let us let Mr. Smith go. Let Mr. Garey know when it will be convenient for you to return.

(Witness excused.)

Mr. Garey. Is Mr. Fly here?

Will you swear the witness, Mr. Chairman.

(Thereupon the witness, James Lawrence Fly, was duly sworn by the Chairman.)

Sworn Testimony of James Lawrence Fly, Chairman of the Board of War Communications

Mr. Garey. Will you be good enough to state your name for the record, Mr. Fly?

Mr. Fly. James Lawrence Fly. I am here this morning as Chairman of the Board of War Communications.

The Chairman. I beg pardon, Mr. Fly?

Mr. Fly. I say I appear here this morning, sir, as Chairman of the Board of War Communications.

Mr. Garey. And you are also Chairman of the Federal Communications Commission, are you not?

Mr. Fly. I am, sir.

Mr. Garey. Mr. Chairman, I will have to demote you this morning, because we have one chairman here, and the record might be confusing if I address you as chairman, so I will call you Mr. Fly.

Mr. Fly. That is all right. I have been called lots of things.

The Chairman. You have been called lots of things, have you?

Mr. Fly. Yes, sir.

Mr. Garey. I merely wanted you to understand that, because I didn't want you to think it was a demotion I was bringing about as one Wall Street lawyer to another.

Mr. Fly. All right, sir.

Mr. Garey. It might be helpful, Mr. Fly, for the record, if at this time, on the occasion of your first appearance before the Committee, we incorporated in the record a little bit of your own background. You will recall that I wrote you a letter and transmitted to you a copy of certain biographical information respecting yourself that I culled from Who's Who in America, Volume 22, for the years 1942-1943, at page 822 thereof, and I asked you whether or not that information was substantially accurate?

Mr. Fly. I believe so.

Mr. Garey. And you were good enough to return that to me with but one slight change, advising me that the copy as corrected was substantially correct?

Mr. Fly. Yes, sir.

Mr. Garey. With the Committee's permission I will read this into the record at this point.

Mr. Hart. What is the purpose of reading that into the record, Mr. Garey?

Mr. Garey. Just so we will know, Mr. Congressman, in connection with the various matters that come before the Committee, who Mr. Fly is and what his background is.

Mr. Hart. It is in the record that Mr. Fly is Chairman of the Federal Communications Commission and Chairman of the Board of War Communications. I think for our purposes, so far as what has thus far been developed before this Committee, that is sufficient.

Mr. Garey. I am quite willing to abide by the Committee's judgment in the matter.

The Chairman. I think if Mr. Fly has no objection to its going in, it might be incorporated in the record. Do you have any objection, Mr. Fly?

Mr. Fly. Frankly, I do not think my previous condition of servitude is a proper subject of inquiry, due to the fact that on two occasions I have been nominated by the President and confirmed by the Senate for the position I now hold. On the other hand, I cannot but feel justifiable pride in my Who's Who record, and I have no objection to its going in for the information of the Committee.

The Chairman. If he has no objection, it can go into the record. It is just a brief statement, is it not?

Mr. Garey. Just a brief statement.

The Chairman. Let it go in the record.

Mr. Garey (reading):

> "Fly, James Lawrence, chairman Federal Communications Commission; lawyer; born Seagoville, Dallas County, Texas, Feb. 22, 1898; son Joseph Lawrence and Jame (Ard) Fly; graduate Dallas (Tex.) High School, 1916, U. S. Naval Academy, 1920; LL.B., Harvard, 1926; married Mildred Marvin Jones, June 12, 1923; children—James Lawrence, Sara Virginia. Began as naval officer, 1920, retired from naval service, 1923; law clerk with Burlingham, Veeder, Masten & Fearey, N. Y. City, 1925; admitted to Massachusetts and New York Bars, 1926, and practiced with White & Case, N. Y. City, until 1929; special assistant U. S. attorney general (government counsel in actions involving restraint of trade under federal antitrust laws and regulatory measures under commerce power), 1929-34; general counsel Electric Home and Farm Authority, Inc., 1934-1935; head of legal department, Tennessee Valley Authority, as general solicitor, 1934-36, as general counsel 1937-1939; chairman Federal Communications Commission since 1939, and chairman Board of War Communications (formerly Defense Communications Board) since 1940. Served as midshipman, 3 months with Atlantic Fleet, World War. Member American and Tennessee State bar associations, Association of Bar of City of New York. Democrat. Protestant. Author of articles on certain legal subjects. Clubs: Harvard (N. Y. City); Seminole of Forest Mills (N. Y.). Home: Knoxville, Tenn. Address: Federal Communications Commission, Washington, D. C."

The Chairman. Mr. Fly, had you been requested by the counsel to state your background, that, in brief, is what you would have stated?

Mr. Fly. That is the general outline, sir.

The Chairman. All right. Proceed, Mr. Garey.

Mr. Garey. Now, you have told the Committee, I think, Mr. Fly, that you are Chairman of the Board of War Communications?

Mr. Fly. That is right.

Mr. Garey. And the functions of that Board, if I have been correctly informed, are to be found in a pamphlet dated June 8, 1943. Am I correct?

Mr. Fly. Yes, that is correct.

Mr. Garey. You have seen the pamphlet, have you?

Mr. Fly. I have seen pamphlets of that kind, and I assume I have seen this precise one. I assume it is correct. There may be minor changes in committee structure, but in the main I am sure it is correct.

Mr. Garey. Those are only such changes as might have taken place since June 8, 1943.

Mr. Fly. I assume so.

Mr. Garey. This pamphlet was correct as of that date?

Mr. Fly. So far as I know.

The Chairman. Who issued the pamphlet?

Mr. Garey. The Board of War Communications, I take it. Is that right, Mr. Fly?

Mr. Fly. Yes.

Mr. Garey. The Board of War Communications was created pursuant to several Executive Orders of the President?

Mr. Fly. Yes.

Mr. Garey. And the Executive Orders dealing with that subject are found in this pamphlet?

Mr. Fly. I think so.

Mr. Garey. There is also contained in this pamphlet the organizational set-up and the membership of the Board of War Communications, together with names of committees and the members of the committees, certainly as of this date?

Mr. Fly. That is correct.

Mr. Garey. I will offer this pamphlet in evidence, if the Chairman please, and ask that it be received as Exhibit 4 and marked accordingly.

The Chairman. It is admitted.

(The pamphlet above referred to, offered and received in evidence, was marked Exhibit 4 and is filed in connection with these proceedings.)

Mr. Garey. Rather briefly, Mr. Fly, you are Chairman of that Board?

Mr. Fly. Yes, sir.

Mr. Garey. And Mr. Herbert E. Gaston, an Assistant Secretary of the Treasury, is Secretary of the Board?

Mr. Fly. And a member.

Mr. Garey. And Breckinridge Long, an Assistant Secretary of State; General Dawson Olmstead, Chief Signal Officer of the Army; and Admiral Joseph R. Redman, Director of Naval Communications, complete the Board?

Mr. Fly. That is correct, except there has been a recent change in the office of Chief Signal Officer of the Army; it is now General Ingles.

Mr. Garey. There are only four members of the Board, are there not?

Mr. Fly. There are five.

Mr. Garey. In addition to the Chairman?

Mr. Fly. Four in addition to the Chairmen, yes.

Mr. Garey. The Board has some eighteen committees?

Mr. Fly. I believe that is correct.

Mr. Garey. The Board has no appropriation, as such?

Mr. Fly. I think that each department—and, for that matter, each private company cooperating with the Board—carries its own expenses in connection with the work of the Board.

Mr. Garey. But the Board as such has no appropriation?

Mr. Fly. I believe that is true.

Mr. Garey. And the Board as such has no offices?

Mr. Fly. We have certain minor offices, and there are a few clerks who devote their time exclusively to the work of the Board.

Mr. Garey. When I used the term "offices" I meant it in its physical sense.

Mr. Fly. The answer is "no".

Mr. Garey. There are no offices for the Board of War Communications?

Mr. Fly. That is right.

Mr. Garey. The Federal Communications Commission has four or five clerks assigned to the Chief Engineer, Mr. Jett, who do the clerical work for the Board?

Mr. Fly. There are four or five clerks, I am not sure of the number, who are paid out of a special appropriation which is a part of the general appropriation to the Commission, who are assigned——

Mr. Garey. I am not asking you now who pays the clerks. Will you be good enough to answer my question so that we can move along here. The question is this: The Federal Communications Commission has assigned four or five clerks to the Chief Engineer, Mr. Jett, who do the clerical work for the Board of War Communications; is that right?

Mr. Fly. Up to the point you included Mr. Jett, that is correct. As to the second barrel of the question, that is in part the fact, but other departments have their own employees and own clerks who work on their respective ends of the work of the Board of War Communications.

Mr. Garey. Mr. Jett does all the administrative work, prepares all the agenda, and so forth, does he not?

Mr. Fly. That is not true. That is a rather involved question, Mr. Garey, but Mr. Jett is Chairman of the Coordinating Committee, which is the top ranking committee of the Board, but senior representatives of each government department participating in the work of the Board have active and continuous representation on the Board. Reports, as a rule, originate in the various committees that serve under the Coordinating Committee, and the reports from those committees are submitted through the Coordinating Committee to the Board. Mr. Jett has no authority over any other member of the Coordinating Committee or over any of the other individual representatives on those committees.

Mr. Garey. The Board meets in your office—and by "your office" I mean the office that you occupy as Chairman of the Federal Communications Commission?

Mr. Fly. That is correct.

Mr. Garey. Mr. Fly, you received a letter from me dated June 11, 1943, in your capacity as Chairman of the Board of War Communications, did you not?

Mr. Fly. I think so.

Mr. Garey. Let me show you my copy of that letter and ask you whether or not that is the letter which you received from me?

Mr. Fly. (After examining copy) I believe that is correct.

Mr. Garey. May I read the letter to the Committee?

The Chairman. Proceed.

Mr. Garey. The date I have given you, June 11, 1943. It is addressed to Hon. James Lawrence Fly, Chairman, Board of War Communications, New Post Office Department Building, Washington, D. C.

> "MY DEAR MR. FLY:
>
> "Please send to this Committee at your earliest convenience all of the books, minutes, records, papers and documents pertaining to a complaint that was made to the Board of War Communications (or to its predecessor, Defense Communications Board) against one Neville Miller, and which was considered and reported on by the Law Committee of said Board, including transcripts of all testimony taken during the course of such investigation by said Law Committee.
>
> "Thanking you in advance for your anticipated prompt compliance with this request, I am
>
> "Sincerely yours,
>
> "EUGENE L. GAREY,
>
> *"General Counsel."*

You made a reply to that letter by your letter dated June 18, 1943, did you not, Mr. Fly?

Mr. Fly. I think that is correct.

Mr. Garey. And the letter which I now show you is that reply?

Mr. Fly. (After examining letter) That is correct.

Mr. Garey. That letter, Mr. Chairman, is dated June 18, 1943, is addressed to me, and reads as follows:

> "DEAR MR. GAREY:
>
> "This is in response to your letter of June 11 requesting various documents relating to a complaint

made to the Board against Mr. Neville Miller. The Board has directed me to say that these documents have been classified by the Board as confidential. For your information, the definition of matter classified as confidential is as follows:

"Material shall be classified 'confidential' when the divulging thereof would adversely affect the national security or injure the national prestige.

"The Board considers that the production of such documents 'would adversely affect the national security or injure the national prestige' and, therefore, it must decline your request.

"Very truly yours,

JAMES LAWRENCE FLY,

"Chairman."

That letter is on the letterhead of the Board of War Communications, and is signed as Chairman of that Board.

Now, you recall that shortly after you transmitted this letter to me we had a telephone conversation respecting the subject matter of that letter, do you not?

Mr. Fly. I think that we did. I do not recall it specifically, but I assume we did.

Mr. Garey. Well, let me see if I can refresh your recollection, Mr. Fly. Do you recall a telephone conversation which you had with me shortly after June 18, 1943, in which I protested against the position which you had taken in this letter?

Mr. Fly. I think that is true.

Mr. Garey. And do you recall that you advised me you agreed with me in the position which I took, and you thought I was entitled to this information and should receive it, but that unfortunately you were overruled by the other members of your Board?

Mr. Fly. No, sir, I didn't say any such thing.

Mr. Garey. Do you recall that in the course of that conversation you suggested to me that in view of the fact you felt I should receive this information, you would take the matter up again with the Board if I would write you a further letter, and that in presenting the matter to your Board for further consideration you would, using your own expression, "slant" my position to them, in the hope that they would reconsider this position and submit the information to me as I requested?

Mr. Fly. No.

Mr. Garey. That does not serve to refresh your recollection as to the conversation?

Mr. Fly. It not only does not serve to refresh my recollection as to the conversation, but definitely brings to my recollection that there was no such conversation or any such statement made.

(Laughter.)

Mr. Fly (continuing). I never indicated to you, Mr. Garey, that I differed with the Board.

Mr. Garey. I don't know whether you observed, Mr. Fly, that someone is enjoying your testimony back there. If you would like to have him move up closer, we will accommodate him.

I am sorry I interrupted you. Go ahead.

Mr. Fly. The thing I did say, when you urged that the matter be reconsidered, was that I would not be critical of your viewpoint; and you seemed to want to urge considerations that had not been presented before, and I assured you I would go back before the Board and present your position, and I suggested that you write a second letter setting forth your views more fully, and I would go back before the Board and represent the matter.

Mr. Garey. And that is your recollection of the conversation we had on the date we agree a conversation was had?

Mr. Fly. In substance, yes.

Mr. Garey. In any event, we can agree I did write you another letter on June 21, 1943; is that correct?

Mr. Fly. I think that is correct, and that this is a copy of that letter (indicating copy of letter handed to him by Mr. Garey).

Mr. Garey. That letter, Mr. Chairman, is dated on the date I have indicated, June 21, 1943, and addressed to Mr. Fly in his official capacity as Chairman of the Board of War Communications. "Dear Mr. Fly", it reads:

> "Receipt is acknowledged of your letter of June 18, 1943, stating that the Board of War Communications had directed you to refuse the request of this Committee for access to the Board's records pertaining to a complaint made to the Board against one Mr. Neville Miller, on the ground that the furnishing of such records 'would adversely affect the national security or injure the national prestige'.
>
> "It is my feeling that, if you have given this matter any further personal and independent consideration, you either have concluded, or must conclude, that the reason given for the refusal of the Board is altogether untenable. Certainly the desired records are pertinent to the investigation being conducted by this Committee, and are within the scope of the investigation authorized by the House of Representatives. I must, therefore, insist that the requested records be forthwith made available for examination by the Committee and its staff.
>
> "As you have heretofore been informed, in a meeting of the Committee, it is necessary that the staff examine numerous records for the purpose of advising the Committee with respect to their subject matter and bearing upon the investigation; and, as is well understood by the Committee, its staff, and you, nothing is to be or will be disclosed which can adversely affect the war effort or other interests of the Government.
>
> "Unless the desired records are furnished promptly, it will, of course, become necessary to require their production on a Committee subpoena; but a further reasonable time will be allowed for such reconsideration as the Board may see fit to give this matter."

The letter is signed by me.

You made a reply to that letter, did you not, Mr. Fly?

Mr. Fly. That is correct.

Mr. Garey. And that reply is evidenced by your letter dated June 22, 1943?

Mr. Fly. I think that is correct. (After examining letter) Yes.

Mr. Garey. That was a short note, Mr. Chairman, addressed to me, that reads in these words:

> "This will acknowledge receipt of your letter of yesterday regarding the records pertaining to a complaint made to the Board against Mr. Neville Miller. I have forwarded a copy of your letter to the members of the Board and the matter will have its further review at the next meeting on July 1.
>
> "Sincerely yours,
> "James Lawrence Fly,
> *"Chairman.*

(Discussion off the record.)

Mr. Garey. You made further reply to my letter of June 21, 1943, by your letter to me dated July 8, 1943, did you not?

Mr. Fly. That is correct.

Mr. Garey. And the carbon copy which you have just handed me is a true copy of that letter?

Mr. Fly. That is right.

Mr. Garey. You understand that I have not yet received the original?

Mr. Fly. So you state, and I assume that is true, sir.

Mr. Garey. That letter, Mr. Chairman, dated July 8, 1943, and addressed to me, reads as follows:

> "Dear Mr. Garey:
>
> "This will acknowledge your letter of June 21, 1943, in which you repeat the request made in your letter of June 11 for various documents relating to a complaint made to the Board against Mr. Neville Miller. On June 18, 1943 the Board wrote declining your request upon the ground that the documents are classified as confidential.
>
> "The Board on July 5 gave further consideration to this matter and concluded that it must decline your request both upon the ground stated in its letter of June 18, 1943 and upon the further ground that the documents you request pertain only to the affairs of the Board of War Communications and do not pertain to the activities of the Federal Communications Commission.
>
> "Very truly yours,
> "James Lawrence Fly,
> *"Chairman."*

Now, Mr. Chairman, in view of the statement which you find last made in that letter, it probably is important for the Committee, in its consideration of the position of the Board of War Communications, to have a brief statement made by me respecting the information which has come to the Committee's attention respecting the Neville Miller matter, and I will do so in these words:

According to information received by the Committee, there was an investigation ordered by the Board of War Communications into the conduct of Neville Miller, President of the National Association of Broadcasters, who was alleged to have breached his trust to a committee of the Board of War Communications of which he was a member, in that he was alleged to have published confidential matter before the committee before it was passed upon and publicized by the Chairman of the Board, acting for the Board; and in that his organization had made representations to the Selective Service regarding proposals for draft deferments; and in that his organization had made its own plans for the pooling of broadcasting equipment for the benefit of the industry, in opposition to or paralleling plans that were then being made by the Board of War Communications in the same field.

We are further advised that certain members of the Law Committee insisted upon a searching investigation into the facts surrounding that case, so that no action based upon inadequate investigation might jeopardize the position of Mr. Miller, and because such members did not desire to be associated with an action that was not based upon the facts.

We are further advised that when the matter came up for consideration before the Law Committee, at the very first meeting of this Committee on the matter, the Secretary of the Committee, Mr. Oscar Schachter, who was then in the employ of the Federal Communications Commission and acted as Secretary of the Law Committee, had prepared a proposed set of findings and conclusions based upon what he explained to the Law Committee that morning had been a careful investigation by himself for the Law Committee.

We are further advised that certain members of the Law Committee, being aware of certain facts and information surrounding this matter, recognized the proposed findings and conclusions to be wholly unsupported by the facts, and insisted upon a very searching examination and the taking of evidence, which was vigorously opposed by the General Counsel of the Federal Communications Commission, who was also Chairman of the Law Committee; that representatives of the Federal Communications Commission, while they did not predominate in membership on the Law Committee, they did have the chairmanship and secretariat, and therein, of course, the authority to prepare proposed reports and make them available for the Law Committee at its meetings, in order to facilitate its work; that the position of Chairman and Secretary, and the maintenance of the records and the preparation of the reports, gave a measure of control to the representatives of the Federal Communications Commission.

We are further advised that certain members of the Law Committee, being convinced that the proposed action against Mr. Miller was unwarranted upon the basis of the facts, did not desire to participate in such action unless there was adequate reason therefor.

That the original allegations against Mr. Miller in the Board of War Communications were brought by the Chairman of the Board, Mr. Fly, who was also Chairman of the Federal Communications Commission.

That when certain members of the Committee recommended that testimony be taken, the General Counsel of the Federal Communications Commission suggested that no record of the proceedings be kept; that after protest by certain members of the Committee, testimony was taken and the proceedings took place in the General Counsel's office in the offices of the Federal Communications Commission; that as a result of the hearing it was apparent that the charges were wholly unsupported by the evidence, and the recommendation of the Law Committee was three to two for holding the charges unsustained.

That there was a minority report filed by the General Counsel of the Federal Communications Commission and one other member of the Committee, although all members agreed that the main charges, involving the disclosure of confidential information, had not been sustained by the evidence; that the majority of the Committee, however, held that there had been no violation of any rules or procedures of the Board of War Communications.

The Committee is further advised, Mr. Chairman, that the action of the General Counsel of the Federal Communications Commission throughout these proceedings was dominated and controlled by Mr. Fly; that the charges preferred by Mr. Fly against Mr. Miller to the Board were oral and may be found only in the minutes of the Board; and that in succeeding weeks the minutes were changed three times in order that the charges might conform to the proof.

That the charges were brought by Mr. Fly against Mr. Miller in reprisal for opposition which Mr. Miller had voiced in his official capacity as President of the National Association of Broadcasters against certain acts and policies of Mr. Fly as Chairman of the Federal Communications Commission; and that the only reason for bringing these charges before the Law Committee was to take advantage of the opportunity presented to Mr. Fly, as Chairman of the Board of War Communications, to punish Mr. Miller for his opposition.

Now, Mr. Fly, you were asked to produce this morning before this Committee, certain records. Is that correct?

Mr. Fly. Yes. I received a subpoena ordering me to produce certain records regarding this matter.

Mr. Garey. And have you produced those records?

Mr. Fly. I have not, sir.

Mr. Garey. Will the Committee direct the witness to produce the records he was called upon by subpoena to produce?

The Chairman. Mr. Fly, you will make response to the subpoena.

Mr. Fly. May I make a brief statement before the Committee takes a final position?

The Chairman. Do you produce them, or do you decline?

Mr. Fly. I have not produced them, sir, but in declining to produce them in accordance with instructions of the Board of War Communications, I feel under a duty to make the Board's position clear to the Committee.

The Chairman. I think you should be permitted to explain why you do not produce them.

Mr. Garey. May the record show, Mr. Fly, so that there may be no question about your position, that you have refused to produce the documents?

The Chairman. Under the direction of the Committee; that is, that you have refused, the Committee having directed you to produce?

Mr. Fly. I would prefer not to jump all the hurdles.

Mr. Hart. He stated he has not produced them, and he now asks permission to make a statement as to the position he takes.

The Chairman. All right.

Mr. Fly. I have been subpoenaed to come here this morning and bring with me certain records of the Board of War Communications pertaining to a complaint made to the Board against Mr. Neville Miller with respect to his conduct as a member of Committee IV of said Board.

The Committee's Counsel first requested these records in a letter to the Board dated June 11, 1943. The Board—which is composed of the Chief Signal Officer of the Army, the Director of Naval Communications, Assistant Secretary of State Mr. Breckinridge Long, Assistant Secretary of the Treasury Mr. Herbert Gaston, and myself—considered the matter on June 17, 1943, and unanimously concluded to decline to produce the records.

In a letter dated June 21, 1943, your Counsel repeated his request. Thereupon, the Board took the matter up for a second time. Again it was the unanimous decision of the members that the documents should not be produced. The Board based this decision on two grounds, both of which are set out in its letter to your Counsel dated July 8, 1943, a copy of which has been received in evidence.

First, the Board stated that it must decline to comply with the request because the records in question are classified as "Confidential". Secondly, the Board pointed out that the records requested "pertain only to the affairs of the Board of War Communications and do not pertain to the activities of the Federal Communications Commission".

This Committee is investigating the activities of the Commission, but it is not authorized to investigate the Board of War Communications, which, as I have said, is comprised of representatives of the Army, Navy, State Department, Treasury Department, as well as the Commission.

In view of this directive of the Board, I would, even if the documents were in my custody—and it happens that they are not—have no choice but to decline to hand them over to this Committee. Being only a member of a five-man Board, I could not undertake myself to overturn the position firmly taken by the other members. As Chairman of the Board I have no choice but to abide by its decision in this matter.

Mr. Hart. Were all the members of the Board of War Communications present when that decision was reached?

Mr. Fly. That is correct, except that the Director of Naval Communications, who was abroad, as I understand it, was represented by his senior assistant, Captain Inglis.

Mr. Garey. Mr. Fly, I would like to put in the record the subpoena that was served upon you. Will you identify it (handing subpoena to the witness)?

Mr. Fly. That is correct.

Mr. Garey. This subpoena, Mr. Chairman, directs the witness to produce and bring with him "all files, memoranda, minutes, records, reports, correspondence and papers of the Board of War Communications relating to or connected with a complaint and/or charges filed (and as changed from time to time during the hearing) before the Board of War Communications (or its predecessor Defense Communications Board) against one Neville Miller, President of the National Association of Broadcasters and the Army and Navy's opposition thereto including without limiting the generality of the foregoing the transcripts of the testimony taken at the hearing on such charges and the findings exonerating Mr. Miller; also the proposed set of findings and conclusions presented to the first meeting of the Law Committee of the Board of War Communications by Mr. Oscar Schachter, an employee of the Federal Communications Commission and Secretary of the Law Committee. Also all files, memoranda, minutes, records, reports, correspondence and papers relating to or connected with the above subject matter in the possession of the Federal Communications Commission. Also all of your personal or private files, memoranda, minutes, records, reports, correspondence and papers relating to or connected with the above subject matter."

That subpoena was directed to the witness in his capacity as Chairman of the Board of War Communications, as Chairman of the Federal Communications Commission, and individually.

I ask to have that subpoena received in evidence as Exhibit 5 and marked accordingly.

The Chairman. It is admitted.

(The subpoena for James Lawrence Fly above referred to, offered and received in evidence, was marked Exhibit 5 and is filed in connection with these proceedings.)

Mr. Garey. Mr. Fly, I observed in the statement which you made to the Committee—and you may correct me if my recollection is faulty—that you made reference to the fact that these records are not in your possession.

Mr. Fly. That is correct.

Mr. Garey. You don't attach any significance to that, do you?

Mr. Fly. I stated that for whatever it is worth to the Committee. May I explain, I am in no sense in charge of the Board of War Communications. I have one vote out of five on the Board; the Army, Navy, State Department and Treasury Department are also represented. The same is true in the Coordinating Committee, where the Commission has only one vote; and on most of the committees the Commission has only one vote out of as many as twelve, fifteen, or twenty-five members.

The Board has a Secretary, Mr. Herbert E. Gaston, who has acted continuously as Secretary of the Board, and I would assume that customarily he would be deemed custodian of the official documents. I myself have never been made custodian of any of the Board's documents. I think in this instance a goodly part of the documents are in the possession of the Law Committee, over which I do not, as an individual or as Chairman of the Commission or as Chairman of the Board, have any control.

Mr. Garey. The documents that we have called for, other than those which happen to be in your personal possession, are in the possession of Mr. Denny, the General Counsel of the Federal Communications Commission and as such Chairman of the Law Committee of the Board of War Communications; is that true?

Mr. Fly. No, that is only partly true. I assume that the different departments—the Army, Navy, State and Treasury—have certain files on the subject, either in the hands of their Board members or in the hands of their respective members on the Law Committee.

The Chairman. Why should you dissipate the files in that manner? Why would you scatter them around in that manner? Why shouldn't they be incorporated in one document?

Mr. Fly. It might be well that they should be, Mr. Chariman, but where every department is involved they naturally accumulate documents; sometimes they originate documents themselves, and with hearings, they may have copies of the hearings, copies of the proposed findings, and so forth. I think it normal that the participating departments should have such files.

Mr. Garey. I suggest that Mr. Fly step aside and that Mr. Denny take the stand. He is here.

(Thereupon the witness, Charles R. Denny, Jr., was duly sworn by the Chairman.)

Sworn Testimony of Charles R. Denny, Jr., General Counsel of the Federal Communications Commission

Mr. Garey. Mr. Denny, you are General Counsel of the Federal Communications Commission?

Mr. Denny. Yes.

Mr. Garey. And you have acted in that capacity for approximately how long?

Mr. Denny. Since October 6th last.

Mr. Garey. And you succeeded Mr. Telford Taylor, who was then General Counsel of the Federal Communications Commission?

Mr. Denny. That is correct.

Mr. Garey. And as General Counsel of the Federal Communications Commission I think you became Chairman of the Law Committee of the Board of War Communications?

Mr. Denny. The Board elected me Chairman of the Law Committee.

Mr. Garey. And you have acted in that capacity since substantially the time you became General Counsel of the Federal Communications Commission?

Mr. Denny. Yes, since the latter part of last October.

Mr. Garey. Did there come in your possession, as General Counsel of the Federal Communications Commission and as Chairman of the Law Committee of the Board of War Communications, the documents we have been discussing here with Mr. Fly and which are more particularly enumerated and specified in the subpoena which has been received in evidence here as Exhibit 5?

Mr. Denny. When Mr. Taylor left, among other things pertaining both to the Commission and to the Law Committee of the Board of War Communications which he turned over to me, he handed me a large sealed Manila envelope, on the outside of which I think is written "Neville Miller Matter". I have that envelope in my possession today. I have not opened it. I presume, Mr. Garey, that that envelope contains all of the papers which Mr. Taylor had in his possession with respect to that matter.

Mr. Garey. And if directed by Mr. Fly to deliver those documents to him, or to deliver those documents to this Committee, you would comply with that direction?

Mr. Denny. If directed to deliver those documents to this Committee, I would find myself in the same position Chairman Fly finds himself in; I would feel myself also bound by the Board's directive. I will, however, do whatever the Board directs in respect to those documents.

Mr. Garey. And if Mr. Fly directs you to deliver those papers to him, you will of course deliver them to him?

Mr. Denny. I think it fair to state that if any member of the Board of War Communications should ask the Chairman of the Law Committee, or any member of the Law Committee of the Board, for papers, those papers would be turned over to that member. It could be Mr. Fly or any other member of the Board.

Mr. Garey. That includes Mr. Fly?

Mr. Denny. I did include Mr. Fly.

Mr. Garey. And so if Mr. Fly requested you to deliver those papers to him, you would very promptly deliver them to him, would you not?

Mr. Denny. I have answered that.

Mr. Garey. I don't think there is any doubt about that, is there, Mr. Denny?

Mr. Denny. I would deliver them to any member of the Board, because I think the responsible members of the Board would follow the directives of the Board as to turning them over to this Committee. If a member of the Board asked me for them, it wouldn't be up to me to say, "I can't turn them over to you because you might turn them over to the Committee".

Mr. Garey. Mr. Fly's position on this record requires me to now ask you to produce those papers which are in your possession. Are you willing to do so?

Mr. Denny. I feel myself bound by the directive of the Board of War Communications, and must decline.

Mr. Garey. When you say you feel yourself bound by the directive of the Board of War Communications, have you had a personal directive directed to you?

Mr. Denny. No. However, I have seen the two letters written at the direction of the Board. All minutes of the Board are delivered to me as Chairman of the Law Committee, and I know what action has been taken, and, being informed of that, I feel bound thereby.

Mr. Garey. And that is your position?

Mr. Denny. That is my position.

Mr. Garey. I think Mr. Denny might stand aside. I would like to have Mr. Fly resume the stand.

(Witness excused.)

Sworn Testimony of James Lawrence Fly, Chairman of the Board of War Communications (Resumed)

Mr. Garey (to photographer). Do you want to take the witness' picture? I think you might take it now.

Mr. Fly. He might find a more appropriate moment for it later.

Mr. Garey. I think we ought to give the witness an opportunity to have a good picture taken.

Mr. Fly. I don't do any good on that. I leave him on his own. You take all the risks.

The Chairman. Proceed, Mr. Garey. Let him catch him on the wing.

Mr. Garey. Mr. Fly, you stated that there were copies of these records in connection with the Neville Miller matter in each of the several departments represented on the Board of War Communications, did you not?

Mr. Fly. I said I assumed that the different departments or their own respective members on the Law Committee had their own documents.

Mr. Garey. You know that to be true, don't you?

Mr. Fly. I assume that to be true. I have not examined their files or questioned them as to what each department has.

Mr. Garey. The member of the Law Committee representing the Federal Communications Commission is the General Counsel of the Federal Communications Commission, is he not?

Mr. Fly. The General Counsel of the Federal Communications Commission has been named by the Board as the Chairman of the Law Committee of the Board.

Mr. Garey. He is named because he is the General Counsel of the Federal Communications Commission, isn't he?

Mr. Fly. No, I am not sure that there is any requirement in the organizational set-up. There may be. I would have to look that up. It is my recollection at the moment that they were named by name.

Mr. Garey. Named by name in their respective capacities; isn't that true?

Mr. Fly. Well, they had varying capacities, and I don't think they took their capacities in other organizations in there with them. Some had no particular capacities except that they were officers in the Navy doing legal work, perhaps in communications.

Mr. Garey. Can't we be frank about that, Mr. Fly? Let me read to you from page 12 of Exhibit 4. It is captioned "Law Committee":

> "The duties of the Law Committee include the furnishing of legal opinions and advice, and the drafting of final reports and recommendations, proposed Executive Orders, proclamations, and legislation. The Law Committee will report directly to the Board but will have liaison, for purposes of advice and consultation, with the Coordinating Committee, and, as may be necessary, with other committees:

"Members:

"Chairman, Mr. Charles R. Denny, Jr., General Counsel, Federal Communications Commission."

Now, I take it that it will not be your position here before this Committee that Mr. Denny was selected for the chairmanship of that Committee, or for membership on that Committee, for any other reason, or for any other purpose, or for any other intent, except the fact that he was General Counsel of the Federal Communications Commission? Am I correct?

Mr. Fly. I think you are wrong in the implications of your statement, Mr. Garey.

Mr. Garey. All right, you straighten me out, then. You tell this Committee, if you will, whether Mr. Denny is on that Committee for any reason wholly separate and apart from the fact that he is General Counsel of the Federal Communications Commission.

Mr. Fly. These committees are formed by the delegates from each of the government departments participating in the work of the committee. It happens that from the Commission, on each occasion of a vacancy on the Law Committee, first, the original appointment, and second, the vacancy occurring when Mr. Taylor went out and Mr. Denny came in, I did nominate Mr. Denny, who was our General Counsel, to act as a member of that Committee. The Board elected him and the Board elected him Chairman of that Committee.

It may well be that on tomorrow, or at some other time, the Board will see fit to name some other lawyer for that place, or for other membership on the Law Committee. It is by no means automatic.

Mr. Garey. But if Mr. Denny were replaced, it would be by a member from the Federal Communications Commission, would it not?

Mr. Fly. I assume each department would name a member of its own department. All departments have done that.

Mr. Garey. So that we come down to the fact, which should be indisputable, that Mr. Denny is on there because he is General Counsel of the Federal Communications Commission, because he is an employee of the Federal Communications Commission, and because you nominated him?

Mr. Fly. He is on there because I nominated him, but that is not at all the controlling consideration which led me to nominate him or which led the Board to elect him as a member or elect him as Chairman. It might be that on tomorrow I would nominate him and the Board would elect another member.

Mr. Hart. Was he nominated by you because you thought at the time it would be good policy to have a man representing the Federal Communications Commission who was General Counsel?

Mr. Fly. I thought we should have the most competent and most responsible lawyer which we could have on that Committee, and it is only natural, I think, that I should have looked to Mr. Denny. At the same time, if Mr. Denny's duties should become so onerous with much litigation or legislation or a variety of other work which might arise, I would at any time feel free to withdraw his nomination and nominate another lawyer to occupy that place.

Mr. Hart. Or even if, unhappily, you found your judgment was wrong?

Mr. Fly. That is true, but I do not anticipate that.

Mr. Garey. Let us see if we can get some things straight. Mr. Denny is General Counsel of the Federal Communications Commission?

Mr. Fly. Yes.

Mr. Garey. And he is Chairman of the Law Committee of the Board of War Communications?

Mr. Fly. That is right.

Mr. Garey. And he does have possession of the papers this Committee has subpoenaed with respect to the Neville Miller matter?

Mr. Fly. He has some.

Mr. Garey. What papers does he have?

Mr. Fly. I don't know.

Mr. Garey. You said he has some, and therefore you must have answered that question with the thought in mind that some are located elsewhere. What papers does Mr. Denny have, and what papers doesn't he have, and what is the location of the papers Mr. Denny does not have?

Mr. Fly. I don't know precisely what papers Mr. Denny has.

Mr. Garey. Do you want to change your answer, then?

Mr. Fly. Nor do I know what papers the State Department has or the Treasury Department has or the Army and Navy have. I would assume Mr. Denny has as comprehensive a file as any department.

Mr. Garey. Do you want to change your answer? You don't know anything about the matter; is that your testimony?

Mr. Fly. I would like to strike that out if I did utter those words.

Mr. Garey. You recall that you stated Mr. Denny has some of them?

Mr. Fly. Yes.

Mr. Garey. Now are you prepared to direct Mr. Denny to submit those papers to the Committee?

Mr. Fly. I am bound by the instructions of my Board.

Mr. Garey. And that is your position here?

Mr. Fly. That is the Board's position.

Mr. Garey. As a lawyer, you know that position has no foundation in law against the writ of this Committee, don't you?

Mr. Fly. Would you like to hear my opinion on that?

Mr. Garey. I would. I have heard a good deal about your legal opinions, and I would like to hear it.

Mr. Fly. I think you are wrong.

Mr. Garey. If there has been any doubt about it in the past, Mr. Chairman, I think we are right now.

Mr. Fly. I think we agree on that.

Mr. Garey. One or two more matters then we will be through with you for the present.

You did make a complaint to the Board of War Communications against Neville Miller as President of the National Association of Broadcasters, did you not?

Mr. Fly. I did not.

Mr. Garey. Did you transmit to that Board a letter from a man named "Scoop" Russell?

Mr. Fly. I believe there, if it please the Committee, I am bound by the Board's instructions.

Mr. Garey. This relates to a matter, Mr. Chairman, before it ever got before the Board of War Communications, and of course it is absurd for the witness to take that stand.

The Chairman. Let us stop spreading this cloak of confidential information over everything. Here is a question that relates to a matter that arose before it got to the Board. How could it fall within that classification?

Mr. Fly. It did not arise anywhere except within the Board. The complaint which was made to me was made to me in my capacity as Chairman of the Board.

Mr. Garey. And based upon that complaint received from "Scoop" Russell, did you then prefer charges against Neville Miller?

Mr. Fly. No, I did not, but I must ask that I not be requested to give piecemeal the very testimony which the Board has directed me not to give.

Mr. Garey. You refuse to answer that question, Mr. Fly?

Mr. Fly. I have answered it.

Mr. Garey. What is your answer?

Mr. Fly. I said that I gave you a part of the facts there, but I asked you not to request me to violate the instructions of my Board and to give the testimony which the Board has instructed me not to give.

Mr. Garey. In some capacity you received a letter from "Scoop" Russell, did you not?

Mr. Fly. I think I am bound by the instructions of my Board there, sir.

Mr. Garey. Do you refuse to answer that question?

Mr. Fly. I don't think I can answer that question unless the Board authorizes me to do so.

Mr. Garey. Will the Committee direct the witness to answer the question?

The Chairman. Of course I think the question is perfectly proper, and I see nothing of a confidential nature involved, certainly nothing that could be called a war secret. The Committee directs the witness to answer.

Mr. Fly. The witness regrets to inform the Committee that he feels bound by the instructions of the Board of War Communications, instructing him not to present this testimony.

Mr. Garey. And do you refuse to answer the question?

Mr. Fly. I have answered it.

Mr. Garey. Do you refuse to answer the question?

Mr. Fly. I have answered it.

The Chairman. Is it fair to state you decline to answer on the grounds stated?

Mr. Fly. Yes. I can't come here and overrule the Board. I can't go anywhere and overrule the Board.

Mr. Garey. Before you received this letter from "Scoop" Russell, did you have any talk with him about it?

Mr. Fly. I must give the same response to that question.

Mr. Garey. Before you received this letter from "Scoop" Russell—I want you to understand this question—did you have any discussion with him about the Neville Miller matter?

Mr. Fly. I give the same answer to that question that I did to the preceding question.

Mr. Garey. Will the Committee instruct the witness to answer the question?

The Chairman. You are instructed to answer.

Mr. Garey. Do you now decline to answer the question after the Committee's direction?

Mr. Fly. I give the same answer to this question as to the preceding question.

Mr. Garey. Did you request Mr. Russell to write that letter to you?

Mr. Fly. Same answer.

Mr. Garey. Will the Committee direct the witness to answer the question?

The Chairman. The Committee directs the witness to make a responsive answer.

Mr. Fly. Same answer.

Mr. Garey. Wasn't the transmission of that letter to you by "Scoop" Russell made pursuant to an agreement that you and Mr. Russell arrived at in Chicago prior to the date that this letter was transmitted to you?

Mr. Hart. May I suggest something, Mr. Garey?

Mr. Garey. Yes, Mr. Congressman.

Mr. Hart. There is nothing in the record to indicate that Mr. Fly is acquainted with anyone having the euphonious name of "Scoop" Russell.

Mr. Garey. Let us have an answer to my last question, then, Mr. Congressman, we will ask him whether or not he knows "Scoop" Russell.

Do you want the question read?

Mr. Fly. Yes.

(The pending question was repeated by the reporter as follows:

> "Wasn't the transmission of that letter to you by 'Scoop' Russell made pursuant to an agreement that you and Mr. Russell arrived at in Chicago prior to the date that this letter was transmitted to you?")

Mr. Fly. I am in a difficult position here, Mr. Chairman. I am tempted, in order to avoid the serious innuendoes and implications of a question like that, to meet the issue squarely.

The Chairman. That is for your determination.

Mr. Fly. But I am obligated by the direction of my Board, and I think I am forced to make the same answer to that question as to the preceding questions.

Mr. Garey. It has been suggested, Mr. Fly, that inquiry be made of you to find out if you know a man by the name of "Scoop" Russell. Do you know him?

Mr. Fly. Frank Russell is vice president of the National Broadcasting Company. I know him well.

Mr. Garey. You also know him by the name of "Scoop" Russell?

Mr. Fly. Everybody knows him as "Scoop". He is noted as "Scoop".

Mr. Garey. And you have known him for a long period of time?

Mr. Fly. I have known him, I suppose, since I have been Chairman of the Commission.

Mr. Garey. Mr. Hauser suggests that this record may not be complete in that the question just preceding these which I put to the witness relating to his conversation with "Scoop" Russell in Chicago, had no direction from the Committee to the witness to answer.

The Chairman. The witness is directed by the Committee to make answer.

Mr. Fly. I think I made my answer, but I will say, to save time, same answer.

Mr. Garey. Is there anything on the subject of Neville Miller and the talks you had with "Scoop" Russell prior to the time this letter was transmitted by Russell to you and by you to the Board of War Communications, that you are willing to testify to before this Committee?

Mr. Fly. Will you read that question?

(The pending question was repeated by the reporter.)

Mr. Fly. If that question pertains to this matter that is exclusively a matter of the Board of War Communications, then to that extent I am obligated to abide by the direction of my Board.

The Chairman. If you met Mr. Russell in Chicago and you did have a conversation with him in reference to the Miller matter, were you at that time acting as a member of the Board of War Communications, or were you acting in your individual capacity as Mr. Fly, or were you acting as Chairman of the Federal Communications Commission? Just how do you bring that in under the claim that it is confidential?

Mr. Fly. I might say, Mr. Chairman, that that question is like asking me what I am doing in New York City at this moment.

The Chairman. I was not asking you about New York City. I was asking you about an alleged conversation you had with Mr. Russell in Chicago. If you had such conversation, were you conversing with him as Mr. Fly, as Chairman of the Board of War Communications, or as Chairman of the Federal Communications Commission?

Mr. Fly. The only thing I know of that is at all related to this matter—and I wouldn't mention that if it were not a distant thing and outside the scope, but it bears on the innuendoes as to Mr. Russell—I do happen to have information that Mr. Russell, in a meeting of the Board of Directors of the National Association of Broadcasters, was in a position to cast the deciding vote which would have eliminated Mr. Miller as President of that Association, and as I understand it Mr. Russell did not cast that vote, and Mr. Miller remained as President.

Mr. Garey. Were you present at that convention?

Mr. Fly. No, that is post St. Louis.

Mr. Garey. Were you present in Chicago?

Mr. Fly. No.

Mr. Garey. You were present in St. Louis, were you not?

Mr. Fly. A year or two earlier.

Mr. Garey. Did you at that time discuss any matters relating to Neville Miller with "Scoop" Russell? Just answer the question "yes" or "no" so that we don't have too long a record on a matter which you are determined to take a position on.

Mr. Fly. I don't think Mr. Russell was in St. Louis, and I don't think I had any conversation at all with him there. If I did, I didn't have any about Mr. Miller.

Mr. Carey. How frequently do you see Mr. Russell?

Mr. Fly. I suppose once in two months.

Mr. Garey. And where do you see him?

Mr. Fly. In my office.

Mr. Garey. Are there occasions when you see him more frequently than what you have indicated?

Mr. Fly. Of course. In the train of human events you do not see people you are acquainted with and have business with at regular intervals; but I have never seen Mr. Russell at frequent intervals over any extended period of time.

Mr. Garey. I think, Mr. Chairman, in view of this witness's position, which, as I have advised the Committee, has no foundation in law, the only ground upon which this witness can refuse to answer the questions put to him by this Committee would be on the ground it would tend to incriminate or degrade him.

Mr. Fly. I do not take that ground, and I do not want you to make the implication I am refusing on that ground.

Mr. Garey. My remarks are addressed to the Chairman as my opinion of the only ground upon which the witness can refuse to answer any questions or refuse to produce documents requested by the Committee; and this might not be good as to the production of documents.

I think the matter of the course to be taken by this Committee is one that should be considered by the Committee in executive session, and I think we can excuse this witness at this time.

Mr. Miller. It is not clear in my mind, Mr. Fly, when you say you had this conversation with Mr. Russell in Chicago.

Mr. Fly. Let us get that clear. I didn't have any such conversation.

Mr. Miller. Did you see Mr. Russell in Chicago at or about the time mentioned?

Mr. Fly. I don't think so.

Mr. Miller. Did you attend the meeting referred to in Chicago?

Mr. Fly. No. I was in Washington at that time.

Mr. Miller. May I ask what was the source of your information as to the fact that Mr. Russell could have cast the deciding vote that would have ousted Mr. Miller from his job?

Mr. Fly. Everybody in the industry knew it.

Mr. Miller. That doesn't answer the question. What was the source of your information?

Mr. Fly. I don't know. I am sure I didn't get it from Mr. Russell.

The Chairman. While you deny you had a conversation with Mr. Russell in Chicago, did you have a conversation with him prior to his writing this letter?

Mr. Fly. On that I must make the same answer I have heretofore made. I have tried to keep my testimony within the direction from the Board.

The Chairman. If you had such conversation and you entered into such an understanding as has been intimated, where did it take place?

Mr. Fly. Well, of course, I can't go along with the implications, Mr. Chairman, and of course I must give you the same answer as I have heretofore given.

The Chairman. Is there anything further from Mr. Fly, Mr. Garey?

Mr. Garey. I think we can excuse Mr. Fly at this time.

Mr. Fly. I would like to make one further brief statement, and this is on my own, and I am not now speaking as Chairman of the Board of War Communications, but I do want to stress to this Committee the great importance of the complete preservation of the secrecy of documents that are confidential and secret in nature, and particularly those that are so branded by the military.

I do not want to be hypercritical of this Committee, I have tried to cooperate with the Committee in every way, but I think you have all seen the publicity building up—

The Chairman. Oh, Mr. Fly, it is not proper that you should make a speech here to the Committee. The Committee wants to accord you every courtesy. I thought what you wanted was an opportunity to make further explanation as to why you have declined to produce documents and as to why you have refused to answer questions. We can't make this hearing a sounding board.

Mr. Fly. I just wanted to inform the Committee of one thing, and that is the grave danger—

The Chairman. You must not use this Committee as a vehicle for broadcasting your views. You have facilities by which you can do that, and by which you do do that. Why not content yourself with the use of those facilities and not impose on this Committee?

Mr. Fly. I would be derelict if I did not state to the Committee that I have in my pocket a confidential document from the Joint Chiefs of Staff which completely refutes the grave charge made in the letters broadcast by this Committee. I have felt that I am bound by the rules governing secret documents, and by the Espionage Act, and am unable to bring out facts of that kind. I think it wise to point to the dangers of that publication.

Mr. Miller. I believe in one of your letters to the General Counsel of the Committee you defined confidential matter as material the divulging of which would adversely affect the national security or prestige. Is that substantially your definition?

Mr. Fly. I quoted the definition arrived at by the Board itself, and I believe that is correct.

Mr. Miller. What is your definition or conception of the national prestige as used in that definition?

Mr. Fly. I have no definition of it myself. I imagine it takes its ordinary connotation. I didn't write the definition. I imagine it was written by the Army or Navy.

Mr. Miller. Does it have any political significance?

Mr. Fly. None at all. It has to do with the efficiency of the war agencies of the government.

Mr. Garey. In this conversation I had with you after receipt of your letter of June 18, 1943, didn't you point out to me that what was meant by the term to which Congressman Miller has directed your attention was that we would bring the Board of War Communications into disrepute or a lack of public confidence if these documents were produced, and that thereby the national prestige would be endangered?

Mr. Fly. I don't think I attempted to define it.

Mr. Garey. You will recall we discussed it, and I asked in what respect the national prestige could possibly be involved. Do you recall that?

Mr. Fly. I recall a conversation generally along those lines.

Mr. Garey. And do you remember your statement to me that the national prestige would be involved if the Board of War Communications were brought in such a position that the public might lose confidence in it?

Mr. Fly. I think what I did was quote you the rule which the Board had laid down, and tell you that the Board felt that this matter not merely was classified by the Board as confidential—and always has been classified as confidential—but the Board felt the production of these documents would be a violation of that rule.

Mr. Garey. It may take me a long time to get the answer, but—

Mr. Fly. It will take you a long time to get the answer you want.

Mr. Garey (continuing)—I want you to answer the question put to you.

Mr. Fly. No.

Mr. Garey. Read the question so that the witness will know what he is saying "no" to.

(The pending question was repeated by the reporter as follows:

> "And do you remember your statement to me that the national prestige would be involved if the Board of War Communications were brought in such a position that the public might lose confidence in it?")

Mr. Fly. In so far as my answer conforms to the implications from your question, "yes"; otherwise, "no".

Mr. Garey. What do you mean by "implications"? Are you still avoiding making an answer?

Mr. Fly. I have answered it. I told you that so much of your question as was in accord with my affirmative statement was true; otherwise it was incorrect. I don't know why I should repeat it.

Mr. Garey. Suppose we let the Committee know what did take place. Did we discuss that rule?

Mr. Fly. I think undoubtedly I drew your attention to the rule.

Mr. Garey. Did we discuss the rule or didn't we?

Mr. Fly. I think I drew your attention to it.

Mr. Garey. Then why don't you say so instead of saying "undoubtedly"? Did you discuss the rule with me or didn't you?

Mr. Fly. Undoubtedly.

Mr. Garey. Let me have that letter, please. I will give you another opportunity to say "undoubtedly". In your letter of June 18, 1943, among other things, you state:

> "For your information, the definition of matter classified as confidential is as follows:
>
> "Material shall be classified 'confidential' when the divulging thereof would adversely affect the national security or injure the national prestige."

Do you not so state in your letter of June 18, 1942? You can answer that "undoubtedly" if you want to.

Mr. Fly. You have the document. I will assume that is correct.

Mr. Garey. I will let you look at it.

Mr. Fly. Quote: "Material shall be classified 'confidential' when the divulging thereof would adversely affect the national security or injure the national prestige."

Mr. Garey. Do you remember that in this conversation which you and I had we discussed those words?

Mr. Fly. Yes.

Mr. Garey. And do you remember that I asked you whether there was anything in the Neville Miller papers that would adversely affect the national security?

Mr. Fly. I think you argued with me about the Board's conclusion, and undoubtedly you asked some such question.

Mr. Garey. And do you remember your answer to me was "no", that you would not so claim?

Mr. Fly. I remember I did not make such answer.

Mr. Garey. Is it your position that there is anything in the Neville Miller papers that would adversely affect the national security?

Mr. Fly. My position here is the position of my Board. The position of my Board is that the production of the proposed evidence is in violation of the rule which is quoted and would adversely affect the national security or injure the national prestige.

Mr. Garey. My question is, did you tell me in that telephone conversation to which I have made reference that there was nothing in the Miller papers that we were discussing that would adversely affect the national security? Did you tell me that or didn't you?

Mr. Fly. I did not.

Mr. Garey. All right. I have that established so far as your testimony goes.

Mr. Fly. Will you read that question, please?

(The last question and the answer thereto were repeated by the reporter.)

Mr. Garey. Did you tell me that the only manner in which the rule could be applied, in your opinion, was under the second clause of that rule, namely, that the disclosure of the Neville Miller proceedings and the matters connected therewith would injure the national prestige?

Mr. Fly. No.

Mr. Garey. You did not say that to me?

Mr. Fly. I did not.

Mr. Garey. Will you deny, Mr. Fly, that when I asked you in what respect, or in what manner, you could possibly take that position, you told me that the showing that would be made by the Miller papers of the dissension existing within the Board, of the position of the Federal Communications Commission in relation to it, and of the decision in the matter exonerating Neville Miller, would bring the Board of War Communications into public disgrace?

Mr. Fly. I did not say anything even approximating that.

Mr. Garey. Let us find out whether or not in your present opinion the production of the Neville Miller papers would adversely affect the national security?

Mr. Fly. I think in accordance with the position that I must take here, responsive to the direction of my Board, that it would—May I see that letter?

Mr. Garey. Which letter? This one (handing letter to the witness)?

Mr. Fly. That is right.

The Chairman. Now, Mr. Fly, you realize what you are doing, do you not? You have been claiming a privilege and you are now giving it away.

Mr. Fly. I am talking about a telephone conversation, sir.

The Chairman. Go ahead.

Mr. Fly. If you don't want it, I don't care to go ahead with it.

The Chairman. Go ahead and answer the question.

Mr. Fly. I am content not to go ahead. This has nothing to do with the merits. This has to do with a telephone conversation.

The Chairman. Go ahead.

Mr. Garey. You don't seem to understand the question. I am asking for your opinion now, as you sit there in that witness chair, as to whether the production of the Neville Miller papers that this Committee has called for would adversely affect the national security?

Mr. Fly. The national security or the national prestige.

Mr. Garey. Which, in your opinion, would be affected?

Mr. Fly. I have not delineated, nor has the Board delineated.

Mr. Garey. I am asking you to delineate as a witness whose personal opinion is asked.

Mr. Fly. I am not here in a personal capacity nor as an expert in those things, nor am I authorized to go into the merits of this matter.

Mr. Garey. May we have it clear on the record that the witness is purposely evading questions. Let us get the record clear.

Mr. Fly, in your opinion, would the production of the documents called for in the subpoena which has been served upon you adversely affect the national security?

Mr. Fly. That is the position of my Board, and that is the position I must take here, and therefore that is the position I do take.

Mr. Garey. The witness, Mr. Chairman, has not answered my question. Will the Committee direct the witness to answer?

The Chairman. Mr. Fly, is it not possible for you to make a responsive answer?

Mr. Fly. I will answer the question "yes".

Mr. Garey. Why, in your opinion, would it adversely affect the national security?

Mr. Fly. I thought you would go into that. If you are going to proceed, I do not want to violate the instructions of my Board.

Mr. Garey. I think the time has come when we should control this record. I suggest that there be physically stricken from the record Mr. Fly's answer to my question, so that the record will not be encumbered with his speeches, and that the Chairman direct the witness to make a responsive answer.

Mr. Fly. I think from my point of view, and from the public point of view, it would be very unfortunate if this Committee ever gagged any witness who came before it and who was trying to do a good job for the Committee and for the country.

Mr. Garey. Read the question.

(The pending question was repeated by the reporter as follows:

> "Why, in your opinion, would it adversely affect the national security?")

The Chairman. Mr. Fly, the answers you have given will remain in the record, but hereafter we would like, if possible, to get responsive answers to direct questions.

Mr. Fly. Mr. Chairman, I shall be only too happy to fully cooperate with this Committee in the future as I have in the past. We have a long line of extensive cooperation, but any time I feel I have the duty of giving information to this Committee, I am going to ask the privilege of giving that information to the Committee, and I don't think the Committee wants to injure itself by placing a gag on me.

The Chairman. The Committee's record will answer that.

Mr. Garey. Read the question again.

(The pending question was repeated by the reporter as follows:

> "Why, in your opinion, would it adversely affect the national security?")

Mr. Fly. I answered that question, Mr. Chairman.

The Chairman. The Committee directs you to answer. Do you decline to answer the question?

Mr. Fly. I give the same answer, responsive to my duty to the Board, which I have given to comparable questions.

Mr. Miller. Do I understand the record shows the witness declines to answer the question?

The Chairman. That is what the record shows. Proceed, Mr. Garey.

Mr. Garey. In your opinion, Mr. Fly, would the disclosure of the documents called for in the subpoena which has been served upon you, in the Neville Miller matter, injure the national prestige?

Mr. Fly. That, I am confident, is the opinion of the Board—

The Chairman. Mr. Fly, can't you give a responsive answer to a direct question?

Mr. Fly (continuing)—and my opinion is in accord with that.

Mr. Garey. Then it is your opinion that the disclosure of these documents would injure the national prestige?

Mr. Fly. Yes.

Mr. Garey. Well, we got an answer finally.

Now will you tell us why, in your opinion, the national prestige would be injured?

Mr. Fly. Same answer.

The Chairman. The Committee directs you to make answer. The Chairman understands him to say he declines.

Mr. Garey. Do you have any objection to producing these documents and giving such testimony as you are able to give respecting them, at a hearing of this Committee sitting in executive session?

Mr. Fly. I don't know, in the light of the Committee's past handling of secret and confidential documents—

The Chairman. Strike that from the record. Mr. Fly, this is no place for you to assault the Committee.

Mr. Fly. I am sorry, Mr. Chairman.

The Chairman. We want amicable relations maintained here.

Mr. Fly. I do too, sir.

The Chairman. Between the Committee and all witnesses, and particularly yourself.

Mr. Fly. I do too.

The Chairman. We want to be as kind and as considerate in our relations with you as possible, and let us not be hurling charges against each other in the hearing, in the public hearing.

(Laughter.)

The Chairman. Do you not agree with me that that is the proper course?

Mr. Fly. Yes, I do, sir, and I think you will agree with me that the only light I have to guide my feet in the future is from the lamp of experience.

The Chairman. Well, does that make you happy?

Mr. Fly. I object to that, Mr. Chairman.

The Chairman. Strike that, please. I will leave your comment in the record. I strike my comment.

Mr. Fly. So that when the Board comes to decide this new question as to how, under different circumstances, it would proceed, it would have, I take it, the same consideration plus the experience it has gained in these proceedings to guide its judgment. I wouldn't want to commit the Board on what it would decide.

Mr. Garey. Did you understand my question to be your position? I didn't ask about anybody else's position. What is your position?

Mr. Fly. I can't vote on that question outside of a vote before the Board of War Communications when the question is properly presented.

Mr. Garey. I am asking what your position is.

Mr. Fly. I am taking no position now. That question hasn't been presented.

Mr. Garey. Are you willing to present the documents you have been called upon to produce before this Committee sitting in executive session?

Mr. Fly. I will comply with the instructions of my Board in that regard.

Mr. Garey. Are you willing to produce the documents you have been subpoenaed to produce before this Committee sitting in executive session?

Mr. Fly. I will comply with the instructions of my Board.

Mr. Garey. Will the Chairman direct the witness to answer the question?

The Chairman. The witness is directed to answer the question.

Mr. Fly. I don't know. I am not running the Board of War Communications, and I am not running it down here.

Mr. Hart. I think that is going a little too far with this witness.

Mr. Garey. I think we can excuse the witness.

Mr. Hart. Mr. Fly, Mr. Garey put certain questions to you as to a certain telephone conversation, as to whether you had stated certain things, and you said you had not. Will you tell the Committee now what you did state in that conversation?

Mr. Fly. I didn't make any record of the conversation, sir, but when Mr. Garey called me he was inquiring in a somewhat complaining mood, and he wanted more specific information, and I think I read him the rule of the Board, stated what the Board had done, and even went so far as to state that on each occasion the Board, composed of the Army, Navy, State and Treasury Departments, as well as the Commission, had voted unanimously; that I was sorry, but I was not criticizing his view, and if he thought it should be pressed further I would take it back to the Board and ask them to consider it further; and I told him I didn't want to take it up orally, and would he write a letter which I could take to the Board. Mr. Garey accordingly wrote that letter and I took it back to the Board.

Mr. Garey. Have you any further questions, Congressman, of this witness?

Mr. Hart: No.

Mr. Garey. I think we can excuse the witness.

The Chairman. The witness is excused. Thank you, sir.

Mr. Fly. Thank you for your courtesy, Mr. Chairman. (Witness excused.)

Mr. Garey. Mr. Chairman, the Committee will recall that on the occasion of our last hearing I advised the Committee that I had had no reply to my letters to the Secretaries of War and Navy dated June 25th.

Since the last hearing I am in receipt of a letter signed by Robert P. Patterson as Acting Secretary of War, dated July 2, 1943, replying to my letter in these words:

"Dear Sir:

"Receipt is acknowledged of your letter of June 25 in which you request the appearance before the Select Committee to Investigate Federal Communications Commission of the Secretary of War and several Army officers, and also request the production of certain documents described in the letter.

"The President directs that the Committee be informed that he, the President, refuses to allow the documents to be delivered to the Committee as contrary to the public interests. For the same reason, I am unable to permit the witnesses to appear.

Yours sincerely,

"Robert P. Patterson,
"Acting Secretary of War."

Now, the Committee will observe that the direction of the President relates to the documents, and that the Acting Secretary of War assumes personal responsibility for his inability to permit the witnesses to appear. In other words, part of that letter is based upon a direction of the President, and part of it is based upon the position or judgment of the Secretary of War.

I also received a letter from James Forrestal, as Acting Secretary of the Navy, dated July 3, 1943, replying to my letter to the Secretary of the Navy in these words:

"Sir:

"Reference is made to your letter dated June 25, 1943, requesting the presence of the Secretary of the Navy and certain naval officers before the House Select Committee to Investigate the Federal Communications Commission. Request was also made in your letter that the Committee be furnished with certain documents and papers from the files of the Navy Department.

"I must decline to permit the appearance of the naval officers, active or inactive, before your Committee as such appearance would be incompatible with the public interest.

"The President of the United States authorizes me to inform the Committee that he, the President, refuses to allow the documents described in your letter to be delivered to the Committee, as such delivery would be incompatible with the public interest.

"Very truly yours,

"James Forrestal,
Acting."

Mr. Miller. Mr. Garey, I ask at this time if you will advise the Committee whether or not, from the staff's investigation, the production and disclosure of the evidence denied the Committee would be contrary to the public interest?

Mr. Garey. Congressman, our investigation does not indicate that the information sought by the Committee will disclose any secret military information or that such disclosure would be incompatible with the public interests.

The contrary appears from our investigation, and I am of the opinion that the public disclosure of this evidence is very decidedly in the public interest and will aid the Congress in determining whether remedial legislation is needed.

I am sure that if the President had been aware of the information in the possession of this Committee, he would not have reached the conclusion stated in these letters. The text of these letters, however, raises a grave constitutional question. This issue far transcends the investigation of the Federal Communications Commission.

To legislate intelligently, the Congress must be informed. It can only be informed through and after full inquiry. This power has always been recognized as a constitutional attribute of the legislative process.

The Federal Communications Commission performs legislative functions primarily—functions which, under our system of Government, only the Congress has power to perform. Because the Congress has not the time to do such work, it has delegated to the Commission its powers so to do. Hence, the Commission is purely a creature of the Congress, exercising certain of its powers.

The Congress has now directed the Commission to render an accounting of its stewardship. I know of no lawful power which can prevent such an inquiry being made, through whatever channels and through whatever sources the Committee desires to pursue its investigation.

Mr. Miller. Will you advise the Committee whether or not the production of the evidence denied it would involve the disclosure of secret military information which should only be divulged in executive session?

Mr. Garey. It would not, Mr. Congressman, and you will observe that the two letters I have just read to you from the Navy and War Departments do not decline to produce the documents sought or to refuse to permit the witnesses to appear on the ground that to do so would disclose secret military information.

Mr. Miller. During the course of the staff's investigation, has any officer declined to give any information requested on the ground it might disclose secret military information?

Mr. Garey. No, sir.

Mr. Wigglesworth. In your letters to the Secretaries of War and Navy you specifically recite that the testimony to be presented at the public hearings will not call for the disclosure of any secret military information.

Mr. Garey. That is correct, Mr. Congressman.

Mr. Hart. I desire to interpose my thought on this particular question. It has nothing to do with constitutional principles which may or may not be involved.

It seems to me it is impossible for anybody to dogmatically state that the information asked for will or will not reveal secret military information. That is a matter of opinion. Perhaps it is a matter of judgment.

By the suffrage of the people of the United States the ultimate exercise of that judgment lies, not within this Committee, not in the Congress, certainly not in Counsel for this Committee, but in the Commander in Chief of the military forces of this country. He has given his view. I don't think we have a right to assume he has given expression to that view without having before him proper information that the disclosure of the information requested would be disclosure of secret military information.

I think the Committee is bound, if not constitutionally, practically, under present conditions particularly, to abide by that decision.

The Chairman. As it relates to the military establishments.

Mr. Hart. The information now under discussion.

Mr. Garey. Mr. Chairman, as Counsel for the Committee there have come into my possession for the Committee's consideration two documents:

One is a "Memorandum" (dated May 14, 1942) "Regarding Undesirability of Chairmanship of Defense Communications Board Being Vested Ex-Officio in Chairman of Federal Communications Commission, Especially During Wartime." It was submitted to the Secretary of the Navy by Rear Admiral Stanford C. Hooper, U. S. N. (Retired).

The other is a statement prepared in the War Department respecting the testimony of Admiral Hooper given to the Committee in private hearing.

I had intended to have Admiral Hooper present today to testify fully in respect of the reasons underlying each of the several objections enumerated in the memorandum prepared by him. However, I am advised by Admiral Hooper that, although retired and not on active duty, he has been directed by the Navy not to testify before this Committee in response to the subpoena which I have caused to be served on him. The Admiral advises me he would be quite willing to appear and give his testimony were it not for these orders. He understands, and so informs me, that violation of such orders will subject him to military discipline.

I had also intended to present the testimony of the person in the War Department who prepared the text of the other paper. The letter of the Acting Secretary of War, however, prevents such action.

In these circumstances, may I have the direction of the Committee as to whether it desires to have me incorporate these two documents in the records of the Committee's public hearings?

The Chairman. They are a substantial part of the material that was introduced on the previous hearing, are they not?

Mr. Garey. No. They relate to matters discussed therein.

The Chairman. Will you pass them up to me?

Mr. Garey. I don't have them with me, Mr. Chairman. You have seen them.

The Chairman. I think the Committee has seen them.

Mr. Garey. The Committee has.

The Chairman. As Chairman of the Committee, I grant you leave to incorporate them in the record.

Mr. Garey. And I am directed to do so?

The Chairman. That is correct.

Mr. Garey. Because I haven't the documents with me, may I make them a part of this record within the next twenty-four hours?

The Chairman. That may be done.

(The documents above referred to are hereinafter incorporated in the record.)

Mr. Garey. I am prepared to proceed with further testimony, but since an appropriate time to recess has arrived, and since the Committee will desire to consider in executive session the course it desires to pursue in respect to the refusal of witnesses to answer questions propounded and produce documents requested of them, may I ask that the Committee adjourn subject to call of the Chair?

The Chairman. The Committee will recess subject to the call of the Chair or a majority of the members of the Committee.

(Thereupon, at 12:45 p. m., the Committee recessed.)

(Pursuant to the direction of the Chairman (p. 187) the following matter was subsequently submitted:)

Mr. Garey. Mr. Chairman, pursuant to the direction of the Committee I will now read into the record a "Memorandum" (dated May 14, 1942) "Regarding Undesirability of Chairmanship of Defense Communications Board Being Vested Ex-Officio in Chairman of Federal Communications Commission, Especially During Wartime," which was submitted to the Secretary of the Navy by Rear Admiral Stanford C. Hooper, U. S. N. (Retired):

> "The Navy Department considers as undesirable the present situation of having the Chairmanship of the Defense Communications Board vested ex-officio in the person of the Chairman of the Federal Communications Commission, especially during wartime. This decision is based not only on the general principles involved, but on the fact that the functioning of the Defense Communications Board during the past months has been unsatisfactory to the Department to the extent that it believes the successful prosecution of the war is being jeopardized thereby.
>
> "Specifically, the following points bear on the matter:
>
> "1. The Defense Communications Board has failed to take any action on the written recommendation of the Secretary of the Navy that certain committee members were believed to be disloyal to the United States.
>
> "2. The Federal Communications Commission had refused to turn over its file of fingerprints and confidential information bearing on the loyalty of commercial communications companies to the Federal Bureau of Investigation, without restrictions which would render the work of the latter agency ineffective.
>
> "3. The Chairman of the Federal Communications Commission has frequently taken it upon himself to speak for national defense, thereby exposing his ignorance of the subject.
>
> "4. The Chairman of the Defense Communications Board, by action and by public utterance, has shown that this primary interest is in keeping the support of the C.I.O. Communications Union, which has constantly opposed our interests, and not national defense.
>
> "5. The Chairman of the Federal Communications Commission and the Defense Communications Board has had no previous experience in the field of communications.
>
> "6. The Chairman has failed to take energetic action to speed up or reorganize the cumbersome and slow procedure and organization of the Defense Communications Board. This causes serious and unwarranted delay in the war effort.
>
> "7. The Chairman of the Federal Communications Commission has devoted too much of the time and energy of that Commission to trust-busting, to the detriment of its other duties. This is no time for such, as friendly unity of all interests is necessary in war.
>
> "8. The Chairman of the Defense Communications Board opposed legislation permitting wire-tapping which would have permitted checking of the telephone to Japan before Pearl Harbor, and might have prevented the disaster.
>
> "9. The Chairman of the Defense Communications Board opposed stopping Japanese language broadcasts in Hawaii, a factor which led to the disaster.
>
> "10. The Chairman of the Defense Communications Board has consistently opposed any move to assure the loyalty of personnel in communications.
>
> "11. The Chairman of the Federal Communications Commission has consistently opposed the stand of the Armed Services on the question of mergers.
>
> "12. The Chairman of the Federal Communications Commission gives out too much publicity on defense matters. This should come from the War and Navy Departments.
>
> "13. The present set-up has too much duplication of effort, for example, preparation and distribution of information, lack of coordination of direction finding work, investigation of communication security.
>
> "Due to the realization that many matters must be handled directly by the Armed Services, these have already been transferred to their jurisdiction. The effort to obtain transfer takes valuable time.
>
> "Other matters under the Defense Communications Board are being handled by the War and Navy Departments without regard to the Defense Communications Board, because time is the essence. This is becoming confusing."

As the Chairman is aware, Admiral Hooper was examined by this Committee and a transcript of his testimony taken. That transcript was examined by the War Department and a resume of Admiral Hooper's testimony prepared. Pursuant to the Committee's direction I now read into the record those portions of that written resume made by the War Department respecting Admiral Hooper's testimony, as follows:

> "In a great number of examples Admiral Hooper is correct, and testimony under oath by any others connected with these matters can only substantiate his story. Among these latter are:
>
> "*a*. F.C.C. penetration into the field of radio intelligence and direction finding.
>
> "*b*. F.C.C. refusal to collaborate with interested

government departments in preparing recommendations to Congress on the subject of international merger.

"*c*. The insidious steps by which Mr. Fly injected himself into the Army-Navy plan for control of communications in wartime, emerging with the Board of War Communications which he and his organization dominate.

"*d*. The difficulty in making wartime arrangements for military communication facilities through the Board of War Communications as opposed to direct action due to F.C.C. domination.

"*e*. Attempts by the F.C.C. to obtain domination and control of the IRAC.

"*f*. Refusal by Mr. Fly to transmit the new IRAC constitution to the President without comment.

"*g*. Mr. Fly's disposition to speak for the Army and Navy due to his BWC connection.

"*h*. Mr. Fly's attempt to assume BWC power over communication facilities of other government departments—which must include those of the Army and Navy.

"*i*. Mr. Fly's insistence on reopening the Consent Decree and refusing to renew RCAC licenses in spite of protests from the Army and Navy.

"*j*. Mr. Fly's insistence on reducing telephone toll rates over the objection of the Army and Navy due to the saturated condition of the telephone system.

"*k*. Mr. Fly's refusal to approve operation of miniature broadcast stations at isolated combat outposts if the stations are to be soldier operated.

"*l*. The F.C.C.'s insistence that no commercial company can permit the war or Navy Departments to take over and operate a transmitter without a license from the Commission."

Since Admiral Hooper refers in his testimony to the situation existing in Hawaii prior to Pearl Harbor, I will now read into this record from Senate Document No. 159, 77th Congress, 2d Session, being "Report of the Commission Appointed by the President of the United States to Investigate and Report the Facts Relating to the Attack Made by Japanese Armed Forces upon Pearl Harbor in the Territory of Hawaii on December 7, 1941", paragraph numbered XVI, which appears on page 12 of that Report, in these words:

> "There were, prior to December 7, 1941, Japanese spies on the island of Oahu. Some were Japanese consular agents and others were persons having no open relations with the Japanese foreign service. These spies collected and, through various channels transmitted, information to the Japanese Empire respecting the military and naval establishments and dispositions on the island.
>
> "In Hawaii the local Army Intelligence Service has always devoted itself to matters pertaining to Army personnel and property; and the local Naval Intelligence Service to matters pertaining to Navy personnel and property. In addition, prior to the establishment of an office of the Federal Bureau of Investigation in Hawaii, Naval Intelligence investigated enemy activities amongst the civil population. When the Bureau's office was established it was agreed by the three governmental agencies that the Bureau should take over and become primarily responsible for investigation of matters connected with the civil population, and that the three services should cooperate with each other. Efforts were made by the Bureau to uncover espionage activities in Hawaii. The United States being at peace with Japan, restrictions imposed prevented resort to certain methods of obtaining the content of messages transmitted by telephone or radio telegraph over the commercial lines operating between Oahu and Japan. The Bureau and the local intelligence staffs were unable, prior to December 7, to obtain and make available significant information respecting Japanese plans and fleet movements in the direction of Hawaii.
>
> "In the summer of 1941 there were more than 200 consular agents acting under the Japanese consul, who was stationed in Honolulu, T. H. The naval district intelligence office raised a question with the Federal Bureau of Investigation, and with the intelligence officer of the Hawaiian Department of the Army, whether these agents should not be arrested for failing to register as agents of a foreign principal as required by statutes of the United States. In conferences respecting this question, the commanding general, Hawaiian Department, objected to the arrest of any such persons at least until they had been given notice and an opportunity to register, asserting that their arrest would tend to thwart the efforts which the Army had made to create friendly sentiment toward the United States on the part of Japanese aliens resident in Hawaii and American citizens of Japanese descent resident in Hawaii and create unnecessary bad feeling. No action was taken against the agents.
>
> "It was believed that the center of Japanese espionage in Hawaii was the Japanese consulate at Honolulu. It has been discovered that the Japanese consul sent to and received from Tokyo in his own and other names many messages on commercial radio circuits. This activity greatly increased toward December 7, 1941. The contents of these messages, if it could have been learned, might have furnished valuable information. In view of the peaceful relations with Japan, and the consequent restrictions on the activities of the investigating agencies, they were unable prior to December 7 to obtain and examine messages transmitted through commercial channels by the Japanese consul, or by persons acting for him.
>
> "It is now apparent that through their intelligence service the Japanese had complete information. They evidently knew that no task force of the United States Navy was anywhere in the sector northeast, north, and northwest of the Hawaiian Islands. They evidently knew that no distant airplane reconnaissance was maintained in any sector. They evidently knew that up to December 6 no inshore airplane patrol was being maintained around the periphery of Oahu. They knew, from maps which they had obtained, the exact

location of vital air fields, hangars, and other structures. They also knew accurately where certain important naval vessels would be berthed. Their flyers had the most detailed maps, courses, and bearings, so that each could attack a given vessel or field. Each seems to have been given a specified mission."

The Chairman. I think it appropriate for me to incorporate in the record at this point a statement which I have issued today as Chairman of the Committee and on its behalf, in view of the situation that has been presented to the Committee in the testimony this morning.

I made public the following statement:

"A situation has arisen in connection with the inquiry of the Congressional Select Committee to Investigate the Federal Communications Commission which involves such fundamental issues as to require a statement of the Committee's position concerning them.

"The Committee's Counsel had requested certain information from the War and Navy Departments. The Committee had also requested the attendance of military officers to testify concerning the information sought from the War and Navy Departments. The Committee is now in receipt of advice from the War and Navy Departments, each stating that the respective Secretaries have been informed that the President refuses to furnish the Committee with the documents it requires.

"It should be clearly understood that the Committee did not ask, did not seek, and would not have accepted for public exposure any secret military information because the responsibility for safeguarding such information would have been greater than the Committee would want to assume. Therefore, no information or testimony was requested by the Committee that would reveal any secret military information.

"The Committee is advised by these letters from the War and Navy Departments that the President bases his refusal to allow the documents to be delivered to the Committee on the ground that '*it would be contrary to the public interests*,' thereby recognizing that the documents would not reveal secret military information.

"Thus emerges a question so fundamental as to involve the entire structure of our Government under our Constitution, based upon its underlying concept of three coordinate independent branches.

"The Committee believes it the wisest policy not to press this *incident* at this time, but it cannot pass the *issue* presented because it is too fundamental.

"If it is possible and appropriate for the Chief Executive thus to limit the investigations of a Select Committee of the Congress, and to impede its work on the ground of his determination of the public interest, then it would follow logically that he or some other Chief Executive could so interfere with the functions of a standing committee of either house.

"The Committee has consulted and carefully deliberated on this action of the President. Without conceding the right anywhere to limit the constitutional powers of the Congress, the Committee has determined, for the time being, to refrain from insisting upon the appearance of officers of the Army and Navy, or to press for the production of memoranda and records called for in those departments. However, as to all other departments and agencies the Committee takes no such position. It has neither the disposition nor the authority to deviate from the direction of the House in this investigation. It is important to note that in letters from the Army and Navy Departments it is stated that the President's order is put upon the ground that to furnish the Committee the documents called for, would be contrary to the public interests. This raises the question: Where rests the power to determine what the public interest is? Is it a power that belongs to the Government, or to only one branch of the Government? Is Congress to be rendered powerless to determine for itself what is or is not in the public interest? If this be so, then who is to legislate in the public interest—or is there to be no legislation at all? Thus we are brought face to face with possible congressional frustration.

"It scarcely need be said that the whole concept of our American system of Government under our Constitution rests upon the fundamental principle that each of the three coordinate independent branches of the Government, although checked and balanced each by the other, cannot be subject to domination by the others without the whole structure crumbling.

"Thus is presented an issue in which there is involved no question of personalities whatsoever, but a fundamental issue of the proper exercise of the appropriate constitutional functions of each of the three branches of Government.

"Unless this Select Committee, which is the agent of the House of Representatives, insists upon its authority and its right to determine, within the limits set by the House of Representatives, how it should proceed, then this Committee will have failed to maintain the dignity and the Constitutional authority of the House of Representatives. This Committee means to maintain and defend that dignity and that authority.

"The Committee desires to emphasize that this investigation involves no persons anywhere in the Government insofar as malfeasance or misfeasance in office may be found.

"If the Committee finds itself too seriously handicapped by the present situation, it will feel called upon to refer the matter back to the House of Representatives for action.

"It is deeply to be regretted that exception must be taken to the action of the President. It is with great reluctance and due respect that the Committee does so. But the issue is so fundamental, the conflict of authority is so clear, the duty of the Committee to the House of Representatives so paramount, and the issues of Constitutional processes so completely involved, that the Committee is left no other course to pursue."

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

July 16, 1943 SPECIAL LEGISLATIVE BULLETIN No. 11

F.C.C. INVESTIGATION SINCE JULY 9TH

Eugene L. Garey, General Counsel to the Select Committee of the House of Representatives to Investigate the Activities of the Federal Communications Commission, pursuant to the direction of the Committee at its hearing on July 9, 1943, read into the record the following Memorandum, dated May 14, 1942, "Regarding Undesirability of Chairmanship of Defense Communications Board Being Vested Ex-Officio in Chairman of Federal Communications Commission, Especially During Wartime", which was submitted to the Secretary of the Navy by Rear Admiral Stanford C. Hooper, U.S.N. (Retired):

> "The Navy Department considers as undesirable the present situation of having the Chairmanship of the Defense Communications Board vested ex-officio in the person of the Chairman of the Federal Communications Commission, especially during wartime. This decision is based not only on the general principles involved, but on the fact that the functioning of the Defense Communications Board during the past months has been unsatisfactory to the Department to the etxent that it believes the successful prosecution of the war is being jeopardized thereby.
>
> "Specifically, the following points bear on the matter:
>
> "1. The Defense Communications Board has failed to take any action on the written recommendation of the Secretary of the Navy that certain committee members were believed to be disloyal to the United States.
>
> "2. The Federal Communications Commission has refused to turn over its file of fingerprints and confidential information bearing on the loyalty of commercial communications companies to the Federal Bureau of Investigation, without restrictions which would render the work of the latter agency ineffective.
>
> "3. The Chairman of the Federal Communications Commission has frequently taken it upon himself to speak for national defense, thereby exposing his ignorance of the subject.
>
> "4. The Chairman of the Defense Communications Board, by action and by public utterance, has shown that his primary interest is in keeping the support of the C. I. O. Communications Union, which has constantly opposed our interests, and not national defense.
>
> "5. The Chairman of the Federal Communications Commission and the Defense Communications Board has had no previous experience in the field of communications.
>
> "6. The Chairman has failed to take energetic action to speed up or reorganize the cumbersome and slow procedure and organization of the Defense Communications Board. This causes serious and unwarranted delay in the war effort.
>
> "7. The Chairman of the Federal Communications Commission has devoted too much of the time and energy of that Commission to trust-busting, to the detriment of its other duties. This is no time for such, as friendly unity of all interests is necessary in war.
>
> "8. The Chairman of the Defense Communications Board opposed legislation permitting wire-tapping which would have permitted checking of the telephone to Japan before Pearl Harbor, and might have prevented the disaster.
>
> "9. The Chairman of the Defense Communications Board opposed stopping Japanese language broadcasts in Hawaii, a factor which led to the disaster.
>
> "10. The Chairman of the Defense Communications Board has consistently opposed any move to assure the loyalty of personnel in communications.
>
> "11. The Chairman of the Federal Communications Commission has consistently opposed the stand of the Armed Services on the question of mergers.
>
> "12. The Chairman of the Federal Communications Commission gives out too much publicity on defense matters. This should come from the War and Navy Departments.
>
> "13. The present set-up has too much duplication of effort, for example, preparation and distribution of information, lack of coordination of direction finding work, investigation of communication security.
>
> "Due to the realization that many matters must be handled directly by the Armed Services, these have already been transferred to their jurisdiction. The effort to obtain transfer takes valuable time.
>
> "Other matters under the Defense Communications Board are being handled by the War and Navy Departments without regard to the Defense Communications Board, because time is the essence. This is becoming confusing."

And pursuant to like direction there was read into the record of the Committee's hearing on July 9, 1943, a resume made by the War Department in respect of the testimony of Admiral Stanford C. Hooper, U.S.N. (Retired), taken by the Committee in private hearing. The pertinent portions of that resume read as follows:

> "In a great number of examples Admiral Hooper is correct, and testimony under oath by any others connected with these matters can only substantiate his story. Among these latter are:
>
> "*a.* F.C.C. penetration into the field of radio intelligence and direction finding.
>
> "*b.* F.C.C. refusal to collaborate with interested government departments in preparing recommendations to Congress on the subject of international merger.
>
> "*c.* The insidious steps by which Mr. Fly injected himself into the Army-Navy plan for control of communications in wartime, emerging with the Board of War Communications which he and his organization dominate.
>
> "*d.* The difficulty in making wartime arrangements for military communication facilities through the Board of War Communications as opposed to direct action due to F.C.C. domination.
>
> "*e.* Attempts by the F.C.C. to obtain domination and control of the IRAC.
>
> "*f.* Refusal by Mr. Fly to transmit the new IRAC constitution to the President without comment.
>
> "*g.* Mr. Fly's disposition to speak for the Army and Navy due to his BWC connection.
>
> "*h.* Mr. Fly's attempt to assume BWC power over communication facilities of other government departments—which must include those of the Army and Navy.
>
> "*i.* Mr. Fly's insistence on reopening the Consent Decree and refusing to renew RCAC licenses in spite of protests from the Army and Navy.
>
> "*j.* Mr. Fly's insistence on reducing telephone toll rates over the objection of the Army and Navy due to the saturated condition of the telephone system.
>
> "*k.* Mr. Fly's refusal to approve operation of miniature broadcast stations at isolated combat outposts if the stations are to be soldier operated.
>
> "*l.* The F.C.C.'s insistence that no commercial company can permit the War or Navy Departments to take over and operate a transmitter without a license from the Commission."

FCC STATEMENTS

Commenting upon the documents released today by the Cox Committee, James Lawrence Fly, Chairman of the Federal Communications Commission, issued the following statement:

> The documents made public today are but irresponsible charges which the Cox Committee has handed out in a bid for publicity. We are still waiting for a public hearing. Meanwhile, as to the charge that I oppose using the war as an excuse for monopolies to extend their hold on the country, I plead guilty. I also plead guilty to the charge of believing that the C.I.O., along with the A. F. of L. and the other unions of this country are not disloyal, but are composed of as patriotic a group of citizens as can be found anywhere and that their council and advice is a valuable contribution to our war effort.
>
> As to the remainder of the charges collected by the Committee's staff in star chamber sessions, the public should know that they are utterly without foundation. If such a Committee can be depended upon to give us an opportunity, we will prove each of them false.

FOR SECRETARY OF WAR

Washington, July 10—Chairman James Lawrence Fly of the Federal Communications Commission stated tonight: "The Acting Secretary of War has authorized me to release the following statement by him:

> 'The release given by Mr. Garey, Counsel for the Cox Committee, refers to "a resume made by the War Department" with respect to Admiral Hooper's testimony. The paper consisted merely of notes made in May by an Army officer to whom the Navy had loaned a copy of Admiral Hooper's testimony. The notes do not express the view of the War Department, but merely this officer's own comment. They were not furnished by any officer in the Army or anyone in the War Department to the Cox Committee.' "

FROM NAVY DEPARTMENT

"The memorandum written by Rear Admiral S. C. Hooper (Retired), dated May 14," an official Navy news statement says, "which as quoted by Eugene L. Garey, general counsel of the Select Committee of the House of Representatives to investigate the activities of the FCC, was not an official statement by the Navy Department and expresses the personal views of Admiral Hooper."

FLY NEWS CONFERENCE

FCC Chairman James Lawrence Fly has received no answer to the letter he sent to members of the Cox Investigating Committee last week, he said at a news conference on Monday. He said that he regretted this. Fly said that the Cox proceedings are a cheap type of publicity. The origin of the investigation, he said, was irresponsible. Everybody, Fly told the news men, is shocked by the conduct and methods of the committee, but no one who has watched the situation is at all surprised.

The Chairman said that it is hard to over-estimate the importance of Congress as an investigating force, but its value must not be impaired. Congressional investigations should be responsible and fair.

Fly refused to answer questions regarding the reappointment of George Henry Payne as a member of the Commission. He said that he had no idea who would succeed Payne and that the commissionership would probably be open for a time, at least.

The Chairman said that he has no intention of answering the statement of Admiral Hooper in detail, but if the committee gives him a chance to appear he will answer that and all the other statements that are being made. Fly said that seemingly the conclusions of the committee have already been made and published and expressed the opinion that the committee has already done its worst. The committee's final conclusions, he said, must be modified. Fly said that "Garey serves the purpose of this committee very well."

The Chairman told the conference that the President's order refusing to allow Army and Navy officers to appear before the committee were based on an adequate record, which the President had.

The Chairman discussing post war problems in the radio industry said that the industry will have a plan shortly which everyone can agree to.

July 15, 1943.

Chairman James Lawrence Fly of the Federal Communications Commission, commenting upon the published reports of the Cox Committee's plans for the conduct of its proceedings in relation to newspaper publicity, said today:

> "The real character of the 'impartial and wholly constructive' investigation which Chairman Cox at the opening hearing publicly assured the Commission, the Congress and the people is now clear.
>
> "The memorandum from the Wall Street counsel to the members of the Cox Committee merely confirms and formalizes the plan adopted by the Committee in assembled meeting on July 6. It is to be noted that this plan which was prepared by a representative of the International News Service sets forth 'principles' to govern the Committee's public proceedings. These 'principles' are carefully designed to accomplish two results:
>
> 1. The seizure of the headlines.
> 2. By adroit use of the gavel, the effectuation of the principle that the Committee must keep the Commission's side of the case from reaching the public.
>
> "I cannot believe that the House of Representatives of the United States ever intended to authorize its delegated representatives to
>
> 'Decide what you want the newspapers to hit hardest and then shape each hearing so that the main point becomes the vortex of the testimony. Once that vortex is reached, *adjourn*.'
>
> Nor can the House of Representatives have meant to authorize an investigation which, in the first instance, would treat the Commission as 'the opposition,' and then would formally adopt a plan "to preclude 'the opposition' from the 'opportunity to make . . . replies.'
>
> "It is difficult to believe that the Congress meant to delegate to Congressman Cox as Chairman of the Committee the arbitrary power to swing the gavel and recess or adjourn the hearings so that he would 'keep the proceedings completely in control so far as creating news is concerned.'
>
> "Nor can one easily come to believe that the Congress wanted this so-called investigative Committee to smother out the statements of 'witnesses which might provide news that would bury the testimony which you want featured.'
>
> "There is nothing new in the procedures for creating publicity with scandalous and unsupportable charges and then promptly shutting off any possible opportunity for the Commission to be heard on those charges, or even to present its case to the press. Ultimately, the greater injury here must be to the Committee itself when Congressman Cox and his Wall Street counsel have the temerity to adopt procedures which abuse the great Congressional power of investigation by a calculated bid for headlines and by a deliberate plan to avoid any hearing on the charges until after a startling publicity has taken its toll.
>
> "Despite the unhappy auspices under which this so-called investigation was given birth, I cannot believe that the United States House of Representatives has ever fully understood what its Committee is doing in star chamber proceedings, in the secret eliciting of 'testimony' in the downtown hotels of the City of Washington, and in the now publicly confirmed unfair principles governing its conduct of public hearings."

July 7, 1943.

Memo to all Members of the Committee:

Annexed hereto for your information is a copy of suggestions that were written out by a press representative with reference to principles that should come within our presentation. The man who wrote these suggestions is Bob Humphreys of International News Service. It is the same memorandum that I read to the Committee at its meeting yesterday.

E. L. G.

Enclosure:

Honorable E. E. Cox.
Honorable Richard B. Wigglesworth.
Honorable Warren G. Magnuson.
Honorable Edward J. Hart.
Honorable Louis E. Miller.

1.—Decide what you want the newspapers to hit hardest and then shape each hearing so that the main point becomes the vortex of the testimony. Once that vortex is reached, *adjourn*.

2.—In handling press releases, first put a release date on them, reading something like this: "For release at 10:00 A.M., EWT, July 6", etc. If you do this, you can give releases out as much as 24 hours in advance, thus enabling reporters to study them and write better stories.

3.—Limit the number of people authorized to speak for the committee, to give out press releases or to provide the press with information to the *fewest number possible.* It plugs leaks and helps preserve the concentration of purpose.

4.—Do not permit distractions to occur, such as extraneous fusses with would-be witnesses, which might provide news that would bury the testimony which you want featured.

5.—Do not space hearings more than 24 or 48 hours apart when on a controversial subject. This gives the opposition too much opportunity to make all kind of counter-charges and replies by issuing statements to the newspapers.

6.—Don't ever be afraid to recess a hearing even for five minutes, so that you keep the proceedings completely in control so far as creating news is concerned.

7.—And *this is most important:* don't let the hearings or the evidence ever descend to the plane of personal fight between the Committee Chairman and the head of the agency being investigated. The high plane of a duly-authorized Committee of the House of Representatives *examining* the operations of an Agency of the Executive Branch for constructive purposes should be maintained at all costs.

National Association of Broadcasters
1760 N STREET, N. W. * * * * * * * WASHINGTON 6, D. C.
July 30, 1943 SPECIAL LEGISLATIVE BULLETIN No. 12

Hearings Before the Select Committee to Investigate Federal Communications Commission, House of Representatives, U. S. Seventy-Eighth Congress

(The following reports are written in news style in digest form because the volume of material transcribed has grown to proportions beyond the means of NAB to reprint verbatim. This digest is objective and contains the full sense of each day's hearings. Should any station manager wish the full transcript of the hearings, information as to cost may be obtained from Althea Arceneaux, Shorthand Reporter, 1060 National Press Bldg., Washington, D. C.)

Committee sitting: Representatives E. E. Cox, chairman, Edward J. Hart, Richard B. Wigglesworth and Louis E. Miller. Representative Magnuson not present.

MONDAY, JULY 19, 1943

Counsel Eugene Garey opened the session by entering on the record a number of letters from the personnel files of the Navy Department bearing on the high qualifications of Admiral Stanford C. Hooper in the field of radio communications with particular reference to military communications.

The letters established beyond all doubt Admiral Hooper's extreme capability to comment on all phases of radio communications, Mr. Garey concluded for the record as he entered the letters, which were from high government and military officers.

Mr. Garey then entered a listing of the appropriations for the FCC from the years 1935 to 1943 inclusive and made the point that in the 1943 appropriations figure given to the Select Committee by the FCC there was a variance of $205,500—namely that the FCC listing showed a $7,892,135 appropriation for 1943 and the Select Committee counsel totaled $7,686,635 as being given FCC by Congress and the President. Garey also said the FCC received $205,330 from other government agencies for services rendered them by FCC and recommended that such sum should have been added to the appropriations figure for 1943.

Included in the schedules entered on the record by Mr. Garey was the sum of $6,172,388.71 expended by FCC for the Radio Intelligence Division, which Mr. Garey said indicated "an expenditure for a useless Division, a Division duplicating services rendered by the Army and Navy. . . ."

Big Rise in RID Personnel

Mr. Garey next entered into the record the fact that the number of employes in the Radio Intelligence Division, FCC, (called National Defense Operations Section of the Field Division of the Engineering Department prior to June 1, 1942) rose from 16 in July, 1940, to 815 in May, 1943.

After this, Mr. Garey called on Harry S. Barger, Select Committee chief investigator, who testified he had obtained a copy of the FCC "Oath of Allegiance and Secrecy" in which FCC employes swear allegiance to the nation and also promise not to tell anyone about anything relating to national defense providing such information is "secret, confidential or restricted." Mr. Garey developed through testimony given by Mr. Barger that this "Oath" was contrary to the U. S. Code, title 5, section 652, August 24, 1912, which provides government employes the right to furnish information to Congress or any member or committee thereof.

Further testimony by Mr. Barger showed that the Radio Intelligence Division, FCC, was not set up either by executive order or by Congress, but was created by FCC and financed by an original grant of $1,600,000 from the President's emergency fund and thereafter financed by Congressional appropriation.

Philip C. Hamblet, assistant director of overseas operations, OWI, was put on the stand and in lengthy questioning, Mr. Garey attempted to show through Mr. Hamblet's testimony that FCC's Foreign Broadcast Intelligence Service was duplicating service rendered by OWI. The testimony showed that FBIS preceded OWI and had considerably more equipment and a far greater number of employes and consequently was doing a much bigger job than OWI. Mr. Garey tried to show that OWI, if all FBIS funds and personnel were transferred to it, could do the same job and still reduce the number of employes and the overall cost that both agencies are now doing. Mr. Hamblet did admit that some material reduction could be effected, but was not sure about reducing the number of employes.

RID is FCC's Biggest Function

Following luncheon recess, Mr. Barger resumed the stand and under questioning brought out that he had determined that the RID was approximately 41% of the total FCC activity and that RID and FBIS combined made up more than two-thirds of the FCC functions.

It further was brought out by Mr. Barger that the Army, Navy and Air Force did not desire the services of either FBIS or RID, as certain officers of these services had informed him.

A considerable section of the following testimony by Mr. Barger brought out the history of the establishing of the FBIS, with the point made that the original purpose was to listen in on foreign broadcasts and to give interested government departments the substance of them—and not to branch out as a news service.

Mr. Garey frequently introduced testimony of FCC Chairman James Lawrence Fly before the Costello committee in which Mr. Fly repeatedly denied that FBIS or RID duplicated functions of the Army, Navy or OWI with respect to radio communications intelligence or monitoring.

The day's hearings were closed with Mr. Garey and Mr. Barger showing that a budget appropriation (supplemental) of $558,000 made to the FCC in 1942 to hire 148 additional persons was contraverted shortly after the funds were made available to other purposes not stipulated in the grant, such contraversion being the hiring of only 31 new employes and the raising of salaries of many others. This matter, Mr. Barger testified, was handled without knowledge of the Bureau of the Budget.

TUESDAY, JULY 20

FCC "Seizes Pretext"

Mr. Garey opened the day's hearings by continuing his introduction of material and evidence relating to the previous day's investigation of the FCC request for supplemental funds for the FBIS—said material and evidence consisting of further reports on salary raises and changes in positions of personnel of the FBIS, including further testimony from Mr. Barger.

Mr. Garey also developed through reading of several cablegrams that "the U. S. Army about two weeks after it entered North Africa desired to have the benefit of civilian technicians for monitoring purposes" and the Army contacted FCC for this purpose. Mr. Garey said "The Commission saw in it (the Army's request) an opportunity to extend its jurisdiction and authority, immediately seized the opportunity and readily agreed" to the Army's conditions.

The "opportunity" developed, Mr. Garey pointed out, not as an Army project but as a "full-fledged FBIS unit" which "serves as an illustration of the Communications Commission's ability to seize upon any pretext to gain additional authority, dignity and prestige for itself to cloak itself with another fold of the flag as an essential war agency. . . . "

Next order of business was an exposition of how the matter of labelling material "confidential" got started so far as government agencies were concerned and it was developed that it started out of memorandum issued by OWI in November, 1942. Sharp comments by Chairman Cox ensued in which he asked Mr. Garey if the prohibitions contained in that memorandum would prevent Congress from "intelligently legislating on any subject" if such prohibitions denied Congress access to certain documents and information. Mr. Garey answered "I do not see how it (Congress) could, Congressman. It certainly could not legislate intelligently or effectively. It would become a mere rubber stamp." Mr. Garey concluded that if "this assault" (Congressman Miller's words) on the legislative authority of Congress is successful one of the three great branches of Government (legislative) would have practically been "abolished."

Commissioner Craven Takes Stand

Following this Mr. Garey entered a list of the newspapers of the nation to which the FCC subscribed and it was brought out that several FCC commissioners got their "home" newspapers delivered to them at government expense.

After some brief references to the relations between the FCC and the FBI with introductions of material showing FBI radio personnel and salaries, Mr. Garey put FCC Commissioner Tunis A. M. Craven on the stand.

Commissioner Craven began his testimony with the remarks that he had been informed by FCC Chairman Fly that inasmuch as he (Craven) was "cooperating" with the Select Committee that Fly wanted Craven to know he (Fly) and the President regarded as important to the welfare of the country the preservation of the security of confidential and secret matters. Commissioner Craven in a prepared statement said he was "subject to this Committee's direction" and added that he had "nothing to fear or hide."

First questions put to Commissioner Craven after the usual brief biographical material had been recorded concerned the Commissioner's stand on the FCC charges that the military was trying to control communications. Commissioner Craven not only said he dissented from those views of the FCC but further added that the "Commission should stay out of the headlines, the country has enough to worry about."

Returning to biographical material, Mr. Garey established that Commissioner Craven had had long service as a Naval officer, especially in the field of radio, and was well acquainted with Admiral Hooper whom he characterized as "one of the most outstanding radio men the Navy ever had." Admiral Hooper succeeded Commissioner Craven as Fleet Radio Officer.

Further testimony dealt with the early history of broadcasting in which Commissioner Craven brought out the fact that he, as a Naval representative, participated in most early national and international radio conferences, particularly those which led to the U. S. Communications Act of 1927.

It is interesting to note that Commissioner Craven was "loaned" to the Federal Radio Commission soon after it was established, relieving Admiral Hooper as supervisor of engineering. The FRC was replaced by FCC in 1934. Mr. Craven returned to FCC as chief engineer in 1935, his previous service having been only one year. He served two years as chief engineer, then was appointed commissioner in 1937 to succeed Irwin Stewart.

Balance of the day's testimony by Mr. Craven concerned an exposition of his duties as chief engineer.

WEDNESDAY, JULY 21

Craven Resumes Testimony

Mr. Garey asked Mr. Craven to read the three letters introduced into exhibit, being correspondence between Mr. Fly and the War Department relative to the request by the Army for the withdrawal of "civilians" from North Africa, including suggestions to FCC that the Army did not desire FCC monitoring services in North Africa. Mr. Garey then asked if he knew about or had a part in authorizing the sending of FCC personnel to North Africa to operate monitoring equipment and Mr. Craven said he knew nothing about the personnel being in Africa, the hiring of them or the purchase of equipment for them to use.

The committee counsel then developed through Mr. Craven's testimony that the situation on the Commission with respect to the authority exercised by Mr. Fly in the particular matter of the North African monitoring service, which had not been brought before the FCC, was part of a condition "not satisfactory" to Mr. Craven as a commissioner.

Further questioning of Mr. Craven drew from him that although the powers of the seven FCC commissioners are equal under law Mr. Fly has assumed what Mr. Garey termed a "dominating position" and Mr. Craven a "leading part" on the commission even though the title "chairman" confers no additional powers. Mr. Garey later got Mr. Craven to admit the "domination."

In answer to a direct question, Mr. Craven admitted that the FCC had not been granted any authority by Executive order or Congressional act to establish activities engaged in by FBIS.

Mr. Craven told the committee that his opposition to the "one-man" control of FCC stemmed from procedures current before Mr. Fly's tenure when the then FCC chairman, Mr. McNinch, privately requested Mr. Craven to give him (McNinch) Mr. Craven's "proxy" in matters of FCC policy in return for which Mr. McNinch would "go along with (Mr. Craven) on engineering matters." Mr. Craven refused.

Craven's Memorandum Read

Mr. Garey then read a memorandum Mr. Craven had submitted to his colleagues on the Commission in November, 1938. The memorandum contained the following passage:

"However, I know of no existing law which confers upon the Commission the power to change the method of control of the nation's communication systems from that prescribed by Congress. . . . "

The memorandum read consisted of three main parts: 1. The Responsibility and Independence of Individual Commissioners, 2. The Responsibility and Independence of the Entire Commission, and 3. Internal Organization of the Commission, in which the entire FCC functions were carefully delineated by Mr. Craven. Long and frequent interruptions occurred during Mr. Garey's reading of this memorandum, most of which concerned questions and answers on topics related to the memorandum's content.

Mr. Craven told the committee that the conditions outlined in the memorandum were practically the same currently as existing in 1938.

A principal point brought out in the supplemental questioning to the reading of the memorandum was that Mr. Craven is "fervently" in favor of clarification of the present Radio Act because of the recent Supreme Court decision of May 10, 1943.

Another sidelight was the admission by Mr. Craven that the functions of FBIS should not be engaged in by the FCC.

The dismissal of Counsel Hampton Gary, of FCC, because of his refusal to lend his "intellect, his integrity and his services to purposes the Commission desired to have served" was cited and Mr. Craven said the Commission was "outrageously wrong." Mr. Gary was dismissed without proper hearing, Mr. Craven added.

The memorandum also asked for the protection of Civil Service for most FCC employes, including "lawyers, examiners" and other personnel. It contained numerous procedure recommendations and cautions on the need for independence of action and thought by the Commission as a body and as individuals. (The functions of "examiners" are now handled by the FCC law department. Mr. Craven said he vigorously opposed abolishing of examiners' positions.)

Craven's Resolutions

The memorandum listed a series of proposed resolutions, first of which was one asking the Commissioners to vote on matters according to his independent and honest judgment and not surrender any integrity of thought or action to the chairman or any other commissioner. Mr. Craven said this resolution "broke up the meeting" and was tabled.

Five other resolutions designed to protect employes under Civil Service and to urge the rightful independence of the Commission and the several commissioners to vote and to act without outside or internal influence were all tabled.

Following reading of the memorandum, Mr. Garey and Chairman Cox decided in discussion that the FCC licensing power has been used to destroy free radio and free speech and is moving to affect free press.

Remainder of the day's testimony concerned Mr. Craven's technical report and discussions on the radio or electromagnetic spectrum.

THURSDAY, JULY 22

Craven Stopped "Fighting"

As the hearings opened, Mr. Garey referred to the November, 1938, memorandum of Mr. Craven, which was read the previous day and the counsel asked Mr. Craven if it were not true that after his resolutions were tabled by the Commission that he "stopped fighting" on those subjects. Mr. Craven said he stopped fighting the question of control by the FCC chairman.

Mr. Craven did tell the committee that he had submitted a number of memoranda over the years while he was an FCC commissioner, most bearing on the same subjects as contained in his 1938 paper.

Testimony brought out the three types of meetings FCC holds—1. Regular Commission Meetings, 2. Semi-Executive Session (concerned mostly with discussions of personnel), and 3. Full Executive Session (deals with policies and confidential organization and administration matters).

Lengthy testimony then occurred around the subject (again) of Mr. Fly's dominance of the Commission and his assumption of many actions as chairman, which he had no right to assume legally but which he assumed by non-opposition acquiescence of the Commissioners. Mr. Craven would not answer Mr. Garey's question that this recalcitrance on the Commissioners' part was due to "a lack of integrity and character . . .?"

The hearing then switched to the value of the FBIS with Mr. Garey drawing from Mr. Craven the admissions that Mr. Craven wasn't too familiar with the FBIS set-up and that he thought FBIS information publications of monitored and other news were valueless and should be discontinued.

Charles Denny, FCC counsel, introduced 20 letters from Army, Navy and other governmental agencies and individuals which acknowledged the value of FBIS services to the persons and agencies authorizing the letters. The committee refused to accept the letters, requesting instead that Mr. Denny give them the list of authors of the letters who would then be called to testify.

An exchange between Mr. Garey and Mr. Craven on the functions and background of the FCC's RID (Radio Intelligence Division) was abruptly terminated by appointment of Congressmen Hart and Wigglesworth to conduct hearings in New York as a Select Committee subcommittee. Adjournment of the Select Committee was effected to August 9.

The White-Wheeler FCC Bill

78TH CONGRESS
1ST SESSION

S. 814

IN THE SENATE OF THE UNITED STATES

MARCH 2 (legislative day, MARCH 1), 1943

MR. WHITE (for himself and MR. WHEELER) introduced the following bill; which was read twice and referred to the Committee on Interstate Commerce

A BILL

To amend the Communications Act of 1934, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of title I of the Communications Act of 1934 be amended by adding after paragraph (aa) of said section the following:

> "(bb) The term 'license', 'station license', or 'radio-station license' means that instrument of authorization required by this Act, or the rules and regulations of the Commission enacted pursuant to this Act, for the use or operation of apparatus for the transmission of energy, or communications, or signals by radio, by whatever name the same may be designated by the Commission."

SEC. 2. Amend paragraph (b) of section 4 of said title I by striking out the last sentence of said paragraph and by inserting in lieu thereof the following: "Not more than four members of the Commission and not more than two members of either division thereof shall be members of the same political party."

SEC. 3. Amend section 5 of said title I by striking out the whole of said section and by inserting in lieu thereof the following:

"(a) The members of the Commission, other than the Chairman, shall be organized into two divisions of three members each, said divisions to be known and designated as the Division of Public Communications and the Division of Private Communications, and no member designated or appointed to serve on one division shall have or exercise any duty or authority with respect to the work or functions of the other division, except as hereinafter provided. The President shall designate the Commissioners now in office who shall serve upon a particular division, but all Commissioners other than the Chairman subsequently appointed shall be appointed to serve upon a particular division and the Chairman subsequently appointed shall be appointed to serve in that capacity.

"(b) The Division of Public Communications shall have jurisdiction over all cases and controversies arising under the provisions of this Act and the rules and regulations of the Commission enacted pursuant to this Act relating to wire and radio communications intended to be received by the public directly, and shall make all adjudications involving the interpretation and application of those provisions of the Act and of the Commission's regulations.

"(c) The Division of Private Communications shall have jurisdiction over all cases and controversies arising under the provisions of this Act and the rules and regulations of the Commission enacted pursuant to this Act relating to wire and radio communications by a common carrier or carriers, or which are intended to be received by a designated addressee or addressees, and shall make all adjudications involving the interpretation and application of those provisions of the Act and of the Commission's regulations.

"(d) The whole Commission shall have and exercise jurisdiction over the assignment of bands of frequencies to the various radio services; over all matters arising under the provisions of part 2 of title III of this Act, as amended; over all signals and communications of an emergency nature, including distress signals by ships at sea and communications relating thereto, signals and communications by police and fire departments and other like emergent signals and messages; over all signals and communications by and between amateur stations; over the qualifications and licensing of all radio operators; over the adoption and promulgation of all rules and regulations of general application required or authorized by this Act, including procedural rules for the Commission and the Divisions thereof; over the selection and appointment of all officers and other employees of the Commission and the Divisions thereof; and generally over all matters with respect to which authority is not otherwise conferred by other provisions of this Act. In any case where a conflict arises as to the jurisdiction of the Commission or any Division thereof, such question of jurisdiction shall be determined by the whole Commission.

"(e) The Chairman of the Commission shall be the chief executive officer of the Commission. It shall be his duty to preside at all meetings and sessions of the whole Commission, to represent the Commission in all matters relating to legislation and legislative reports, to represent the Commission or any Division thereof in all matters requiring conferences or communications with representatives of the public or other governmental officers, departments, or agencies, and generally to coordinate and organize the work of the Commission and each Division thereof in such manner as to promote prompt and efficient handling of all matters within the jurisdiction of the Commission. The Chairman of the Commission shall not be a member of or serve upon either of said Divisions, except that in the case of a vacancy or the absence or inability of any Commissioner appointed to serve thereon, the Chairman may temporarily serve on either of said Divisions with full power as a member thereof until the cause or circumstances requiring said service shall have been eliminated or corrected.

"(f) Each Division of the Commission shall choose its own chairman, and, in conformity with and subject to the foregoing provisions of this section, shall organize its membership and the personnel assigned to it in such manner as will best serve the prompt and orderly conduct of its business. Each Division shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions over which it has jurisdiction. Any order, decision, report made, or other action taken by either of said Divisions with respect to any matter within its jurisdiction, shall be final and conclusive, except as otherwise provided by said Communications Act of 1934 as hereby amended. The secretary and seal of the Commission shall be the secretary and seal of each Division thereof.

"(g) In the case of a vacancy in the office of the Chairman of the Commission or the absence or inability of the Chairman to serve, the Commission may temporarily designate and appoint one of its members to act as Chairman of the Commission until the cause or circumstance requiring said service shall have been eliminated or corrected. During the temporary service of any such Commissioner as Chairman of the Commission, he shall continue to exercise the other duties and responsibilities which are conferred upon him by this Act.

"(h) The term 'Commission', as used in this Act, shall be taken to mean the whole Commission or a Division thereof as required by the context and the subject matter dealt with. The term 'cases and controversies', as used herein, shall be taken to include all adversary proceedings whether judicial or quasi-judicial in nature, and whether instituted by the Commission on its own motion or otherwise, and the term 'adjudications' means the final disposition of particular cases, controversies, applications, complaints, or proceedings involving named persons or a named res.

"(i) The Commission or either Division thereof is hereby authorized by its order to assign or refer any portion of its work, business, or functions to an individual Commissioner, or to a board composed of an employee or employees of the Commission, to be designated by such order for action thereon, and by its further order at any time to amend, modify, or rescind any such order or reference: *Provided, however,* That this authority shall not extend to duties specifically and exclusively imposed upon the Commission, either Division thereof, or the Chairman of the Commission, by this or any other Act of Congress. Any order, decision, or report made or other action taken by any such individual Commissioner or board in respect of any matter so assigned or referred shall have the same force and effect and may be made, evidenced, and enforced as if made by the Commission or the appropriate Division thereof: *Provided, however,* That any person affected by any such order, decision, or report may file a petition for review by the Commission or the appropriate Division thereof, and every such petition shall be passed upon by the Commission or that Division."

SEC. 4. Amend paragraph (a) of section 308 of title III of said Act by striking out all appearing before the first proviso clause in said paragraph and by inserting in lieu thereof the following:

"The Commission may grant instruments of authorization entitling the holders thereof to construct or operate apparatus for the transmission of energy, or communications, or signals by radio only upon written application therefor received by it."

Further amend paragraph (a) of said section 308 by adding at the end of said paragraph the following: *"And provided further,* That (1) in cases of emergency found by the Commission involving danger to life or property, or (2) during the continuance of any war in which the United States is engaged and when such action is necessary for the national defense or security or otherwise in furtherance of the war effort, the Commission or either Division thereof may grant and issue authority to construct or operate apparatus for the transmission of energy or communications or signals by radio during the emergency so found by the Commission or either Division thereof or during the continuance of any such war in such manner and upon such terms and conditions as it shall by regulation prescribe, and without the filing of a formal application."

SEC. 5. Amend section 309 of said title III by striking out paragraph (a) thereof; by relettering present paragraph (b) as paragraph (d); and by inserting in lieu of paragraph (a) as deleted the following:

"(a) If upon examination of any application provided for in section 308 hereof the Commission shall determine (1) that public interest, convenience, or necessity would be served by the granting thereof, and (2) that such action would not aggrieve or adversely affect the interest of any licensee or applicant, it shall authorize the issuance of the instrument of authorization for which application is made in accordance with said findings.

"(b) If upon examination of any such application the Commission is unable to make the findings specified in paragraph (a) hereof, it shall designate the application for hearing and forthwith notify the applicant and other parties in interest of such action and the grounds or reasons therefor. Any hearing subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest, whether originally notified by the Commission or subsequently admitted as interveners, shall be permitted to participate. Such hearings shall be preceded by a notice to all such parties in interest specifying with particularity the matters and things in issue and not including issues or requirements phrased generally or in the words of the statute.

"(c) When any instrument of authorization is granted by the Commission without a hearing, as provided in paragraph (a) hereof, such grant shall remain subject to protest as hereinafter provided for a period of thirty days. During such thirty-day period, any person who would be entitled to challenge the legality or propriety of such grant under the provisions of section 402 of this Act may file a protest directed to such grant, and request a hearing on said application so granted. Any protest so filed shall contain such allegations of facts as will show the protestant to be a proper party in interest and shall specify with particularity the matters and things in issue but shall not include issues or allegations phrased generally or in the words of the statute. Upon the filing of such protest, the application involved shall be set for hearing upon the issues set forth in said protest and heard in the same manner in which applications are heard under paragraph (b) hereof. Pending hearing and decision upon said protest, the effective date of the Commission's action to which said protest is directed shall be postponed to the date of the Commission's decision after hearing unless the authorization involved in such grant is necessary to the maintenance or conduct of an existing service, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing on said protest.

"(d) Such station licenses as the Commission may grant shall be in such general form as it may prescribe, but each license shall contain, in addition to other provisions, a statement of the following conditions to which such license shall be subject: (1) The station license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized therein; (2) neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of this Act; (3) every license issued under this Act shall be subject in terms to the right of use or control conferred by section 606 hereof."

Sec. 6. Amend paragraph (b) of section 310 of said title III striking out the whole of said paragraph and by inserting in lieu thereof the following:

"No instrument of authorization granted by the Commission entitling the holder thereof to construct or operate radio apparatus and no rights granted thereunder shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such instrument of authorization, to any person except upon application to the Commission and upon a finding by the Commission that the proposed transferee or assignee possesses the qualifications required of an original permittee or licensee and is capable of constructing or operating under such instrument of authorization in the public interest, convenience, and necessity. The procedure to be employed in the handling of such applications shall be that provided in section 309 of said title III, as amended."

Sec. 7. Amend section 315 of said title III by striking out the whole of said section and by inserting in lieu thereof the following:

"Sec. 315. If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcast station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcast station, and the Commission shall make rules and regulations to carry this provision into effect. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate."

Sec. 8. Amend section 326 of said title III by inserting before the first sentence thereof a new sentence so that as amended said section shall read as follows:

"Nothing in this Act shall be understood or construed to give the Commission the power to regulate the business of the licensee of any radio broadcast station and no regulation, condition, or requirement shall be promulgated, fixed, or imposed by the Commission, the effect or result of which shall be to confer upon the Commission supervisory control of station programs or program material, control of the business management of the station or control of the policies of the station or of the station licensee. Nothing in this Act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication. No person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio communication."

SEC. 9. Add to said title III the following new section:

"SEC. 330. No licensee of any radio-broadcast station shall permit the use of such station for the discussion of any public or political question whether local, State, or National in its scope and application, unless the person or persons using such station shall, prior to such use, disclose in writing and deliver to the licensee the name or names of the person or persons or organization upon whose instance or behalf such broadcast is to be made or conducted. Upon the making of any such broadcast the name of the speaker or speakers using the station, together with the other information required by this section, shall be announced both at the beginning and at the end of such broadcast. Public officers, speaking as such, whether local, State, or National, and whether elective or appointive, shall be relieved of compliance with the foregoing provisions, but in all cases the licensee shall cause an announcement to be made both at the beginning and at the end of the broadcast, stating the name of the speaker, the office held by him, whether such office is elective or appointive, and by what political unit or public officer such power of election or appointment is exercised. Where more than one broadcasting station or a network of such stations is used as herein provided, the requirements of this section will be met by compliance therewith at the station which originates such broadcast."

SEC. 10. Add to said title III the following new section:

"SEC. 331. In all cases where public officers other than the President of the United States use a radio-broadcast station for the discussion of public or political questions, the licensee of any station so used shall afford a right of reply to any person designated by the accredited representatives of the opposition political party or parties. In all cases the right of reply herein provided shall be afforded upon the same terms and conditions as the initial discussion and the Commission shall make such rules and regulations as are necessary to carry this provision into effect."

SEC. 11. Add to said title III the following new section:

"SEC. 332. No licensee of any radio-broadcast station nor the Commission shall have the power to censor, alter, or in any way affect or control the political or partisan trend of any material broadcast under the provisions of sections 315, 330, and 331 hereof: *Provided, however,* That no licensee shall be required under the provisions of this section or otherwise to broadcast any material for or upon behalf of any person or organization which advocates the overthrow of government by force or violence, and that no licensee shall be required to broadcast any material which is slanderous or libelous or which might subject the licensee or its station to any action for damages or to a penalty or forfeiture under any local, State, or Federal law or regulation. In all such cases the licensee shall have the right to demand and receive a complete and accurate copy of the material to be broadcast a sufficient time in advance of its intended use to permit an examination thereof and the deletion therefrom of any material necessary to conform the same to the requirements of this section, and the Commission shall make rules and regulations to carry this provision into effect."

SEC. 12. Amend section 402 of title IV by striking out the whole of said section and by inserting in lieu thereof the following:

"(a) The provisions of the Act of October 22, 1913 (38 Stat. 219), as amended, relating to the enforcing or setting aside of orders of the Interstate Commerce Commission are hereby made applicable to suits to enforce, enjoin, set aside, annul, or suspend any order of the Commission under this Act (except those appealable under the provisions of paragraph (b) hereof), and such suits are hereby authorized to be brought as provided in that Act. In addition to the venues specified in that Act, suits to enjoin, set aside, annul, or suspend, but not to enforce, any such order of the Commission may also be brought in the District Court for the District of Columbia.

"(b) Appeals may be taken from decisions and orders of the Commission to the United States Court of Appeals for the District of Columbia in any of the following cases:

"(1) By an applicant for any instrument of authorization required by this Act, or the regulations of the Commission enacted pursuant to this Act, for the construction or operation of apparatus for the transmission of energy, or communications, or signals by radio whose application is denied by the Commission.

"(2) By any party to an application for authority to assign any such instrument of authorization or to transfer control of any corporation holding such instrument of authorization whose application is denied by the Commission.

"(3) By any applicant for the permit required by section 325 of this Act or any permittee under said section whose permit has been modified, revoked, or suspended by the Commission.

"(4) By any other person who is aggrieved or whose interests are adversely affected by any order of the Commission granting or denying any application described in subparagraphs (1), (2), and (3) hereof.

"(5) By the holder of any instrument of authorization required by this Act, or the regulations of the Commission enacted pursuant to this Act, for the construction or operation of apparatus for the transmission of energy, or communications, or signals by radio, which instrument has been modified, revoked, or suspended by the Commission.

"(6) By any radio operator whose license has been revoked or suspended by the Commission.

"(c) Such an appeal shall be taken by filing a notice of appeal with the court within thirty days after the entry of the order complained of. Such notice of appeal shall contain a concise statement of the nature of the proceedings as to which appeal is taken; a concise statement of the reasons on which the appellant intends to rely, separately stated and numbered; and proof of service of a true copy of said notice and statement upon the Commission. Upon the filing of such notice, the court shall have exclusive jurisdiction of the proceeding and of the questions determined therein and shall have power, by order, directed to the Commission or any other party to the appeal, to grant such temporary relief as it may deem just and proper. Orders granting temporary relief may be either affirmative or negative in their scope and application and may be such as to permit either the maintenance of the status quo in the matter in which the appeal is taken or the restitution of a position or status terminated or adversely affected by the order appealed from and shall, unless otherwise ordered by the court, be effective pending hearing and determination of said appeal and compliance by the Commission with the final judgment of the court rendered in said appeal.

"(d) Upon the filing of any such notice of appeal, the Commission shall, not later than five days after date of service upon it, notify each person shown by the records of the Commission to be interested in said appeal of the filing and pendency of the same and shall thereafter permit any such person to inspect and make copies of said notice and statement of reasons therefor at the office of the Commission in the city of Washington. Within thirty days after the filing of an appeal, the Commission shall file with the court a copy of the order complained of, a full statement in writing of the facts and grounds relied upon by it in support of the order involved upon said appeal, and the originals or certified copies of all papers and evidence presented to and considered by it in entering said order.

"(e) Within thirty days after the filing of an appeal any interested person may intervene and participate in the proceedings had upon said appeal by filing with the court a notice of intention to intervene and a verified statement showing the nature of the interest of such party, together with proof of service of true copies of said notice and statement, both upon appellant and upon the Commission. Any person who would be aggrieved or whose interests would be adversely affected by a reversal or modification of the order of the Commission complained of shall be considered an interested party.

"(f) The record upon which any such appeal shall be heard and determined by the court shall contain such information and material and shall be prepared within such time and in such manner as the court may by rule prescribe.

"(g) At the earliest convenient time the court shall hear and determine the appeal upon the record before it and shall have power upon such record to enter judgment affirming or reversing the order of the Commission. As to the findings, conclusions, and decisions of the Commission, the court shall consider and decide, so far as necessary to its decision and where raised by the parties, all relevant questions of (1) constitutional right, power, privilege, or immunity; (2) the statutory authority or jurisdiction of the Commission; (3) the lawfulness and adequacy of Commission procedure; (4) findings, inference, or conclusions of fact unsupported, upon the whole record, by substantial evidence; and (5) administrative action otherwise arbitrary or capricious.

"(h) In the event that the court shall render a decision and enter an order reversing the order of the Commission, it shall remand the case to the Commission to carry out the jugdment of the court and it shall be the duty of the Commission, in the absence of proceedings to review such judgment, to forthwith give effect thereto, and unless otherwise ordered by the court, to do so upon the basis of the proceedings already had and the record upon which said appeal was heard and determined.

"(i) The court may, in its discretion, enter judgment for costs in favor of or against an appellant, or other interested parties intervening in said appeal, but not against the Commission, depending upon the nature of the issues involved upon said appeal and the outcome thereof.

"(j) The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States as hereinafter provided:

"(1) An appeal may be taken direct to the Supreme Court of the United States in any case wherein the jurisdiction of the court is invoked, or sought to be invoked, for the purpose of reviewing any decision and order entered by the Commission in proceedings instituted by the Commission which have as their object and purpose the revocation, modification, or failure to renew or extend an existing license. Such appeal shall be taken by the filing of an application therefor or notice thereof within thirty days after the entry of the judgment sought to be reviewed, and in the event such an appeal is taken the record shall be made up and the case docketed in the Supreme Court of the United States within sixty days from the time such an appeal is allowed under such rules as may be prescribed. Appeals under this section shall be heard by the Supreme Court at the earliest possible time and shall take precedence over all other matters not of a like character.

"(2) In all other cases, review by the Supreme Court of the United States shall be upon writ of certiorari on petition therefor under section 240 of the Judicial Code, as amended, by the appellant, by the Commission, or by any interested party intervening in the appeal or by certification by the court pursuant to the provisions of section 239 of the Judicial Code, as amended."

Sec. 13. Amend section 405 of said title IV by striking out the whole thereof and by inserting in lieu thereof the following:

"Sec. 405. After a decision, order, or requirement has been made by the Commission or any Division thereof in any proceeding, any party thereto or any other person aggrieved or whose interests are adversely affected thereby may petition for rehearing. When the decision, order, or requirement has been made by the whole Commission, the petition for rehearing shall be directed to the whole Commission; when the decision, order, or requirement is made by a Division of the Commission, the petition for rehearing shall be directed to that Division; petitions directed to the whole Commission requesting a rehearing in any matter determined by a Division thereof shall not be permitted or considered. Petitions for rehearing must be filed within thirty days from the entry of any decision, order, or requirement complained of and except for those cases in which the decision, order, or requirement challenged is necessary for the maintenance or conduct of an existing service, the filing of such a petition shall automatically stay the effective date thereof until after decision on said petition. The filing of a petition for rehearing shall not be a condition precedent to judicial review of any such decision, order, or requirement, except where the party seeking such review was not a party to the proceedings before the Commission resulting in such decision, order, or requirement, or where the party seeking such review relies on questions of fact or law upon which the Commission has been afforded no opportunity to pass. Rehearings shall be governed by such general rules as the Commission may establish. The time within which an appeal must be taken under section 402 (b) hereof shall be computed from the date upon which the Commission enters its order disposing of all petitions for rehearing filed in any case, but any decision, order, or requirement made after such rehearing reversing, changing, or modifying the original determination shall be subject to the same provisions as an original order."

Sec. 14. Amend paragraph (a) of section 409 of said title IV by striking out the whole of said paragraph and by inserting in lieu thereof the following:

"(a) In all cases where a hearing is required by the provisions of this Act, or by other applicable provisions of law, such hearing shall be a full and fair hearing. Hearings may be conducted by the Commission or a Division thereof having jurisdiction of the subject matter or by any member or any qualified employee of the Commission when duly designated for such purpose. The person or persons conducting any such hearing may sign and issue subpenas, administer oaths, examine witnesses, and receive evidence at any place in the United States designated by the Commission. In all cases, whether heard by a quorum of the Commission or a Division thereof or by any member or qualified employee of the Commission, the person or persons conducting such hearing shall prepare and file an intermediate report setting out in detail and with particularity all basic or evidentiary facts developed by the evidence as well as conclusions of fact and of law upon each issue submitted for hearings. In all cases the Commission, or the Division having jurisdiction thereof, shall, upon request of any party to the proceeding, hear oral argument on said intermediate report or upon such other and further issues as may be specified by the Commission or the Division and such oral argument shall precede the entry of any final decision, order, or requirement. Any final decision, order, or requirement shall be accompanied by a full statement in writing of all the revelant facts as well as conclusions of law upon those facts."

Sec. 15. Amend the Act by adding thereto as a new section 417 the following:

"Sec. 417. (a) The Commission shall have the power to issue declaratory rulings concerning the rights, status, and other legal relations of any person who is the holder of or an applicant for a construction permit or license provided for in this Act or by the rules and regulations of the Commission enacted pursuant to this Act.

"(b) Upon the petition of any such person and when necessary to terminate a controversy or to remove a substantial uncertainty as to the application of the terms of this Act or of Commission regulations enacted pursuant to this Act to such person, the Commission may hear and determine the matters and things in issue and may enter a declaratory ruling which shall, in the absence of reversal after appropriate judicial proceedings, have the same force and effect and be binding in the same manner as a final order of the Commission. When a petition for declaratory ruling is entertained by the Commission, all persons shown by the records of the Commission to have or claim any interest in the subject matter shall be ordered by the Commission to be made parties to the proceeding and no such ruling shall bind or affect the rights of persons who are not parties to such proceeding.

"(c) In all proceedings instituted by the Commission and which have as their object and purpose the revocation, modification, or failure to renew or extend an existing construction permit or license, the Commission shall be required to entertain any petition for declaratory relief which is filed within a period of ten days after the institution of any such proceedings, and such proceedings so instituted by the Commission shall be held in abeyance until all petitions for declaratory rulings involving the same parties and the same subject matter have been heard and determined and the results thereof made subject to judicial review as herein provided.

"(d) Any party to a proceeding in which the Commission has entered a declaratory ruling may appeal from such ruling and any party to a proceeding arising under paragraph (c) hereof in which the Commission is requested to issue a declaratory ruling may appeal from such ruling or from the Commission's failure to issue such ruling to the United States Court of Appeals for the District of Columbia, and that court shall have jurisdiction to hear and determine any such appeal in the same manner and to the same extent as in the case of final orders of the Commission appealable under section 402 (b) of this Act, as amended."

• SEC. 16. Add to said title IV the following new section:

"SEC. 418. Penalties, denials, prohibitions, and conditions other than those expressly authorized by statute shall not be enacted, enforced, or demanded by the Commission in the exercise of its licensing function or otherwise and no sanctions not authorized by statute shall be imposed by the Commission upon any person. Rights, privileges, benefits, or licenses authorized by law shall not be denied or withheld in whole or in part where adequate right or entitlement thereto is shown. The effective date of the imposition of sanctions or withdrawal of benefits or licenses shall, so far as deemed practicable, be deferred for such reasonable time as will permit the persons affected to adjust their affairs to accord with such action or to seek administrative reconsideration or judicial review.

National Association of Broadcasters

1760 N STREET, N. W. * * * * * * * WASHINGTON 6, D. C.

August 20, 1943 SPECIAL LEGISLATIVE BULLETIN No. 13

New York City Hearings of the Select Committee Sub-Committee to Investigate the Federal Communications Commission

Representatives Edward J. Hart and Richard B. Wigglesworth sitting for the House of Representatives, Seventy-Eighth Congress.

(The following reports are written in news style in digest form because the volume of material transcribed has grown to proportions beyond the means of NAB to reprint verbatim. The digest is objective and contains the full sense of each day's hearings. Should any station manager wish the full transcript of the hearings, information as to cost may be obtained from Althea Arceneaux, Shorthand Reporter, 1060 National Press Building, Washington, D. C.)

TUESDAY, AUGUST 3, 1943

Counsel Eugene Garey opened the hearings by reading a letter from Harold D. Smith, director, Bureau of the Budget, who declined, because of orders from the President, to testify or to furnish any information to the Select Committee.

Mr. Garey then read letters he had sent to Mr. Smith and to Acting Secretary of War Robert Patterson and Secretary Frank Knox of the Navy citing President Roosevelt's letter to all government department and agency heads to the effect that no restrictions were to be placed on their furnishing material in answer to Congressional inquiries. Replies were unanimous, Mr. Garey reported, to the effect that the persons so addressed by him still would and could not comply.

James Alfred Guest, senior field attorney, FCC New York office, was then placed on the stand. He testified that his work was devoted to the former War Problems Division of the FCC, which was concerned with foreign language broadcast stations with particular reference to the New York area.

A letter from Marcus Cohn, chief, field section, WPD, to Alan M. Fenner, FCC attorney in New York, was then introduced by Counsel Garey. This missive, dated December 11, 1942, informed Mr. Fenner that complaints had been received about Station WOV program personnel, indicating some staff members had Fascist sympathies. Personnel named in the letter included: Igino A. Mannechia, James Capozuchi, Rino Colla-Negri, Ralph Nardella, Guiseppe Sterni, Dino Bolognese, Diana Baldi and Frank A. Polemeni. Mr. Cohn requested more information about these persons in his letter, and detailed procedure for investigating them—procedure which followed thorough and recognized police methods, including obtaining of statements and documentary material.

House Recommends Cutting Off WPD

Mr. Garey then drew from Mr. Guest the admission that most FCC offices throughout the country devoted a majority of time to the work of the WPD. An excerpt of the House Committee on Appropriations report, Feb. 9, 1943, on the Independent Offices Appropriation Bill for 1944, citing $206,160 for a war problems division under the law department and $27,840 for a hemisphere communications unit, was read into the record by Mr. Garey. The excerpt further stated: "it (the Appropriations Committee) does regard the value of such projects with some skepticism and recommends that the Commission carefully consider the desirability of discontinuing them."

Having obtained testimony from Mr. Guest that his office had grown from a staff of two persons to six persons since last December, Mr. Garey then read a letter from FCC Chairman James Lawrence Fly to Rep. Clifton A. Woodrum, chairman, Independent Offices Subcommittee, House Appropriations Committee, in which Mr. Fly wrote that "pursuant to the request contained in the report of the House Appropriations Committee . . . (cf above) . . . the War Problems Division is being discontinued . . ."

The letter, dated April 2, 1943, further reported transfers of WPD personnel as a result of the action. Mr. Garey then made the point that perhaps the FCC was not entirely frank with the Appropriations Committee in light of this letter and the testimony of Mr. Guest when Mr. Fly gave the Appropriations Committee the advice contained in the letter.

A field memorandum sent all FCC attorneys by Mr. Cohn on Feb. 18, 1943, detailing a foreign language survey of broadcasting stations, personnel, program sponsors, etc., was next read into the record. The memorandum quoted Elmer Davis, OWI director, to the effect that it was of "deepest concern" to OWI that station licenses in the foreign language field fall into hands of persons thoroughly sympathetic with America's war effort and the democratic cause.

OWI Joins FCC In Survey

The survey was to be conducted by personal interviews by FCC field attorneys, according to the memorandum, and the OWI was to act as co-sponsor, Mr. Guest said.

Mr. Garey reported on an interview a Select Committee staff member had had with David Cohn, head of the Budget Bureau's statistical division, in which Mr. Cohn was quoted as saying that indications were that FCC had dipped into the field of censorship, which it is forbidden to do.

The Office of Censorship had also been asked to assist in sponsoring the foreign language survey. J. Harold Ryan, OC director, replied that it would not participate because OC avoided the questionnaire method in its dealings and, besides, OC had all the information necessary to apply censorship to foreign language broadcasts.

Under strong questioning by Mr. Garey to determine whether the survey was designed to "get people off the air," Mr. Guest answered that his only duty was to report information gathered to Washington, and that he or any member of his staff had never made any effort to have people regarded as objectionable put off the air.

The case of Stefano Luotto, who broadcast over Station WHOM on May 16, 1943, was taken up. Mr. Luotto was reported to be a member of the Dante Alighieri Society. Around this point swirled Mr. Garey's charge that FCC through Mr. Guest had tried to put Mr. Luotto off the air, and Mr. Guest's denials that such was the case. OC in a letter to Joseph Lang, general manager of WHOM, had cleared Mr. Luotto and Mr. Garey pressed the point that inasmuch as OC was the only legally constituted body having power to remove Mr. Luotto from the air why FCC was interested in the matter. Representative Hart interjected the remark that the Jersey City Dante Alighieri Society was a cultural and loyal, patriotic American group. Subsequent comments by Mr. Garey reporting a favorable testimonial on behalf of Mr. Luotto by one of the persons who later stated a complaint against him brought an answer from Mr. Guest that the investigation of Mr. Luotto has not been completed, although he was off the air.

Questioned on his investigations of WHOM, WOV and WBNX, Mr. Guest said he was concerned with WHOM only as to foreign language broadcasts whereas the other two investigations were in connection with temporary licenses.

WEDNESDAY, AUGUST 4, 1943

Mr. Guest resumed the stand. He had previously said he had not questioned personnel of the stations he was investigating about their Communistic tendencies because there had been no complaints on that point. Mr. Garey resumed his questioning on Communism, asking for Mr. Guest's definition of a Communist, which he gave as one who is a member of the Communist Party.

Mr. Garey then told Mr. Guest of Elmer Davis' definition at OWI which was that a Communist is determined by his behavior between August 22, 1939, when Germany and Russia signed their non-aggression pact, and June 22, 1941, when Germany attacked Russia. A Communist is one who slavishly agreed with the pact, then immediately turned against it when Germany violated it, Mr. Davis suggested by drawing the reverse inference.

Mr. Guest said he agreed with Mr. Davis' definition. Mr. Garey in detailed questioning then developed that Mr. Guest had hired one Guiseppe Lupis, publisher of an Italian magazine, *Il Mondo,* to make some translations from Italian papers. Mr. Guest said the Italian publisher was hired because he appeared to be well qualified to make translations and he was not asked by Mr. Guest about his possible Fascist or Communist affiliations. Mr. Garey drew from Mr. Guest that clippings supplied by Mr. Lupis on broadcast people had been placed in FCC files without checking.

Mr. Guest under questioning was forced to admit that he had sent a copy of his reports to Gaetano Salvemini, professor of Italian history and political science at Harvard University, as a "matter of interest" because Professor Salvemini was an outstanding anti-Fascist, although the reports were presumably confidential government material.

A short exchange on the purpose of FCC in hiring Frances Keene of Short Wave Research, Inc., to analyze certain Italian material and German broadcasts in connection with foreign language broadcasts was engaged in between Mr. Garey and Mr. Guest. Mr. Garey obtained the admission from Mr. Guest that Miss Keene had offered to submit names of persons to replace personnel discharged from foreign language stations, and that Miss Keene operated an "employment agency" for alien refugees.

Back to Mr. Luotto

Mr. Garey switched his questioning back to Mr. Luotto and told Mr. Guest that he knew that Mr. Luotto had brought a libel action against Girolamo Valenti, owner of *La Parola,* and had had Mr. Valenti arrested, and Mr. Garey asked Mr. Guest why he had had personnel from his staff attend the hearings on the case. to which Mr. Guest answered to see what material developed against Mr. Luotto.

Mr. Fenner attended the hearing and later questioned the presiding judge to develop "certain information we didn't have," Mr. Guest stated, adding that the suggestion he or some member of his staff attend the hearing came from Washington.

Mr. Valenti was held for the Grand Jury with bail set at $1,000, the testimony revealed, and Mr. Garey charged that Mr. Guest's office was interested in defeating the libel action against Valenti, which Mr. Guest denied on oath.

Mr. Garey asked Mr. Guest what business it was of the Commission to attend this hearing on Mr. Valenti to obtain information on Mr. Luotto when Mr. Luotto was not a broadcaster at the time and Mr. Guest said he was told to do so from Washington and that was the extent of his responsibility. Mr. Guest then was excused.

Gene Dyer Takes the Stand

Mr. Garey then called Gene T. Dyer, vice-president of stations WGES, WAIT and WSBC, the former two of which are foreign broadcast stations, Chicago, to the stand.

Mr. Dyer said that after Mr. Luotto had been an announcer on two of his stations during a seven-year period, Mr. Luotto was taken off the air on November 1, 1942, together with another announcer named Conti because of a letter written Mr. Dyer's brother by Arnold B. Hartley, WGES program director, following a trip to Washington by Mr. Hartley in October, 1942.

Mr. Hartley wrote that "Luotto and Conti will have to go . . ." and further indicated that if they didn't go station WGES would lose its temporary license on a couple of technical points, Mr. Garey pointed out through reading the letter.

Mr. Hartley wrote that "our license is stuck in their department (War Problems Division under Nathan David) . . . if we want to sleep at night Luotto and Conti will have to . . . get off the air."

Mr. Garey developed through questioning of Mr. Dyer that FCC didn't dare make an issue of Mr. Luotto, but if FCC was compelled to proceed against WGES it would do so on the two technical charges against WGES equipment and bookkeeping, which Mr. Dyer said were all right as far as he knew.

Using the words "coercing, threatening and intimidating" Mr. Garey asked if that wasn't the way FCC could accomplish its will over WGES and Mr. Dyer said "yes." Mr. Dyer said his license was renewed two months after he put Mr. Conti and Mr. Luotto off the air. Subsequently for the same reasons, Mr. Garey showed, Lucca Alfedi was discharged.

A letter of Mr. Dyer's to the Office of Censorship requesting a ruling in the Luotto case was answered by Mr. Ryan in December, 1942, clearing Mr. Luotto and stating that Mr. Luotto's record was clear so far as OC was concerned.

Although discharge of Mr. Luotto, Mr. Alfedi and Mr. Conti resulted in loss of about $18,000 annually, they were not reinstated when OC cleared them because Mr. Dyer said he was afraid to lose his license.

Testimony of Dr. John A. Dyer, manager of station WGES, corroborated that of his brother in all respects.

Testimony of Joseph Lang

Next witness was Joseph Lang, general manager of station WHOM, New York. (Mr. Lang testified he was chairman of the NAB foreign language committee until May, 1942, when it was disbanded.)

Mr. Carey developed that Mr. Lang was very familiar with American foreign language broadcasts and stations through committees and other contacts, and that station WHOM had an outstanding record of voluntary public service use of its facilities in the war program.

In explaining the functions of the NAB committee, Mr. Lang said part of its plan was to establish a code by which foreign language stations could operate and part of the code would call for empowering the committee to remove personnel not compatible with the American war aims.

After several meetings, Mr. Lang testified, the committee decided to eliminate that part of the code calling for this removal of personnel power. This was objected to by the FCC and OWI, Mr. Lang said, and Mr. Carey said this objection implied that FCC and OWI wanted station managers to remove personnel on their say-so and not on the independent judgment of the station managers and Mr. Lang agreed.

Mr. Lang further reported that in his dealings with the War Problems Division of FCC, personnel of that division advised him that no reasons would be given Mr. Lang as to why WPD wanted someone removed from the air.

The present voluntary code of censorship now administered by OC was a direct result of the inability of the NAB committee to satisfy FCC and OWI, Mr. Lang said, agreeing without qualification to the statement as given in a question by Mr. Garey.

FCC Foreign Language Broadcast Policy Explained; Fly Brands Select Committee Charges As 'False'

(The following two documents were released by the Federal Communications Commission in connection with the Select Committee hearings in New York, the first two days of which are reported above.)

Foreign language broadcasts in the United States assumed increasing significance and importance after the outbreak of war in Europe in 1939. Certain groups affiliated with foreign organizations were attempting to use broadcasting as a medium of propaganda to create Axis sympathies and to promote anti-British sentiment among foreign speaking groups in this country. It was around this time that complaints to the Commission against such activities multiplied.

The Commission's responsibility in this field was clear. It had granted the licenses which provided the legal basis for the operation of the stations over which these broadcasts were being made. As early as October 1, 1938, the Commission's staff had concerned itself with the problem of foreign language broadcasting. At that time, a survey made by the international section of the engineering department showed that about one hundred fifty stations were carrying such programs. As the problem was intensified due to the advent of war, it became obvious that increasing activity in this field was essential. A similar feeling was prevalent in the industry itself, as is manifested by the interest taken by the National Association of Broadcasters in such problems in the middle of 1940.

In the Fall of 1940, the Commission inaugurated the most complete survey it had attempted in this work up to that time. At the same time, recordings and analyses of foreign language broadcasts were being made by the Commission's staff expanding from very modest beginnings. As the work went forward, cooperative arrangements with other interested government departments, such as the Department of Justice, were set up. The work continued in this general manner until Pearl Harbor.

Survey Is Made

Immediately prior to Pearl Harbor, a new survey was inaugurated by a questionnaire addressed to all standard broadcast stations. While after we entered the war there was a decided change in the temper of many stations, the Commission's investigation disclosed that many questionable programs still remained. In view of the extreme importance of proper supervision of this activity in time of war, it was decided to expand the Commission's work in this field somewhat, and in the Fall of 1942 funds were obtained through Congress for this purpose.

In correspondence with the FBI, the Commission learned that they were not in a position to assume responsibility for this work. In this connection, it should be noted that as the work progressed the Commission cooperated closely with the FBI as well as with Military and Naval Intelligence, the Office of War Information and the Office of Censorship.

Here are a few examples of the type of persons who caused the Commission so much concern in this foreign language field. In Boston, there was UBALDO GUIDI, who conducted an Italian program. He was reported to be a member of the OVRA, the Italian Secret Police, and was interned as a dangerous enemy alien on the day after Pearl Harbor. Also interned with him was BIAGIO FARESE, a broadcaster, who had been the editor of a Fascist paper in Canada, which he left to serve with the Italian Army in Ethiopia before coming to Boston. Also, on the same station FRANCO GALLUCI was conducting a radio program. Galluci was the head of the Dopolovaro, which was a key group in the Fascist organizational network. When the FBI raided Dopolovaro club headquarters, they found huge quantities of vicious subversive literature, and Galluci's picture in the uniform of a Captain in the Italian Army. A petition to denaturalize Galluci was recently filed by the U. S. Attorney in Boston.

Other Aliens Listed

In New York the same picture was presented. DOMENICO TROMBETTA was conducting a radio program on which he spread vicious propaganda. Trombetta has been denaturalized and interned as a dangerous alien enemy and recently was indicted for failing to register as an agent of the Italian Government. Likewise, PIETRO GAROFALO, who had registered with the State Department as an agent of the Italian government, was broadcasting in the same vein. He too was interned immediately after Pearl Harbor as an enemy alien. Other Italian radio announcers and time brokers in New York who were interned were: ANGELO GLORIA, IGINO MANNECHIA, FAVOINO DI GIURA. One of the group who escaped internment was VINZO COMITO who fled the country after Pearl Harbor and is now broadcasting Axis propaganda to the United States from Tokio.

The situation was similar in Philadelphia. GEORGE J. GERHARDI, who had conducted a German program there, had returned to Germany where he is now broadcasting propaganda from Berlin beamed to the United States. Incidentally, KURT GEPPERT, a fellow Philadelphia German broadcaster, was recently banished from the Eastern part of the United States on orders of General Hugh A. Drum, as a menace to the security of the area's defenses. Broadcasts were also made by REV. E. MOLZAHN in German. It will be recalled that this former German hero of World War I was recently convicted of espionage for communicating defense information to Germany and Japan, and has been sentenced to ten years imprisonment.

FCC Chairman James Lawrence Fly has branded as false statements made by counsel for the Cox Select Committee at hearings in New York denying the authority of the Federal Communications Commission to keep an eye on the operation of our foreign language broadcast stations. Mr. Fly drew attention to the fact that neither he nor any other representative of the Commission has been permitted to take the witness stand to give to the Committee or the public the full facts regarding these matters. Mr. Fly said:

"These irresponsible charges of the Cox Committee counsel follow the pattern of 'judicial' conduct which has characterized this whole proceeding. It is somewhat startling to see the Cox Committee counsel step out publicly in favor of pro-fascist broadcasts in this country and, at the same time, charge this Commission with endeavoring to force its 'political' beliefs on the broadcasters.

"The Commission would be derelict in its duties as provided in the Communications Act, especially in time of war, if it did not check on these domestic stations broadcasting in the enemy's own language. The reason for this obligation is obvious. With one hundred seventy stations broadcasting foreign language programs—many in enemy tongues and directed at the millions of our people of foreign origins—it is imperative for the national security that the Federal Government exercise some degree of caution to guard against the use of the public's own airways to promote the interests of our enemies. The stations, almost without exception, have welcomed this service as a protection to themselves and as an assistance in their efforts to promote war activities and have cooperated wholeheartedly. The Commission has never censored any program of any broadcasting station, and it is a fortunate circumstance that it has not found it necessary to revoke a single station license to prevent these grave abuses.

"This latest line of attack is typical of the reckless methods that have characterized the whole Cox investigation up to date. Mr. Garey's statement is simply a reiteration of the conclusions announced in advance of a hearing and which, after a week, he has utterly failed to prove."

The Latest Word from Fly

Because the War Problems Division of the Federal Communications Commission has been abolished it does not mean, Chairman James Lawrence Fly said at his

Further Bulletins Containing Digests of the New York Select Committee Hearings Are Being Prepared And Will Be Forwarded So Soon As Ready.

press-radio conference August 16, that the Commission is not going to watch the foreign language stations in the United States very carefully. It is now apparent, said the Chairman, that the fear in the American broadcast industry regarding the license renewals has sprung from this foreign work which the Commission is doing. The average broadcast station, he said, has no need to fear for the continuity of its station license.

The Chairman called attention to the fact that in September he has been with the Commission for four years and there are 900 stations; therefore, for 3600 years not a single broadcast station has been off the air because of its program.

Mr. Fly said that he is getting many letters of sympathy from Members of Congress in connection with the Select Committee investigation.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

August 27, 1943 SPECIAL LEGISLATIVE BULLETIN No. 14

New York City Hearings of the Select Committee Sub-Committee to Investigate the Federal Communications Commission

Representatives Edward J. Hart and Richard B. Wigglesworth sitting for the House of Representatives, Seventy-Eighth Congress.

(The following reports are written in news style in digest form because the volume of material transcribed has grown to proportions beyond the means of NAB to reprint verbatim. The digest is objective and contains the full sense of each day's hearings. Should any station manager wish the full transcript of the hearings, information as to cost may be obtained from Althea Arceneaux, Shorthand Reporter, 1060 National Press Building, Washington, D. C.)

THURSDAY, AUGUST 5, 1943

Testimony of Joseph Lang, general manager, Station WHOM, resumed.

Mr. Lang testified he had had a meeting with Mrs. Hilda Shea and Alan Cranston, the former of FCC's War Problems Division and the latter head of the Foreign Language Division of OWI, in New York at his office at which time the two government officials discussed "censorship" of Polish language broadcasts on the Russian matter of the alleged killing of 10,000 Polish officers by Russians. Mr. Lang was consulted as head of the Foreign Language Radio Wartime Control committee and the particular situation mentioned was in Detroit. Counsel Eugene Garey drew from Mr. Lang an affirmative answer to the question: "they (Mrs. Shea and Mr. Cranston) wanted to know what you could do about getting program content on those Detroit stations to conform to their views on what should be put over the air in the United States about the Russian situation?"

Mr. Garey further developed that Office of Censorship was not represented at the meeting and that the attempted censorship of program content by the two persons involved was completely out of either FCC or OWI jurisdiction.

Next testimony centered around a meeting Mr. Lang had with Lee Falk (Leon H. E. Falk) of OWI at which Nathan David, of FCC, and several station men attended, at which Mr. Lang said Mr. Falk suggested, in conversations after the meeting, that Mr. Lang do no more business with three specifically named advertising agencies because they might possibly employ persons with Fascist leanings to appear on their programs. The agencies mentioned are: Commercial Radio Service (Andre Luotto), Pettinella Advertising Company (F. Pettinella) and the Carlo Vinti Advertising Company. Mr. Garey again pointed out in questioning that Mr. Falk had no jurisdictional right to make these suggested requests.

Lang Fired Several Employes

Mr. Garey switched to a discussion of personnel on Mr. Lang's station and Mr. Lang said that between 1934 and 1940 he removed a number of employes for cause, but stated none of the firings were because of any governmental requests or suggestions. Firings included George Brunner, who appears in later testimony.

However, in June, 1942, Mr. Lang said he fired Elsa Maria Troja at the suggestion of Mr. Falk of OWI, who indicated that the woman had Nazi inclinations. Mr. Lang said he dismissed Miss Troja because he determined she was not an enthusiastic supporter of the war effort, but admitted the hints by Mr. Falk carried some weight in the decision. An investigator paid by Mr. Lang failed to find any evidence supporting the OWI charges against Miss Troja, Mr. Garey's questioning revealed. Discharge of Miss Troja cost his station $6,000 annually in contracts, Mr. Lang said.

Further testimony showed that Mr. Falk had submitted to Mr. Lang a list of names to be "blacklisted" from broadcasting, some names of persons who might seek employment at Mr. Lang's station and two names of persons, one of whom was in Mr. Lang's employ and who was removed because of Mr. Falk's "blacklist" and one who was not hired by Mr. Lang for the same reason, so Mr. Lang testified. The "blacklist" was of persons Mr. Falk told Mr. Lang had Fascist leanings, but was supported by no facts of such charges.

There occurred at this point lengthy questioning of Mr. Lang about Giuseppe Lupis, a WHOM employe, and Mr. Lupis' connections with OWI, FCC and as publisher of *Il Mondo,* an Italian newspaper. Mr. Lang said he did not know of Mr. Lupis' connections with FCC and OWI during the time he was employed on WHOM.

Who Is Investigating WHOM?

Mr. Garey asked Mr. Lang a series of questions relating to what government agencies were or are investigating his station and Mr. Lang said FCC was the only one he knew of, although the FBI had asked him questions at various times about certain of his personnel.

Mr. Lang said FCC began investigating his station on April 24, 1943, the "first I knew . . ." He said Mr. Fenner of the FCC New York staff had come to him with a series of questionnaires and asked him to fill them out at once, but Mr. Lang said he couldn't as he was going to attend the NAB War Conference in Chicago to discuss foreign language program censorship.

Mr. Lang testified that Mr. Fenner interpreted his request for time in filling out the forms as a "refusal" to fill them out. Mr. Lang said the questionnaires waited until May 10 when he returned from the West, and on the day after his return Mr. Fenner came to see him.

The questionnaires then were filled out and Mr. Lang said Mr. Fenner undertook an investigation of his entire station personnel and also time brokers doing business with WHOM while the WHOM staff was preparing material to fill out the forms.

Following a recess for luncheon, Mr. Garey returned to quizzing Mr. Lang concerning Mr. Lupis and his background while with WHOM, with Mr. Lang finally making the point that he regarded Mr. Lupis as the "dean of all anti-Fascists that I knew. . . ."

WHOM Has License Troubles

Mr. Garey asked Mr. Lang whether the fact WHOM had not been able to get its license renewed on a permanent basis had affected the station's revenue and Mr. Lang said it had to between $15,000 and $20,000 a year. Mr. Lang undertook to determine why his license was not being renewed permanently and discovered it was because FCC was investigating his station.

A query to his lawyers for assistance resulted in Mr. Lang being told the same thing he himself had discovered, but the lawyers asked him if he had two employes named Walter Kohler and Ilse Intrator, who were supposed to be concerned in the investigation.

Mr. Lang said he had employed Mr. Kohler, but had used Ilse Intrator on a sustaining program after she had been recommended to him by Messrs. Cranston and Falk of OWI.

In mid-winter of 1943, Mr. Lang said Messrs. Guest and Fenner of the FCC called on him and asked him about the foreign language situation with particular reference to the German situation, and "they were very friendly," Mr. Lang said. Later "they" asked Mr. Lang to come to FCC New York headquarters and for three hours the men discussed the German situation thoroughly and "towards the end of the discussion Mr. Fenner seemed to indicate to me that I wasn't telling him all I knew," Mr. Lang testified. Some time after this, Mr. Lang said, Mr. Fenner asked him for some information on the Italian program traffic on WHOM and after having a secretary spend four days compiling the information Mr. Fenner "didn't even want it?" Mr. Garey questioned and Mr. Lang replied affirmatively.

Mr. Garey then read into the record the private testimony taken from Mr. Lang by the Select Committee legal staff concerning Mr. Fenner's conduct in the dealings with WHOM on the FCC questionnaires in which Mr. Lang's testimony today was borne out that Mr. Fenner was discourteous, "stupid and ungentlemanly." An attitude on the part of Mr. Fenner that Mr. Lang further characterized as "dictatorial, impatient, disagreeable."

(Mr. Denny, FCC counsel, during the testimony, had asked several times to be heard and had interrupted occasionally, but was silenced by Representative Hart, who acted as chairman.)

FCC Inquiries "All Verbal"

Mr. Garey asked Mr. Lang if he had had many interviews with FCC personnel and Mr. Lang affirmed so, adding the interviews were "all . . . verbal," with most questioning of Mr. Lang about his personnel being concerned with their possible pro-Nazi or pro-Fascist leanings.

It was brought out that Mr. Lang hired two people on the recommendation of Charles Berry of OWI, after Mr. Fenner had referred Mr. Lang to Mr. Berry, a move Mr. Garey insinuated might have been made by Mr. Lang to "curry favor" with Mr. Fenner. Mr. Lang denied this.

Mr. Lang further denied Mr. Garey's postulate that the reason Mr. Lang allowed the FCC "carte blanche" (utmost freedom) in investigating WHOM personnel was because Mr. Lang may have feared the consequences to his station license.

FRIDAY, AUGUST 6, 1943.

Joseph Lang, manager of WHOM, resumed testimony.

Counsel Eugene Garey, for the Select Committee, opened the sessions with reading back to Mr. Lang portions of the private testimony taken from him by the Select Committee counsel staff which dealt with statements Mr. Lang made about FCC and OWI and their dealings with the NAB Foreign Broadcasters Control Committee, of which Mr. Lang was chairman.

Mr. Garey was making the point that Mr. Lang had appeared to forget some of his testimony and so Mr. Garey called Harry S. Barger, Select Committee chief investigator, to the stand.

The particular point involved in calling Mr. Barger to the stand was a question put to Mr. Lang in the private testimony to wit: "They (FCC and OWI) took exception to the Balbo Oil Company because it was named after Balbo, the Italian aviator? A. (by Mr. Lang) Yes. It was just about as sensible to make that objection as to object to Lord & Thomas because they are Republicans."

Mr. Lang denied making the above answer. Mr. Barger asserted the transcript was accurate. Mr. Lang on resuming his testimony then said he had made the statement.

Next topic concerned the relation of a man named Riccardo Ascarelli with Mr. Lang. Mr. Ascarelli came to Mr. Lang seeking employment, the record shows, and bore four letters of reference from OWI executives. Mr. Lang said he interviewed Mr. Ascarelli, then asked Mr. Lupis about him and Mr. Lupis hinted that hiring Mr. Ascarelli might not be a good idea and so Mr. Lang, as he testified, did not hire Mr. Ascarelli. This led Mr. Garey to his point—namely that Mr. Lang then was referred to Mr. Berry of the OWI Italian section by Mr. Fenner, FCC New York counsel, as being a person who could recommend persons for employment.

"Bricklayer or Mason?"

There occurred at this point an exchange between Mr. Lang and Mr. Garey on whether Vincent Bertolini, whom Mr. Lang hired after talking to Mr. Berry, was a "mason" as he called him or a "bricklayer" as Mr. Garey termed him. Mr. Garey showed Mr. Lang a WHOM employe questionnaire in which Mr. Bertolini was classed as a "bricklayer." Mr. Lang hired him as an announcer and program censor.

After some discussion as to the duties of a censor on his station, Mr. Lang was asked about Giulia Ascarelli, who is an announcer, newscaster and censor on WHOM. It was established that Ascarelli came to America in 1939 and a "few weeks" later "looked in the telephone book" for the address of WHOM, went there and was hired as an announcer. In 1941 he became a censor and still was not an American citizen, as Mr. Garey established by questioning Mr. Lang and reading from private testimony taken from G. Ascarelli.

Mr. Lang, in answer to questions about G. Ascarelli's duties, agreed that a censor's duties on his station are to delete from the script material not in the public interest and to see the material left in scripts is "prodemocratic." Mr. Garey read into the record part of G. Ascarelli's private testimony which showed him to be a member of the Fascist party at the time he was in Italy.

Mr. Garey also asked Mr. Lang about Joseph Lefredi and Erberto Landi, announcers. Mr. Garey's questioning showed Landi, a free-lance announcer, used by Mr. Lang as an announcer, was a member of the Fascist party. Asked about Aldo Colombo, another WHOM employe, Mr. Lang testified he had been recommended for employment by Mr. Lupis and Mr. Garey developed that A. Colombo was also not a U. S. citizen and had arrived in the U. S. A. in 1939. Mr. Garey then made the point that practically all censorship, monitoring and newscasting on WHOM is "in control of people who are not citizens of the United States."

"Swamp of Fascist Rattlesnakes"

The name of Anania Manfredi, a former broadcaster on WHOM, who was on the air briefly in 1939 and then who applied for a job again in the fall of 1942, entered the testimony. It developed that there appeared a series of articles in the Italian paper *La Parola* in which stations WHOM, WOV and WBNX were called "swamps of Fascist Rattlesnakes" by an Ettore Manfredi, who is also Anania Manfredi. Mr. Lang turned down Mr. Manfredi's request for a job after Mr. Manfredi had threatened Mr. Amauli of WHOM with further publicity about WHOM if he, Manfredi, weren't given work.

An exchange of questions and answers concerning censoring of broadcast material unfavorable to Russia was next involved with relation to how WHOM would handle such news or broadcasts. Mr. Garey hammered questions on the line that he wanted to know if he wished to broadcast a speech uncomplimentary and critical to Russia over WHOM whether he would be permitted to make the speech. Mr. Lang parried the questions and gave no direct answers, stipulating the content of the subject matter would be the deciding factor.

The name of Robert Richards, chief, Foreign Language Division, Office of Censorship, was brought up and Mr. Garey asked Mr. Lang about a meeting he had had with Mr. Richards—then discussion switched to questioning about an Italian news program recommended to Mr. Lang by his employe, Giuseppe Lupis.

It appears that this program was broadcast on the Bulova stations (WOV, WPEN and WCOP), but on no other foreign broadcast stations. Mr. Lang called Lee Falk of OWI and asked to get the program. Mr. Garey's questioning set up the fact that Mr. Lang had thought Mr. Falk had a tie-up with Arnold Hartley of WOV.

Lang Chastised Falk Via Mail

Mr. Garey then read a letter into the record written by Mr. Lang to Mr. Falk concerning the Italian program and the general situation in which Mr. Lang wrote he could not understand the mystery of why there was "exclusivity" on issuance of the particular program and further wrote that Mr. Falk's belligerent attitude toward Mr. Lang was "ridiculous." The letter was dated July 30, 1943.

Mr. Lang then said it had been indicated to him that Mr. Falk and Mrs. Hilda Shea and Nathan David, of the FCC's War Problems Division, were "behind" Mr. Hartley. He further observed that the Supreme Court decision of May 10 "justified" the "expansive powers" assumed by WPD, even though he thought them rather "broad" before the decision was rendered.

Mr. Garey asked Mr. Lang that if in the private testimony taken from Mr. Lang on August 2, 1943, if he had said that the War Problems Division operated with a "mailed fist?" Mr. Lang denied making this statement.

The testimony turned to Stefano Luotto, who had been discharged by station WGES in Chicago (see previous days' hearings). Mr. Luotto's brother, Andre, wished to use him on a broadcast over WHOM and Mr. Lang wrote to Mr. Richards of OC to get clearance, to which

Mr. Richards replied favorably. Stefano Luotto subsequently appeared on the Balbo Oil musical program.

Mr. Fenner, on May 17, 1943, the day after S. Luotto appeared on WHOM as a stand-by announcer of the Balbo show, was at WHOM going over the questionnaires FCC was having WHOM fill out and he noticed S. Luotto's name and objected to Mr. Lang to S. Luotto being on the air, giving no reasons for the objection, Mr. Lang said. Then after Mr. Lang showed Mr. Fenner the OC letter, Mr. Fenner said S. Luotto shouldn't be on the air because he was a member of the Dante Aligheri society.

Much Ado About S. Luotto

Mr. Lang said he didn't know there was any differences in the make-up of the various Dante Aligheri societies in the U. S. A., but considered it one group—an outlet of Fascist propaganda.

He testified further that he visited OC in Washington the next day and spoke to Mr. Richards and Arthur Simon about Mr. Fenner's objections to S. Luotto. Mr. Simon told Mr. Lang that Mrs. Shea also was "very much disturbed" (as Mr. Garey's question put it) about S. Luotto.

Then Mr. Lang had a meeting with Mrs. Shea, Mr. Simon and Rosel Hyde, FCC assistant general counsel, in Mr. Hyde's office. Mr. Lang said the net result of the meeting was that Mrs. Shea wanted S. Luotto off the air "to the best interests of all concerned."

Persistent questioning by Mr. Garey drew from Mr. Lang the admission that the renewal of Mr. Lang's license for WHOM was at that time resting in Mrs. Shea's hands. He also admitted that he removed S. Luotto from the air at the "insistence of the FCC?" Mr. Lang was dismissed from the stand.

Charles Baltin, program director, station WHOM, was next called to the stand.

Mr. Garey asked him about the first time he had had any direct dealings with representatives of the FCC and Mr. Baltin answered in May, 1943, when Mr. Fenner requested the filling out of certain questionnaires. Mr. Baltin described the questionnaires (forms 850-51-52), which together asked for complete details related to the station's operations, programs, personnel, etc.

This work took three to four weeks, Mr. Baltin testified, and he affirmed that during that time Mr. Fenner "made himself pretty much to home" in his offices. (The quotes are from Mr. Garey's question.)

Fenner Gives WHOM Full Attention

Mr. Baltin was asked about Mr. Fenner's movements around the station during the weeks when the questionnaires were being compiled and Mr. Baltin said Mr. Fenner "assumed he had a right to go anywhere and talk to anyone to gain knowledge." He said Mr. Fenner went into the control room, took scripts from monitors when they were on duty and was not too prompt in keeping appointments with station personnel.

Mr. Baltin said that in the early part of June he was subjected to a three-hour examination by Mr. Fenner at FCC headquarters on many details of WHOM's program set-up and other matters. This concluded Mr. Baltin's testimony. Hearings adjourned until Tuesday, Aug. 10.

TUESDAY, AUGUST 10, 1943

(Representative E. E. Cox joined Representatives Edward J. Hart and Richard B. Wigglesworth on the bench to conduct the hearings. Representative Hart continued as chairman of the Select Committee Sub-committee.)

Mr. Garey summed up previous testimony taken as being likened to a "jig-saw" puzzle and observed that all pieces must be in their proper places before a complete picture can be seen.

The substance of Mr. Garey's summary was that most foreign broadcast stations are staffed by aliens or by persons owing their positions to the OWI with approval of the FCC, and that FCC compelled obedience to its directives because of its licensing powers.

He likened the War Problems Division of the FCC to a "real gestapo." He charged that alien "wearers of the Black Shirt" were censoring programs, but that other persons suspected of being pro-Fascist were removed from the air without proof or trial.

The Temporary License Situation

Mr. Garey read into the record correspondence he had had with the FCC concerning stations which operated on temporary licenses between June 1, 1941, and May 31, 1943. The list as received by him showed 457 stations. Also listed were the 169 stations (in addition) which broadcast either full or part-time in foreign languages. A subsequent communication read into the record showed that six stations had been removed from the temporary license list as of May 31, 1943, making the total 451.

Mr. Garey said he had written these stations requesting information as to why they had been issued temporary licenses and the replies indicated: because renewal application had not been received in time, because information in the renewal application was inadequate or incomplete, because accounting information was insufficient, because of various technical reasons or because inasmuch as the Commission desired permanent licenses given as of a certain date and hence certain stations were given temporary licenses until that date.

Mr. Garey made the point that there is nothing in the Communications Act of 1934 which authorizes issuance of temporary licenses and charged that such an action was created by the Commission "to take unto itself the powers of Congress."

He further added that in discussions he had with FCC representatives on this point that they had told him the basis for issuance of temporary licenses was an "administrative interpretation" by FCC of the Act.

Mr. Garey then read to the Committee a complaint directed against a broadcast commentator on station WQXR in which the complainant charged the commentator lied on a matter concerning Russia and religious tolerance and directed in the complaint addressed to the FCC that the FCC take action or be charged with misfeasance. FCC replied that under section 326 of the Act of 1934 that FCC had no power of censorship over radio communications or signals nor could it interfere with the right of free speech via radio.

Richards of OC Takes Stand

Robert K. Richards, chief, Foreign Language Broadcast Division, Office of Censorship, was called to the stand.

Mr. Garey opened questioning of Mr. Richards on the matter of his interview with David Truman, of the FCC, in August, 1942, which was the time OC began to interest itself in the foreign language broadcast picture. The OC section was called "Monitoring and Analysis Section" as against the "Foreign Broadcast Intelligence Service" of the FCC. Mr. Richards said Mr. Truman objected to OC setting up its M & A section.

Mr. Garey determined then through questioning of Mr. Richards that OC was the only government agency empowered to censor broadcasts and, if necessary, to remove broadcast personnel from the air—a power corroborated by the U. S. Attorney General. FCC did not have this power.

Mr. Richards filed a memorandum on his interview with Mr. Truman and in it, as it was read to the Committee, Mr. Richards wrote that he had made one mental "observation or reservation"—a tendency by FCC to "take its work too seriously" or "a faint whiff of that old alley cat; government interference in free enterprise."

Mr. Richards' memo further concluded that "briefly, FBIS is offering facilities and advice," and "we should use the facilities . . . and file the advice."

Mr. Garey then read a record of Mr. Richards' report on his interview with Mr. Sidney Spear of the FCC legal staff. In this report Mr. Richards told of Mr. Spear's comments about Lee Falk, of OWI, in which Mr. Spear said Mr. Falk had taken on the job of removing unsavory personnel from foreign language stations because Mr. Falk believed such a job had to be done and no one else seemed to want to do it. . . ."

The "Conspiracy" Thickens

The report continued to quote Mr. Spear as saying "we worked it this way" and pointed out that if Mr. Falk found a fellow doing "funny business" he told Mr. Spear about it then "we waited until the station applied for a license renewal, citing station WBNX for example and for "funny business" the name of broadcaster Leopold Hurdski (a fictional person).

Mr. Spear's conversation went on to say that when the station applied for the renewal, Mr. Falk would be "tipped off" and he would drop in to see the station manager and tell him that he (Mr. Falk) believed the station manager ought to "fire Leopold Hurdski." After a couple of weeks if the station manager did not comply, he would notice then that he was having trouble getting his license renewed. A couple of weeks more he would then take two and two and make four and Leopold Hurdski would get fired and the license would be renewed. Mr. Spear said this "was a little extra-legal . . . and I had to wrestle with my conscience" and then he offered Mr. Richards the same kind of cooperation, Mr. Richards' report concluded.

Mr. Richards' answer to this was that OC did not believe it would need much help, but that OC did want to use the facilities of FBIS. He also mentioned in his report the surveys Mr. Spear's organization had made of foreign broadcast stations' personnel and programs and reported that Mr. Spear recommended that OC should undertake similar surveys supplementing this information.

Mr. Garey amplified his reading of these reports by making the statement that the reports showed the intention of FCC to expand its activities and control beyond its lawful scope.

Richards Interviews Falk

Mr. Garey then produced a memorandum written by Mr. Richards following his talk with Lee Falk, chief, radio division, Foreign Language Section, OWI. Mr. Falk was revealed as the author of two "eminently gruesome comic strips," THE PHANTOM and MANDRAKE THE MAGICIAN, and "I believe it is with some misgivings that he relinquishes his investigative efforts in the foreign language broadcasting field," Mr. Richards' report read, an opinion he admitted forming following his interview with Mr. Falk.

Mr. Falk told Mr. Richards "something fishy" was going on because "broadcasters held to be suspect were operating in a subtle fashion." Mr. Falk concluded there was only one way to arrest this possible subversive activity and that was by conducting exhaustive investigations of personnel.

Mr. Falk further told Mr. Richards that "you can listen to these broadcasters day after day for months and not get enough on them . . . you must find out what their past associations have been, and if they're open to suspicion, convict them . . . and take them off the air. . . ."

Mr. Falk further asked Mr. Richards "to notify OWI of any plans we (OC) had to take an individual off the air" so OWI could have a chance to line up "some candidates to replace the man. . . ."

Mr. Richards answered that by "wondering how a station manager would look on such procedure and Mr. Falk said the station manager would appreciate it, because that's the manager's complaint—that he can't replace personnel."

Mr. Falk also expressed dissatisfaction with the Foreign Language Wartime Control Committee of NAB headed at that time by Mr. Simon of WPEN—and said the code drawn up by the FLWC had no teeth in it because they "had been extracted by Neville Miller of NAB in a rewrite job."

Censorship Acted on Two Cases

Mr. Falk turned over a dossier on five persons to Mr. Richards and recommended that two of the persons named be removed from the air at once. Mr. Richards' report showed that he notified his chief that evidence was not sufficient yet to remove the two from the air.

Under questioning, Mr. Richards said OC has taken action against only two persons since the President's directive was issued creating OC in December, 1941. Details of these cases were not given.

The two men mentioned in Mr. Falk's dossier as marked for "immediate removal" were Michelle Fiorillo and Raffaele Biorelli of WPEN. Mr. Richards said that in the case of Fiorillo the OC investigation did not support the charge and OC did not act for his removal.

Mr. Richards' interview with W. C. Alcorn, general manager, and W. I. Moore, commercial manager, WBNX, was next introduced.

The case of Lido Belli, an Italian language broadcaster employed by Mr. Alcorn, was discussed. Mr. Belli was picked up as an enemy alien and interned on Ellis Island on December 17, 1941, and released 11 days later signed over to Mr. Alcorn as his sponsor. Mr. Belli resumed broadcasting. On July 23, 1943, Mr. Falk sent a memorandum to his chief, Alan Cranston, that Mr. Belli be taken off the air.

The report showed that Mr. Cranston wrote Mr. Ennis, of the Department of Justice, and suggested that Mr. Ennis effect Mr. Belli's discharge from WBNX, but Mr. Ennis demurred saying he had no such authority, but on Mr. Cranston's insistence Mr. Ennis asked Mr. Alcorn to remove Mr. Belli, such action having been effected when Mr. Richards arrived.

Alcorn Objects to Belli Removal

Mr. Richards said in his report that Mr. Alcorn objected to the removal of Mr. Belli without any opportunity for the station or the accused to offer a defense. Mr. Richards attached a letter from Mr. Alcorn to Neville Miller which cited the George Brunner case, which was similar to that of Mr. Belli.

The next interview brought before the Committee was that between Mr. Richards and Mr. Simon of WPEN and Mr. Lang of WHOM.

Mr. Richards' memorandum in this interview stated that Mr. Lang and Mr. Simon both said they were greatly dissatisfied with OWI's handling of the foreign language problem and accused Mr. Falk of getting personal publicity via use of foreign language programs. They both said Mr. Falk had told them that "OC was going to 'clean up the situation by removing wholesale those employes who are not wanted.' "

Mr. Simon told Mr. Richards that he had fired two men at the insistence of Mr. Falk and that if OC didn't back up this action of OWI he (Mr. Simon) would take the matter to the press.

Mr. Lang mentioned his removing Else Maria Troja at Mr. Falk's suggestion. Mr. Garey drew from Mr. Richards the admission that the spirit of cooperation with OC exhibited by Mr. Simon and Mr. Lang was of the "finest."

It was reiterated by Mr. Richards on repeat questioning by Mr. Garey that OC applies the voluntary censorship method—that is, it suggests procedure to station managers and newspaper editors and lets the station managers and newspaper editors be responsible for material and personnel after receiving definitions from OC.

Mr. Garey then introduced a letter to J. Harold Ryan, assistant director, OC, from Robert Leigh, director, FBIS, suggesting that OC's new foreign section was a duplication of FBIS service and offering full FBIS services to OC as being ready and capable of doing the job OC wanted done.

FBIS is OC Stumbling Block

In a memorandum to Mr. Ryan dated September 15, 1942, Mr. Richards summarized that OC was stopped from moving "with all vigor" in the foreign language broadcast picture and that factor was whether OC would or would not cooperate 100% with FBIS. Mr. Richards said Doctor Leigh had several times made appeals against Mr. Richards' firm resolve not to pass to any other government agency any powers of censorship.

Mr. Richards' memorandum further admitted that the program analyses sent over by FBIS from time to time were of no value to OC. Then Mr. Garey brought out a memorandum of Mr. Richards delineating an interview September 18, 1942, with Doctor Leigh.

Mr. Richards said Doctor Leigh's temperature "ran pretty high" as he protested OC's decision to analyze programs transmitted by domestic stations in German and Italian. Doctor Leigh intimated this was evidence of "bureaucracy" and said it was duplication of FBIS work. After a long "argument" during which Doctor Leigh continued to insist FBIS should do the program analyses, Mr. Richards suggested that Doctor Leigh see Byron Price, as he had first said he would do, but Doctor Leigh said he had changed his mind.

Another letter from Doctor Leigh to Mr. Richards dated October 1, 1942, was read into the record. In this Doctor Leigh said he had talked with Mr. Price and had been turned down on suggesting a "three-way" arrangement among OC, OWI and FBIS to handle program analyses and so he recommended that OC and FBIS get together and do the job.

OC Refuses to Help Sponsor 850-51-52

Mr. Garey next took up the matter of OC assisting OWI and FCC in sponsoring FCC questionnaire forms #850-51-52. Mr. Ryan's refusal to aid in this was read into the record as a letter addressed by Mr. Ryan to Mr. Slowie, FCC secretary, December 19, 1942.

Mr. Garey then asked Mr. Richards if OC had seen any reason "to this date" why S. Luotto, Lido Belli or Else Troja should not be broadcasting, even in light of the fact that OC had inspected all evidence FCC had on these people? Mr. Richards said there was no reason apparent to OC.

Mr. Slowie's letter asking Mr. Ryan to "reconsider" on sponsoring the questionnaires—letter dated January 16, 1943—was read by Mr. Garey, followed by Mr. Ryan's second letter of refusal dated February 8, 1943. Part of a letter to Mr. Price urging such cooperation sent by FCC Chairman James Lawrence Fly dated January 19, 1943, was also read by Mr. Garey.

Following a recess, Andre Luotto, of the Commercial Radio Service, was placed on the stand. Mr. Luotto read a brief history of his life, main facts of which were that he was born in Italy in 1895, served in the "International" Navy in World War I on convoy service for the Allies, came to America in 1920 to establish permanent residence, has three children all born here and the eldest now in the American Air Force, was a member of the Italian Seamen's Federation and the Garibaldi Cooperative Steamship Company—opponents of Fascism—and represented the Cooperative in New York until Fascism liquidated it, became a newspaperman on an Italian daily and friend of Mayor Fiorello La Guardia of New York and then became editor of the La Guardia Publishing Co. for two years, which published a magazine "*L'Americolo.*"

Mayor La Guardia became godfather to Mr. Luotto's second child. Following demise of the magazine, Mr. Luotto related he became manager of the Italian department of United States Lines here for two years, receiving good references when he left. Mr. Luotto also said he was a good friend of Professor Gaetano Salvemini of Harvard.

Becomes Citizen in 1929

Mr. Luotto became a citizen of the United States in 1929 and reported he had taken active part in the congressional campaigns of 1924-26-28 of Mayor La Guardia. Also in 1929 he became a writer for the Italian newspaper *Il Progresso,* a position from which he resigned when the paper opposed Mayor La Guardia's campaign for mayor. Shortly later Mr. Luotto opened his own advertising agency which he now operates.

He participated in Mayor La Guardia's successful campaign for mayor in 1933 and was next year appointed secretary of the Department of Licenses of New York City. He resigned a year later to return to his advertising business. During the years covered in his report since 1920, Mr. Luotto said he had returned to Italy briefly three times, twice on family matters and once on business. His report was interspersed with letters from business acquaintances and friends attesting to his capabilities as a worker and citizen, including letters from Mayor La Guardia. Mr. Garey read a letter he had received from Mayor La Guardia in answer to an inquiry about Mr. Luotto and the Mayor again attested to Mr. Luotto's patriotism.

Questioning of Mr. Luotto concerning his brother, Stefano, next took place which developed that S. Luotto was connected with A. Luotto in the advertising business in New York and Chicago.

It was then brought out that A. Luotto had acted as negotiator between Arde Bulova and the Mester Brothers of Brooklyn for the purchase of station WOV for the latter firm in 1942, with the understanding that if the transaction were completed, Mr. Luotto would become station manager.

Mr. Luotto testified that it was his intention to obtain only American citizens of high repute as program director and censor of WOV when he took over and to discharge known Fascist sympathizers on the station.

Luotto Meets Lupis

Mr. Lupis, ten days after Pearl Harbor, was censor at WHOM, and Mr. Luotto met him at that time following a meeting called by Mr. Lang concerning foreign language station problems and policies during wartime.

Mr. Lupis, according to Mr. Luotto, opened the conversation by asking Mr. Luotto why he hadn't contacted Mr. Lupis about the WOV transaction as Mr. Lupis allowed he could be of a great deal of help to Mr. Luotto, who volunteered to the Committee that Italian circles discussed Mr. Lupis as a "paid informer" of the FCC.

In July, Mr. Luotto said the first intimation that his application before FCC would not be approved came from Harold H. La Fount of the Bulova interests. Mr. La Fount told Mr. Luotto the WOV application "was stuck" in FCC because Mr. Luotto was "a Fascist." Mr. La Fount, as Mr. Luotto testified, told him to get some references from Italian community leaders.

Mr. Luotto got the letters from New York City government officials and sent them to Chairman Fly. After further inaction Mr. Luotto said he went to Mr. Bulova "good and sore" and asked him to forget the deal, "but I should be given a day in court." Mr. Bulova agreed.

Mr. Luotto went with Mr. La Fount and Mr. Lohnes to see Telford Taylor, FCC general counsel. Mr. Luotto said a few inconsequential questions were asked and when he asked about the application being held up because he "was the obstacle," Mr. Taylor said Mr. Luotto was not a party to the application "good-bye."

Mr. Luotto then went to the Attorney General's staff and asked for action. Hugo Carusi, of the Attorney General's staff, called Mr. Taylor and Mr. Taylor arranged an appointment with Nathan David for Mr. Luotto.

Luotto Gets David Brush-Off

Mr. Luotto testified that when he got to Mr. David's office he was not even asked to sit down, but he and Mr. David remained standing. Mr. Luotto said he was willing to forego any interest in the management of station WOV but he did want to know the nature of the "offensive" charges against him in the FCC files.

Mr. David told Mr. Luotto it "might be doing you a favor" if the application were not approved as "we are at war . . . it becomes more difficult to get equipment." When Mr. Luotto protested that WOV had new equipment, Mr. David said the government might have to take over radio stations and Mr. Luotto walked out.

WEDNESDAY, AUGUST 11, 1943

Testimony of Andre Luotto was resumed.

On his return to New York following the incident in Mr. David's office, Mr. Luotto conferred with Mr. La Fount and Mr. Bulova and Mr. La Fount said he would try to get the matter brought to Chairman Fly's attention.

Later in July Mr. Luotto testified that Mr. La Fount informed him that members of the FCC had investigated the charges against Mr. Luotto, had found them groundless, and that the transfer of WOV would be approved at the July 14, 1942, meeting of the Commission. Mr. Luotto said Mr. La Fount had told him this about July 7. Mr. La Fount informed Mr. Luotto that Chairman Fly and other members of the Commission had been spoken to by him on the matter and that Mr. La Fount had gone so far as to notify WOV personnel that on July 14 Mr. Luotto would become station manager. Mr. Luotto mentioned "celebrating" and receiving the congratulations of the station staff.

PM Upsets the Apple Cart

On the fateful Tuesday so important to Mr. Luotto, Harry Kramer, who was slated to become WOV program director, called Mr. Luotto early and told him about an article by Jerry Franken in the newspaper *PM,* which was not exactly favorable to Mr. Luotto's patriotism.

This article, according to a later telephone call to Mr. Luotto by Mr. La Fount, blocked approval by the FCC of the WOV transfer at the meeting that morning as Mr. La Fount said he was notified by an FCC Commissioner.

Mr. Luotto testified he met with Mr. Franken and after Mr. Luotto analyzed the article "word by word" he informed Mr. Franken the article was completely false in word and spirit. When the discussion finished, Mr. Luotto said Mr. Franken left the office saying that if the analysis was correct *PM* would start a crusade to "vindicate" Mr. Luotto. Mr. Luotto now has suit for libel pending against *PM* in the Supreme Court.

The article in *PM* quoted the Italian publication *Il Mondo,* the publisher of which is Mr. Lupis, as source of some of the attacks on Mr. Luotto.

In August, 1942, Mr. Luotto said he talked to Mr. Lupis in the office of Mr. Lang of WHOM during which meeting Mr. Luotto asked Mr. Lupis if he considered Mr. Luotto a Fascist agent or connected with Fascist activities and Mr. Lupis answered "no." Mr. Lupis further said he protested against *PM* using material from his publication and that the material in *Il Mondo* which Mr. Luotto considered unfavorable to him was, in fact, interpreted wrongly by Mr. Luotto and was not meant to be unfavorable to Mr. Luotto.

Mr. Garey read into the record a report by Mr. Lupis to the FCC dated July 8, 1942, about Mr. Luotto in which the substance is that Mr. Luotto is a Fasicst sympathizer.

WOV Staff Contained Aliens

Questioning next turned to WOV staff personnel and Mr. Luotto testified that most of the station's Italian section people were aliens and he particularly referred to Ferrari Hutton, program director, as a former Fascist spy.

Mr. Luotto's relations with the Foreign Language Broadcast Control Committee were next outlined. Mr. Luotto had been asked by Mr. Simon of the Committee to "help him" inspect questionnaires answered by foreign language broadcast station personnel with a view to determining falsehoods, if any. Mr. Luotto's information was not used apparently because the Committee thought that inasmuch as the persons involved had been approved by FCC and OWI that the matter had better be dropped.

A letter from Mr. Luotto to Mr. Simon dated October 6, 1942, was then read by Mr. Garey in which Mr. Luotto asked the Foreign Language Broadcast Control Committee to probe the accusations made against him by *Il Mondo,* and, if substantiated, to take him off the air.

Mr. Lang told Mr. Luotto that Mr. Lupis had verbally replied to the Committee's investigation by saying he would not talk. On November 5, 1942, Mr. Luotto addressed another letter to Mr. Simon requesting an answer to his previous letter. Mr. Luotto replied orally to Mr. Simon that "this fellow Lupis is under the wings of Lee Falk and Nathan David . . . don't try to corner me. I cannot do anything."

Mr. Luotto said that he then went to Mr. Richards of OC asking Censorship to clear him, whereupon Mr. Richards said he could only pass an opinion if requested to by a station manager.

Censorship Clears A. Luotto

Mr. Luotto said he asked Mr. Lang to write Censorship following Mr. Richards' suggestion and Mr. Lang did and OC cleared Mr. Luotto to broadcast.

Because it was intimated to Mr. Luotto that the hearing on the WOV transfer would be held up for the duration of war, Mr. Luotto advised the Mester Brothers to withdraw the transaction with Mr. Bulova.

Soon after that in November, 1942, Mr. Luotto said his brother, Stefano, came to New York and told Andre that he had been put off the air at WGES in Chicago, relating to Andre the circumstances as told the Select Sub-Committee by Witnesses John and Gene Dyer of WGES previously.

The Luottos went to Congressman Marcantonio of New York and complained about their position and the Congressman called Nathan David, then dictated a letter to Andre Luotto containing the substance of the conversation which was that Stefano had been dismissed by "conjecture" and not because of specific instructions from FCC. The Congressman suggested that Andre go to Chicago and talk to the WGES management, which he did, speaking to Gene Dyer.

Mr. Dyer frankly told the Luotto brothers his "whole being revolts against . . . this injustice," but he didn't want to jeopardize his license by doing what he wanted to do in the matter (reinstate S. Luotto). Mr. Dyer suggested that Andre Luotto go to Washington and see what Congressman Marcantonio had discovered in a personal interview with Mr. David.

The Congressman told Andre that Mr. David had said that even to suggest that anyone in FCC uses "such high pressure methods, threatening to suspend or revoke or delay the granting of a license in order to have an announcer removed from the air was offensive. . . ."

A. Luotto Travels Considerably

When the Congressman suggested that Mr. David write Mr. Dyer a letter saying Mr. David had no objection to S. Luotto broadcasting, Mr. David refused saying he hadn't voiced any objections to S. Luotto.

A. Luotto returned to Chicago, requesting a meeting with Gene Dyer and Arnold Hartley. Mr. Dyer agreed, but asked Andre to keep Stefano away as Mr. Dyer didn't wont "your brother" jumping at Mr. Hartley's neck, which would be a justifiable action on Stefano's part, Mr. Dyer said.

Mr. Hartley, A. Luotto testified, put on almost a "melodramatic performance" in which he professed admiration for S. Luotto and said "I love your brother." Andre then asked Mr. Hartley (program director of WGES) to put Stefano back on the air and Mr. Hartley said "not before we have a conference with Becker" (FCC Chicago attorney). Andre Luotto then returned to New York.

Mr. Garey then introduced into the record a press release from the FCC dated August 6, 1943, concerning Stefano Luotto, who is described as an "Italian enemy alien," which Mr. Garey refuted by citing the fact that the Attorney General has ruled there are no Italian enemy aliens.

The release detailed the investigation of station WGES and read that Arnold Hartley had come to Washington and had told Mr. David that S. Luotto was a pro-Fascist, but that taking S. Luotto off the air would lose revenue amounting to $400 weekly, whereupon Mr. David said the choice was plain to him. The release mentioned that Mr. Hartley's statement confirmed "suspicions" as to S. Luotto's loyalty to the U. S. arising because he was vice president of the Dante Alighieri Society of Chicago, a so-called subversive organization, according to these federal investigators.

S. Luotto Accepted Via Transcriptions

Continuing with the release, Mr. Garey established that the president (in 1936) of the Dante Alighieri Society of Chicago was a pro-Fascist and also reported the action of Mr. Lang in dismissing S. Luotto when the FCC advised Mr. Lang of S. Luotto's Society affiliation.

Mr. Garey broke off reading to ask Andre Luotto if his brother was appearing on electrical transcriptions on broadcast stations and A. Luotto said he was "to this day," over WGES on records made at request of Mr. Hartley.

Mr. Garey then asked A. Luotto if any members of the Chicago society were broadcasting with FCC approval and Mr. Luotto said there were several, citing names.

Mr. Garey returned the questioning to the S. Luotto situation after A. Luotto's last visit to Mr. Dyer. A. Luotto testified he had asked Congressman Marcantonio to determine whether Mr. Dyer had asked Censorship about S. Luotto and when A. Luotto returned to the Congressman's office in Washington later Mr. Ryan of Censorship was there and he told A. Luotto that Mr. Dyer had been to see him. As a result, Mr. Ryan said OC was conducting a thorough investigation, which was concluded in January and station WGES was notified that no reason existed why S. Luotto could not broadcast.

A. Luotto then called Mr. Dyer to ask when Stefano would resume broadcasting and Mr. Dyer said he had had no answer from the FCC and that he did not "have my license" either.

A. Luotto then testified that he met Mr. Dyer in Washington in January, 1943, and Mr. Dyer said he had been to the FCC and that "it was useless" (trying to reinstate S. Luotto).

Luottos Give Up on Chicago

A. Luotto said that he then had a talk with his brother and they agreed it was futile to try to go on the air in Chicago and so they agreed to try New York and A. Luotto notified WOV that he was going to use S. Luotto as an announcer on a program for one of A. Luotto's sponsors, requesting the station's approval for the move.

WOV through Ralph N. Weil, manager, wrote Mr. Luotto that "the matter be held in abeyance," as "it may be necessary to submit any changes to the various departments of the government concerned with radio and radio broadcasting. . . ."

Mr. Garey asked if there was any rule requiring such submission and A. Luotto said there was none, except, perhaps, a precautionary check with OC. A. Luotto then said he went to Mr. Weil who said he "was embarrassed," and so A. Luotto said he would go to Washington and get clearance from Censorship again, but that getting such from the War Problems Division of FCC was "useless."

A. Luotto went back to Congressman Marcantonio and the Congressman got a letter of clearance from Censorship, which A. Luotto took back to Mr. Weil. Mr. Weil then said he needed clearance from the OWI and, specifically, Lee Falk. A Luotto went to see Mr. Falk after conferring again with Congressman Marcantonio.

A. Luotto asked Mr. Falk why he was trying to deprive A. Luotto of his "freedom from want" by advising station owners and managers not to do business with him. Mr. Falk said that was old stuff and was not happening any more. Then A. Luotto countered by asking why Mr. Weil needed OWI approval to hire S. Luotto. Mr. Falk said Mr. Weil was "just dreaming."

Upshot of the meeting was that Mr. Falk and A. Luotto parted good friends and Mr. Falk said the "dogs are off."

S. Luotto Will Not Be on WOV

A. Luotto then went back to Mr. Weil and was told to see Mr. La Fount who gave A. Luotto a letter dated April 14, 1943, addressed to him by Mr. La Fount which, in brief, asked A. Luotto to withdraw his request concerning employment of S. Luotto over WOV because of the suit for damages (against *PM*) pending in which WOV may become indirectly involved.

A. Luotto said he put the letter aside and asked Mr. La Fount for the straight answer and got the indirect implication that FCC was the obstacle. Mr. La Fount further asked Mr. Luotto to get a written order from both Mrs. Shea (of FCC) and Mr. Falk (OWI) and "only then will I put your brother on the air."

Mr. La Fount implied that whatever Mr. Falk had told A. Luotto, that he (La Fount) had seen Mr. Falk just recently and Mr. Falk gave S. Luotto a red light.

After the NAB War Conference (May, 1943) A. Luotto saw Mr. Weil again about his brother and asked if, because of the Chicago definition of Censorship's powers, at the NAB conference, S. Luotto couldn't now be reinstated. Mr. Weil bluntly told Mr. Luotto that foreign language stations must avoid seeing the government take them over and, therefore, we must "get along with them . . . whatever they suggest" (FCC). S. Luotto will not be reinstated, Mr. Weil concluded and A. Luotto said nothing further was brought up about the matter to date.

THURSDAY, AUGUST 12, 1943.

(Hearings adjourned because of illness of Counsel Garey.)

FRIDAY, AUGUST 13, 1943.

Robert K. Richards of the Office of Censorship was recalled to the stand.

Mr. Garey questioned Mr. Richards on his professional background in the newspaper, advertising and radio businesses, developing that Mr. Richards had about five years' radio experience and four years' newspaper experience.

In answer to the direct question by Mr. Garey "is it true . . . that the radio industry as a whole lives in fear and terror of the FCC?" Mr. Richards, after qualifying several answers, admitted that broadcasters he had come in contact with directly and personally "are in fear of the FCC," most particularly of the War Problems Division.

Mr. Garey pressed home a series of questions based on the "fear" angle and drew from Mr. Richards the admission that the broadcasters (licensees) he knew were reluctant to insist on their legal rights before the Commission because of this fear.

Further questioning went into the work of Censorship and then devolved on a discussion of analyses submitted to OC by Dr. Leigh's FBIS division of the FCC, said analyses having been made by David Truman, of FCC. Mr. Garey read into the record a copy of the analyses of the "German-American Housewife Hour" on station WBNX and stated this analysis was typical of the "trash" the taxpayers' money is being wasted on. Mr. Garey previously had had Mr. Richards testify that violations of the Censorship Code by American broadcasting stations were very few and of a minor nature. On "quantitative analysis" the analysis read by Mr. Garey deduced that the program under investigation on WBNX gave a disproportionate amount of attention to Germany and things German in a fashion regarded as unfavorable (to the United Nations).

Richards Avoids FBIS Help

The record contained many tables and memoranda concerning other WBNX foreign language programs, most making the point that WBNX carried an excessive amount of material construed to be unfavorable to the United Nations.

Mr. Garey then introduced a letter from Mr. Richards to Dr. Leigh (of FBIS), dated September 17, 1942, in which Mr. Richards informed Dr. Leigh that at "the present time . . . we do not believe it necessary to work out any special arrangements with FBIS. . . ."

Mr. Garey then asked Mr. Richards if the attitude of OC at the time the letter was written was that Dr. Leigh would be "running one phase" of Censorship if his help was accepted and Mr. Richards agreed this was so.

A letter dated October 14, 1942, addressed by Mr. Richards to Dr. Leigh contained further indications of OC's reluctance to hold meetings with Mr. Truman of FCC, because OC definitely did not want to share Censorship with anyone. In answer to persistent questioning by Mr. Garey, Mr. Richards admitted that there was "no question" about the intention of the FCC's War Problems Division being desirous of taking over foreign language broadcast censorship.

Mr. Richards then confirmed the OC decision in the case of Alphonse Lambiase of station WCOP, who was "removed" from the air at the suggestion of an "individual from a government agency." OC cleared Mr. Lambiase and he returned to the air.

Records of meetings between representatives of OC and FCC were next read with it being fixed that FCC was sure about OC not having any authority to put personnel *on* stations, and the record further showed that Mr. David and Chairman Fly did not agree with OC's right to take personnel *off* the air, a right confirmed by the Attorney General.

Fly Offers Fullest Help to OC

After "reconsidering" a previous objection to FCC Counsel Denny's request that he read all the letter from Chairman Fly to Mr. Price (of OC), dated January 19, 1943, of which he had read only three paragraphs in previous hearings, Mr. Garey read the balance of the letter. Mr. Garey did this to make the point that Chairman Fly, in reviewing FCC procedure in foreign language broadcasting should a person be put off the air on one of these stations and the general picture with respect to license renewals, also interjected the well-known FCC "club"—revocation of license, which "is present" in all instances of negotiations between station management and the FCC. The letter concluded on a note of extending complete cooperation to OC.

Mr. Richards explained to the Select Sub-Committee the operation of the Censorship Code in "dedicatory" program cases (dedicatory programs involve requests by listeners for certain musical numbers or other material to be broadcast at certain times), a discussion which arose out of a complaint directed against station KEYS and in which the FCC assumed jurisdiction until it determined the complaint involved a Censorship matter and then turned the file over to Censorship.

A memorandum dated January 29, 1943, from Mr. Ryan to his chief, Mr. Price, as mentioned by Mr. Garey, indicated that Mr. Ryan, although reporting a "reasonable degree of success" in OC negotiations with OWI, was concerned about FCC's attempts to get into the Censorship picture, using the foreign language situation as a wedge.

FCC further notified OC through Mr. David that when OC requested removal of any foreign language broadcaster from a station, FCC would immediately set a hearing for renewal of license of that station, making OC a virtual "stool pigeon."

Neuner Enters FBIS Picture

On February 20, 1943, Mr. Bronson (of OC) addressed a memorandum to Mr. Richards and Mr. Ryan concerning a call from Robert Neuner, of FBIS, who said he was going to take over Mr. Truman's foreign language broadcast monitoring duties. He requested Mr. Bronson's advising him on the OC methods of monitoring. A subsequent memorandum involving the same OC executives was written February 22, 1943, and concerned Mrs. Shea, developing that Mrs. Shea was following up Mr. Neuner's call and was advising Mr. Bronson that she was going to "coordinate" FBIS foreign language work.

Next memorandum introduced was from Mr. Richards to Mr. Ryan, dated March 27, 1943, and concerned Mrs. Shea again. Mrs. Shea expressed concern that OC had "relaxed" its censorship requirements among foreign language stations by withdrawing requests for English translations. Mrs. Shea wanted to know "who is going to force these managers to see to it that the propaganda on their stations follows the right pattern?"

"Somebody else, not us," was Mr. Richards' reply.

Mrs. Shea then wanted to know what Mr. Richards would think if FCC undertook Censorship in the "shadow-zone" existing beyond the Censorship Code definitions and Mr. Richards advised her to think such a matter over a long time before any action was taken inasmuch as OC was sole agency charged with Censorship.

Mrs. Shea's next suggestion-question was that FCC "suggest" to the station managers that they SHOULD maintain English translations, a postulate Mr. Richards quickly said would countermand OC's action.

Mr. Garey then referred to memorandum sent Mr. Richards and Mr. Ryan by Mr. Bronson, dated March 27, 1943, concerning a survey Mr. Bronson made on a trip through the southwest contacting foreign language broadcasters. It was brought out that one William Pollack, FCC attorney, was "running ahead" of Mr. Bronson four or five days checking foreign language operations on stations Mr. Bronson was to call on.

Another "Government Snooper"

Mr. Bronson said Mr. Pollack had discussed Censorship with station managers, but did not go into detail except at KEYS where William Hughes, manager, had informed Mr. Pollack KEYS had eliminated personal dedications from Spanish programs, whereupon Mr. Pollack advised Mr. Hughes that such announcements need not be eliminated providing they were handled under provisions of the Censorship Code. KEYS then reinstated the dedications.

Mr. Bronson expressed displeasure at this action by Mr. Pollack writing that station managers were a little frosty when Mr. Bronson got around to them, possibly associating Mr. Bronson as another "government snooper." Mr. Bronson also indicated that Mr. Pollack acted in a matter exclusively OC's and deemed it "unfortunate and ill-timed that FCC should send someone out at this time to check the same foreign language stations that we are calling upon."

The memorandum further stated "all we need to completely confuse the picture is to have Mr. Lee Falk of the OWI come sniffing along behind me."

A memorandum concerning "Foreign Language Personnel Investigations" dated April 21, 1943, and sent from Mr. Richards to Mr. Ryan revealed that Mr. Richards was "all befogged" about investigating foreign language personnel, and mentioned that OC had acted toward removing two individuals from the air and had asked FCC to investigate four others (subsequently cleared by OC). FCC volunteered reports on five others, in addition. FCC's reports, Mr. Richards wrote, were "damning."

Mr. Richards requested counsel inasmuch as OC couldn't conduct investigations without running into the fact that FCC had had an appropriation given it to do the very same thing. However, Mr. Richards indicated the OC dissatisfaction as to the reliability of FCC reports on foreign language personnel.

Bronson Versus Shea

Mr. Garey next took up a report from Mr. Bronson to Mr. Richards and Mr. Ryan dated April 23, 1943, concerning a visit with Mrs. Shea.

Mrs. Shea, it appears, had requested that Mr. Bronson tell her about his southwestern trip. Mr. Bronson told Mrs. Shea that in his opinion foreign language broadcasting was best handled by removing all of it from the air for the duration, to which Mrs. Shea and Leonard Marks, who sat in on the discussion, dissented, suggesting that Mr. Bronson get another job if his heart was not in his work. Mr. Bronson said the opinion was his own, but that in dealing with military security the most expeditious way to protect this was to remove foreign language broadcasts.

The discussion got into situations Mr. Bronson found on his trip and Mrs. Shea mentioned some that Mr. Pollack had reported to her. Mr. Bronson said he had corrected the "bad things" he found and let the "good things" alone. The two now well-known instances of a Texas station broadcasting the slogan "Remember the Alamo" along with "Remember Pearl Harbor" and the Texas station broadcast on which a prize-fighter, following his victory in the ring, stepped to the microphone and said "there are three Mexicans in the audience and I would like to kill them." Mrs. Shea wanted Censorship to take action on these and Mr. Bronson recommended that she file a formal request with Censorship.

Mrs. Shea wanted to know what Censorship would do if someone on the air said "kill Roosevelt" or "kill Wallace" and Mr. Bronson's report showed he thought Mrs. Shea was "a little on the sadistic side."

Mrs. Shea next wanted to know about Mr. Bronson's ancestry, which is English, then she remarked that in view of his background, "I see that you have the natural British antipathy for foreigners," a conclusion Mr. Bronson denied. She insisted. He denied. She insisted. He denied again. She said that there must be some reason he wanted foreign language broadcasts stopped.

Three Stations Complain

Mr. Garey brought into the proceedings the fact that three stations, KDAL, WRJN and KWKW, in May, 1943, had complained to Censorship that FCC had been trespassing on the jurisdiction and functions of OC in these three stations.

Mr. Richards said Mr. Price took the letters to Chairman Fly and there has been an improvement since then in the situation, Mr. Richards commented.

Mr. Bronson's next memorandum in connection with his contacts with Mrs. Shea was introduced and it was titled "Now my week's complete (My Life and Hard Times With Mrs. Shea—Chap. III)." This one was dated May 15, 1943.

The part Mr. Richards played in the case of Stefano Luotto (see previous days' hearings) was gone into again at this juncture.

Following luncheon recess, Mr. Garey read into the record excerpts taken from FCC files which concerned the Luotto brothers, particularly S. Luotto, showing FCC investigations of S. Luotto attempting to prove he was pro-Fascist.

Andre Luotto was called to the stand at this point, picking up his testimony at the instance where he had gone to Mr. Lang of station WHOM to make arrangements for S. Luotto's reinstatement. Mr. Lang said he would cooperate and write OC about Stefano. S. Luotto began broadcasting on WHOM May 16, 1943.

The following Thursday A. Luotto was called to Mr. Lang's office. Mr. Lang said he had gone to Washington on Tuesday and asked Mr. Simon of OC to ask Mrs. Shea and Mr. David, of FCC, why Mr. Lang's license was still held up.

Mr. Simon returned from the meeting and told Mr. Lang that his chance of getting his license was lost when he put Stefano Luotto on the air. Mr. Lang then went to FCC and learned about S. Luotto's affiliation with the Dante Alighieri Society of Chicago. Next stop for Mr. Lang was OC where he asked about this "dangerous" Fascist. Mr. Richards said OC had cleared S. Luotto.

Lang Is Bewildered

A. Luotto testified that he told Mr. Lang that members of the Victory Council, an OWI-approved patriotic war organization in the Chicago Italian community, and the Mazzini Society, arch enemies of Fascism, were also members of the Chicago Dante Alighieri Society when S. Luotto was. Mr. Lang admitted he was "bewildered."

Mr. Lang, "as a friend," then asked A. Luotto to forget the contract between them on S. Luotto's broadcasts until Mr. Lang could straighten out his temporary license situation and argue the difference between the New York and Chicago Dante Alighieri Societies with FCC.

At that time S. Luotto was broadcasting four times a day via transcription over WOV, A. Luotto told Mr. Lang.

Mr. Lang then called Mr. Fenner, FCC New York counsel, and asked him about S. Luotto being on WOV and Mr. Fenner said he didn't know about it, but if that was the "shocking case" action would be taken. A. Luotto testified that his brother's transcriptions are still on WOV.

A. Luotto reported his meeting with Mario Buzzi, who came to his office with an offer to help stop the "persecution" of S. Luotto. Mr. Buzzi said he was to go to Chicago with a couple of FCC investigators to "get something on Luotto" and while he was in A. Luotto's office he called Gerolamo Valenti, publisher of *La Parola,* against whom S. Luotto had a criminal libel suit pending, while A. Luotto listened on another line. The essence of the conversation was that Mr. Valenti instructed Mr. Buzzi to try to get something unfavorable against S. Luotto, because "he is suing me." Mr. Buzzi got hold of A. Luotto some days later and said the investigators and he did not go to Chicago as FCC called them off. The day's hearing concluded with A. Luotto reporting how the New York FCC investigated his business, the Commercial Radio Service, by interviewing him and asking detailed questions, during which interview A. Luotto brought the whole matter of persecution against him up. Adjournment until Tuesday, August 17, 1943.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

September 3, 1943 SPECIAL LEGISLATIVE BULLETIN No. 15

New York City Hearings of the Select Committee Sub-Committee to Investigate the Federal Communications Commission

Representative E. E. Cox sitting for the House of Representatives, Seventy-Eighth Congress.

(The following reports are written in news style in digest form because the volume of material transcribed has grown to proportions beyond the means of NAB to reprint verbatim. The digest is objective and contains the full sense of each day's hearings. Should any station manager wish the full transcript of the hearings, information as to cost may be obtained from Althea Arceneaux, Shorthand Reporter, 1060 National Press Building, Washington, D. C.)

TUESDAY, AUGUST 17, 1943

(Representative E. E. Cox sitting as the Select Committee Sub-Committee.)

Several letters concerning foreign language broadcast stations, analyses and the file on the application for transfer of ownership of station WOV were entered on the record by Counsel Eugene Garey of the Committee.

A letter from J. P. Warburg, of the Coordinator of Information, to Alan Cranston, OFF (which preceded OWI) dated March 13, 1942, was entered on the record and concerned Mr. Warburg's suggestion that WOV was about to be sold by the Bulova people to an "undesirable" owner and that the probable way to stop the sale was to block it when the new owners apply for an FCC license.

James Alfred Guest, attorney, FCC, took the stand.

Mr. Garey questioned Mr. Guest about his traffic with Ralph Weil, general manager of WOV, whom Mr. Garey labeled as one of Mr. Guest's "informers." Mr. Garey asked about certain personnel on WOV and other stations, including the Luotto brothers, with the view to establishing that Mr. Guest had the "help" of station WOV personnel in obtaining information for FCC. Mr. Guest said that such information was sent to FCC in Washington and not to him. One such 15-page "report" was a criticism of station WOV sent to FCC by a WOV employe.

The investigation of George Brunner, of station WBNX, by Mr. Guest's offices was next taken up. Mr. Brunner, as related in previous hearings' testimony, had been put off the air in June, 1942, at the suggestion of Lee Falk of OWI and in January, 1943, Mr. Guest began his investigation, which determined that Mr. Brunner was not connected with any subversive organization. Mr. Guest insisted, under persistent questioning by both Mr. Garey and Representative Cox, that he was told to investigate Mr. Brunner by FCC at Washington and he did as he was told.

Guest Is On the Spot

When the questioning of Mr. Guest got around to asking him about material in the FCC files, Leonard Marks and Nathan David both objected that the files were confidential and the witness was so warned by them, with Representative Cox overruling their objections and ordering the witness to testify.

Mr. Guest refused.

Subsequent questioning on Mr. Brunner revealed that Mr. Guest's investigation was thorough, but that nothing was established to show Mr. Brunner was connected with subversive agencies in any way. Repeated insistence of Representative Cox and Mr. Garey for Mr. Guest to answer the question "what legal jurisdiction did the Commission (FCC) have over Brunner?" finally resulted in Mr. Guest answering that the Commission was interested in Mr. Brunner because he was employed in a non-broadcast capacity by WBNX and that there were rumors about Mr. Brunner's affiliations with subversive organizations.

Mr. Garey read a memorandum dated March 20, 1942, from Lee Falk to Alan Cranston, both of OWI, in which Mr. Falk wrote "the following is an initial list of the people we believe should be removed from the radio stations: WBNX, George Brunner, Lido Belli, Carl Heinz (Jander), and Herbert Oettgen; WHOM, Maria Troja, Andre Luotto; WOV, Rino Negri, Ignio Mannechai."

The memorandum further suggests that "suspicious personnel be banned from all broadcasting stations."

Mr. Garey established that Short Wave Research, Inc., through Marya Blow, also acted as "informer" for Mr. Guest and Miss Blow was one of the persons who reported unfavorably to Mr. Guest about Mr. Brunner.

'Combination of Stooge and Pimp'

Manfred Abraham, of WBNX, whom the FCC New York office thought could be "helpful" in getting information on Mr. Brunner, was characterized by Mr. Garey as another "informer" and Representative Cox defined "informer" as a combination of "stooge and pimp."

Mr. Garey continued to ask Mr. Guest about several other "informers" he had used from various New York area foreign broadcast stations, including one man who was found to be an alien, a syphilitic and a dope addict, who was another person who apparently had "information" about Mr. Brunner.

Mr. Guest said they dropped the dope addict "like a hotcake" when they learned his past record.

Upshot of a long series of questions on the dope addict and information concerning Mr. Brunner was that Mr. Brunner was finally cleared by FCC and FCC Counsel Denny so notified station WBNX.

The renewal of station WBNX's license, due to expire June 1, 1943, was next discussed and Mr. Garey drew from Mr. Guest that the question of renewal hinged on Mr. Guest's report of his investigation of WBNX programs and personnel, an investigation Mr. Garey declared was illegal and usurped the powers of the Office of Censorship.

After Mr. Guest's letter of June 21, 1943, "dropping" the dope addict and devaluating the dope addict's information on Mr. Brunner to zero, WBNX was granted a permanent license.

Dorothy Waring, director of investigation, Anti-Nazi League, New York, was called to the stand.

Questioning developed around Mario Buzzi, identified as an investigator for the Anti-Nazi League, with Mr. Garey attempting to find out if Mr. Buzzi had been given funds to leave New York on or about July 8, 1943, when he was last seen in New York by Miss Waring.

Miss Waring Doesn't Know

Mr. Garey soon dispensed with Miss Waring, commenting that it was obvious she didn't have the information about Mr. Buzzi that the Select Committee counsel wanted. He asked Miss Waring to have Professor James Sheldon, Anti-Nazi League director, appear at the next day's hearings to testify.

Andre Luotto took the stand.

Mr. Garey asked Mr. Luotto about a meeting he had had with Arnold Hartley of WOV in Mr. Weil's office at WOV with Mr. Weil present. During this meeting Mr. Hartley assured Mr. Luotto that he (Hartley) had nothing but the highest regard for S. Luotto, Andre's brother, and wanted A. Luotto to know that. At this meeting, which took place about May 5, 1943, A. Luotto said Mr. Weil didn't say a "single word."

A. Luotto then made a plea to the Select Committee that he would like to know "what I am accused of in the files of the FCC and have an opportunity to answer each and every one of those dastardly lies." Representative Cox said the Select Committee could not give A. Luotto that satisfaction.

Stefano Luotto was called to the stand.

Mr. Garey extracted S. Luotto's biography and the admission that he was not pro-Fascist or pro-Nazi. S. Luotto came to New York from Italy in 1931 and became the first commercial broadcaster in Italian in that city; associated with his brother in the Commercial Radio Service. He went to Chicago in 1937.

S. Luotto testified that on November 2, 1942, John Dyer of station WGES called him into the station office and told him he didn't "have the right kind of friends in Washington" and that the FCC wanted him put off the air, giving no reason.

S. Luotto Is 'Naive'

S. Luotto told Mr. Dyer that he "had a serene conscience" and that FCC would be "anxious to right a wrong" in his case. Mr. Dyer, so S. Luotto testified, told S. Luotto he was "very naive."

Mr. Dyer told S. Luotto that Nathan David of FCC told WGES to get S. Luotto off the air or the station would not get its license. Mr. Dyer then asked S. Luotto to "kindly tip toe out of the station," according to the testimony, and S. Luotto "tip toed" out that very afternoon and was off the air.

The balance of the S. Luotto testimony corroborated that related in previous hearings by Andre Luotto, with the exception of a complete explanation of what the Dante Alighieri Society of Chicago was, and according to S. Luotto, it was a very harmless society devoting its meetings to lectures on art, literature or music with singing concerts sometimes interspersed.

S. Luotto did inject the startling comment into the hearing that Gene Dyer, co-owner of WGES, during a conference with the Luotto brothers in Chicago on S. Luotto's situation referred to dealing with a combination like Hartley-David is like "having a pissing contest with a skunk." Representative Cox attempted to have the witness "soften" the language, but S. Luotto stubbornly insisted that was what Gene Dyer said and so the chairman let it go.

When questioned about his citizenship, S. Luotto said he didn't want to take out his citizenship papers until he was absolutely sure his full allegiance to the United States could be sworn to as the oath of citizenship requires. S. Luotto took out his citizenship papers in June, 1941, having satisfied his conscience that he could renounce all ties with Italy, so he testified.

WEDNESDAY, AUGUST 18, 1943

Giuseppe Lupis, Brooklyn, N. Y., was called to the stand.

Mr. Garey questioned Mr. Lupis on his background and work in Italy, France and the United States prior to Mr. Lupis' assuming the job as censor and monitor at station WHOM in "'40 or '41." He came to the U. S. twice, once in 1926 as a visitor, leaving to return to France, then re-entering the U. S. in 1929 as a grocery store operator, leaving in 1935.

He returned in 1936 and in 1941 was employed by OWI as an overseas broadcast announcer. He also published the Italian magazine, *Il Mondo,* in addition to working at WHOM, and with OWI. Mr. Lupis' WHOM employment first began in 1938. Mr. Garey questioned him about his relations with Alan Cranston and Lee Falk and Mr. Lupis said the two OWI men requested information from him about Italian broadcasts and personnel.

Mr. Lupis also testified he was a consultant to Mr. Lang of WHOM on matters of hiring and discharging certain personnel, stating that he (Lupis) would give Mr. Lang the "facts" and Mr. Lang would hire and fire.

A long discussion concerning Mr. Lupis' duties at WHOM ensued in which it was established he acted as script writer, commentator, censor, monitor and announcer on Italian programs.

Mr. Garey had considerable difficulty in getting the witness to answer questions concerning what Mr. Lupis' contacts were and the subjects discussed among government agencies, including Army and Navy intelligence. It finally developed that Mr. Lupis discussed quite a number of things from possible sabotage committed by Italians in American Navy yards to foreign language broadcast personnel. It also was made apparent that Mr. Lupis had a great deal of "facts" about many alleged pro-Fascists, and that when he ascertained these facts he "exposed" the people involved.

Lupis Denies Getting Paid by FCC

On being questioned about being paid by FCC for doing some foreign language translation, Mr. Lupis explained he had signed the contract for the work as publisher of *Il Mondo,* but that one of his staff members had received the pay and nothing ever was paid to Mr. Lupis by FCC. Mr. Lupis further said that in 15 years of exposing Fascists he had never been paid by anyone to do that.

Testimony next revolved around Mr. Lupis' editor, Carlo A. Prato, with Mr. Garey attempting to establish that Mr. A. Prato was a Communist and had been "kicked out" of Switzerland because of that. Mr. Lupis termed these allegations "lies."

Another series of questions about whom Mr. Lupis knows in New York foreign language broadcasting and FCC and OWI circles followed, with Mr. Lupis admitting knowing few persons named by Mr. Garey. Most persons named have been mentioned throughout the New York Select Committee hearings to date.

Mr. Lupis steadily denied getting anyone "jobs" with OWI, FCC or foreign language stations.

The matter of the article in *PM* against Andre Luotto came up and Mr. Lupis remembered reading it and also discussing it with *PM's* editor and Jerry Franken, who wrote the story. Mr. Lupis denied giving Mr. Franken any information contained in the story, and insisted everything he published in *Il Mondo* was the truth. An article he published in *Il Mondo,* which concerned A. Luotto, Mr. Lupis said was reprinted in part from a San Francisco Italian paper, which caused Mr. Garey to ask about the truth of the San Francisco material and Mr. Lupis said he "assumed" the material to be true.

James H. Sheldon Takes Stand

James H. Sheldon, administrative chairman, Anti-Nazi League, was called to the stand following luncheon recess.

Mr. Garey questioned Mr. Sheldon on his background and determined that he had joined the Anti-Nazi League in 1938, prior to which he had been on the faculty of Boston University.

A history of the League, which was organized in 1933 to boycott German products, was next taken up, with Mr. Sheldon admitting that propaganda became the chief function of the League about 1936.

The League maintained a staff, which included investigators and Mr. Sheldon testified his office has built up a considerable file on various people in all parts of the U. S. A.

Mr. Sheldon further testified that transfer of some of this information was made to government agencies, including the FCC, most information dealing with activities of the German-American Bund and people connected with it.

Investigations made by the League stemmed from its own sources and not requests from outside agencies, Mr. Sheldon said.

Lengthy questioning concerning Mr. Buzzi, who was employed as an investigator by the League, then occurred, with Mr. Sheldon testifying along similar lines taken by Miss Waring at the previous day's hearing (August 17), in answer to much the some questioning given Miss Waring.

Mr. Sheldon was excused after he had promised to tell Mr. Buzzi to appear before the Select Committee the next time Mr. Sheldon heard from Mr. Buzzi, who apparently had gone south to convalesce from an illness.

Mr. Lupis took the stand again.

Mr. Garey recalled to him that he had said in the morning session that he had never made any reports on radio personnel to the FCC, but when Mr. Garey mentioned the name of Salvatore Nifosi, Mr. Lupis remembered he had made a report about that man.

Lupis 'Not Recollect'

When Mr. Garey then read a memorandum from the FCC files concerning Andre Luotto and quoting Mr. Lupis as the source, Mr. Lupis "not recollect" telling FCC anything about Mr. Luotto, although certifying that statements in the memorandum were true. The day's hearings closed with Representative Cox ordering Mr. Lupis to return the next day and to bring all correspondence with FCC and OWI officials he had, even though Mr. Lupis said he had destroyed most of his letters and kept no files.

THURSDAY, AUGUST 19, 1943

Mr. Lupis resumed his testimony.

Questioning opened on Mr. Lupis' employment at OWI and he testified he had worked for OWI for several months, but had been paid by Short Wave Research, Inc. He also denied ordering a young Italian lawyer friend of his to monitor Italian programs over station WBNX, but admitted suggesting that his friend "give him a report" if he "had time to listen."

Mr. Garey asked Mr. Lupis what business it was of his what a competitive station broadcast and Mr. Lupis said he had fought Fascist propaganda for 27 years.

Letters from Lee Falk and Alan Cranston to Mr. Lupis, commenting on "cooperation" and "plans" extended OWI and FCC by Mr. Lupis were read into the record by Mr. Garey. The letter of Mr. Lang to Andre Luotto about the meeting they had with Mr. Lupis with reference to the *PM* article was read to Mr. Lupis, who confirmed its text substantially (letter is mentioned in previous hearings in A. Luotto testimony), but said most statements in the letter "were not exact."

Mr. Lupis volunteered the flat statement that the Dante Alighieri Society was the "most powerful Fascist agency in the United States," in testimony concerning his comments about the Luotto brothers.

Lupis 'Suggests' to Lang

Mr. Garey, after exhaustive questioning, finally drew from Mr. Lupis the fact that he suggested to Mr. Lang that S. Luotto be barred from broadcasting until the Luotto libel suit against Mr. Valenti of LA PAROLA was concluded, even though the Office of Censorship officially had cleared S. Luotto.

Mr. Lupis also said he advocated getting people off the air who had pro-Fascist sympathies by any possible legal method, even though direct or indirect.

Following luncheon recess, Arnold B. Hartley, program director, WOV, took the stand.

Biographical data revealed that Mr. Hartley began work at WOV on May 2, 1943, having previously worked at station WGES, with a total of 13 years' radio experience altogether.

Testimony then embraced Mr. Hartley's meeting August 2, 1943, with Mr. Guest (FCC). The two discussed Mr. Garey's pre-hearing questioning of Mr. Guest about Mr. Hartley with the principal point being whether Mr. Hartley was trying to "masquerade as a non-Jew." Mr. Guest then told Mr. Hartley that Nathan David was coming in town and would Mr. Hartley like to meet Mr. David? "No," Mr. Hartley said.

Not deterred, Mr. David called Mr. Hartley at home that same evening, Mr. Hartley testified. Mr. David referred to the letter Mr. Hartley had written to Dr. John Dyer (see Dyer testimony in previous hearings) on October 28, 1942, with a view to refreshing Mr. Hartley's recollection of the meeting with him (David) in Washington on the day of the letter, points of which were substantially as Mr. Hartley had written them to Dr. Dyer. Mr. Garey attempted to establish the point that Mr. David's call to Mr. Hartley was for the purpose of influencing Mr. Hartley's possible testimony before the Select Committee, a supposition Mr. Hartley agreed had "occurred" to him.

In October, 1942, at a meeting in Washington of the Foreign Language Radio Control Committee, Mr. Hartley said he had talked with A. Luotto and suggested to him that A. Luotto get up an Italian propaganda program.

Hartley Sees Spingarn

Mr. Hartley said that after the meeting in October, 1942, he attempted to find out why WGES was still on a temporary license and he was referred to Mr. David or Mr. Spingarn by WGES attorneys. Mr. Hartley saw Mr. Spingarn and asked him about the license, receiving the information that the license was being held up because of some complaints about Stefano Luotto and Remo Conti. It was brought out that Mr. Spingarn represented these two men as being alleged to be pro-Fascist.

Mr. Garey then tried to establish that at the committee meeting Mr. Spingarn had by implication warned station operators that FCC could use its licensing power to discipline stations indirectly. Mr. Hartley denied this implication, by testifying he could not recall anything like that.

Mr. Hartley went to see Mr. David following the talk with Mr. Spingarn. The discussion with Mr. David is contained in the letter Mr. Hartley wrote to Dr. "Jack" dated October 28, 1942. (See previous hearings—Dyer testimony.) Mr. Hartley confirmed the substance of this letter to the effect that if WGES were to stay on the air S. Luotto would have to get off—or else.

In trying to draw out Mr. Hartley as to what the opinion of the radio industry about the FCC was, Mr. Garey led questioning along lines that station operators felt FCC was motivated by "conditions of favor or disfavor" and Mr. Hartley parried these attempts by saying he was not familiar enough with industry feelings.

The only thing Mr. Hartley had against S. Luotto, testimony shows, was that S. Luotto wouldn't use OWI "canned" materials on newscasts—nothing else. Mr. Hartley said Lee Falk addressed the foreign language broadcasters of Chicago in October, 1942, and told them to use OWI material, both transcriptions and news material, and Mr. Garey got from Mr. Hartley the admission that S. Luotto's newscast was sponsored and, so long as station policy was followed, the station did not try to tell sponsors what to put in their programs.

Garey Says He Is 'Timid'

In lengthy questioning of Mr. Hartley to determine his feelings about OWI transcribed Polish programs, Mr. Garey said he would not say anything derogatory to OWI as he was a "very timid person." Mr. Hartley said OWI was a better judge as to whether Polish anti-Nazi programs were a waste of government money than he was, after Mr. Garey led questioning in that line.

Mr. Garey returned to Mr. Hartley's report to the Dyer brothers on the occasion of his return from the Washington visit with Messrs. Spingarn and David. It was recorded that Messrs. S. Luotto, Conti and Alfedi were summarily put off the air at WGES the day after Mr. Hartley's return, an action taken to "avoid unpleasantness" with FCC.

At this juncture Mr. Hartley said the fear of losing his license should be in every broadcaster's mind and such fear is "wholesome" for the broadcasting activities of a station. He admitted that soon after the three men had been discharged WGES received its permanent license and further said this was a result of the firings as he saw it.

Mr. Garey transferred questioning to the meeting Andre Luotto had with Gene Dyer and Mr. Hartley in Chicago in December, 1942, in which the previously-mentioned Hartley "melodramatic" performance took place. (See A. Luotto testimony.) Mr. Hartley said he could not recall details of the meeting, but confirmed A. Luotto's report as being substantially accurate.

Consideration of the program idea Mr. Hartley had shortly after going to WOV of counter-action against Italian propaganda broadcasts from Italy by answering such broadcasts shortly after they were aired was next taken up. Mr. Hartley broached this idea to Lee Falk and OWI helped Mr. Hartley with it, did the monitoring and furnished the scripts for the Bulova stations.

Service Not Exclusive

Mr. Garey pressed home questioning trying to establish that this program series was given exclusively to Bulova stations and to WGES in Chicago at the recommendation of Mr. Falk, but Mr. Hartley said that when OWI began furnishing the show it, of course, could not be exclusive and was sent to whomever requested it.

Referring to Mr. Hartley's private and confidential statement to Alan M. Becker, FCC attorney, about S. Luotto, Mr. Garey was told by Mr. Hartley that this statement was not authorized by him to be released to anyone but Mr. Becker or to be revised, yet Mrs. Shea "polished" it up and then notified Mr. Hartley. This revision was sent to the Office of Censorship and Mrs. Shea attached a note that it was made at Mr. Hartley's request, a statement Mr. Hartley testified was false as the revision had already been made when he first heard about it.

Mr. Hartley said he didn't remember telling Andre Luotto in New York that he (Hartley) the fine things A. Luotto's testimony said Mr. Hartley had said. (See A. Luotto's testimony.) Mr. Hartley also denied that Lee Falk told the foreign language broadcasters at the NAB War Conference in Chicago that they would lose their license if they didn't clean up their stations.

Mr. David rose at this point to ask Representative Cox if the half dozen people whom the testimony had blackened the reputations of would be allowed to testify while the charges were fresh and the answer was given that these people would be given an opportunity to make answer in "due time."

FRIDAY, AUGUST 20, 1943

William Carlton Alcorn, vice-president and general manager of station WBNX, took the stand.

Facts concerning Mr. Alcorn's background and the station were entered on the record. In discussing awards given WBNX for outstanding operation in the "public interest, convenience and necessity," Mr. Garey asked Mr. Alcorn what yardstick was used in measuring "p.i., c. and n." and Mr. Alcorn answered "I'll bite," which was taken to mean he didn't know.

Mr. Alcorn said further, in answer to Mr. Garey's questioning, that Congress should define the terms "p.i., c. and n" so that station managers would know exactly what is meant, or eliminate it entirely from the Radio Act and substitute statutory "norms" or safeguards to guide the FCC in determining public interest.

Private enterprise cannot live under the present method of FCC operation, Mr. Alcorn stated flatly, in answer to a direct question by Mr. Garey.

It was brought out that in August, 1942, when WBNX was placed on a temporary license, it immediately suffered a severe cut in revenue as sponsors cancelled, because the license was only good for 30-day periods, and some of the WBNX personnel was under "a little cloud" as to their stability on the station.

Mr. Alcorn explained in detail the operation of his station, censorship of programs and made the point that since Pearl Harbor additional safeguards have been taken to protect the listener and the station from Censorship violations.

One complaint was made by the newspaper *PM* that on a program in German someone said "Hitler is God" and, furthermore, that *PM* was going to write to the FCC about it. Investigation proved the complaint was groundless, that someone at *PM* had only half-listened and got the wrong impression.

WBNX Checks with Recordings

By means of recordings, Mr. Alcorn said his station has a constant and reliable check on all foreign language broadcasts as sometimes persons complained even about the way music was played.

In June, 1942, Mr. Silver of FCC visited WBNX and obtained recordings of news programs broadcast by George Brunner, Mr. Alcorn testified. Mr. Brunner to date has been with WBNX 12 years, is an American citizen and well thought of by the station management, the testimony showed.

Mr. Alcorn said Mr. Brunner's removal from the air was the "most undemocratic thing I ever heard of; that he had no opportunity to justify or answer any complaints."

At the only meeting he ever had with Lee Falk—in June, 1942—Mr. Alcorn said Mr. Falk suggested that Mr. Brunner be taken off the air, giving no satisfactory reasons, but Mr. Brunner was thereupon taken off because Mr. Alcorn wanted to cooperate with the "wartime control board."

However, Mr. Alcorn did write to NAB president Neville Miller on June 19, 1942, relating all the facts concerning Mr. Brunner's dismissal, including the information that if Mr. Alcorn had trouble replacing Mr. Brunner to see Mr. Falk, who offered to recommend someone, and, in any event, who wanted to pass on anyone whom Mr. Alcorn did hire. Mr. Alcorn suggested in this letter that inasmuch as Mr. Falk had said that if Mr. Alcorn didn't comply with the request to dismiss Mr. Brunner, the Army might do something about it, that Mr. Falk's branch of the Office of Facts and Figures (preceding OWI) be formally endowed with authority of censorship, for which his department apparently was created.

FCC Press Release Refuted

(The following press release issued by Chairman Fly of FCC is herewith inserted because the testimony of Mr. Alcorn and insertions from FCC files made by Mr. Garey at this point concerns this release:)

> "The FCC had nothing whatsoever to do with the dismissal of George Brunner as an announcer for Station WBNX.
>
> "FCC's interviews with Henry H. Wolfgang had nothing whatsoever to do with the dismissal of Mr. Brunner.
>
> "Mr. Brunner was dismissed in June 1942—

one whole year before any representative of FCC ever met Henry Wolfgang.

"It was in May 1943—one year after the Brunner dismissal—that Wolfgang came to the FCC legal office in New York and told the sensational story concerning alleged Nazi radio activities. FCC agents in conjunction with the FBI investigated his charges immediately. They discovered the New York police record which listed Wolfgang as a potential spy with definite indications of working for the Gestapo, and his history as a narcotic addict, and dropped the man at once.

"The record will substantiate each of these facts."

In answering the above press release, Mr. Garey placed in the record letters and memoranda from FCC files which showed FCC personnel to be familiar with and to be compiling material on Mr. Brunner and other foreign language station personnel. A Mr. Clift from the FCC also investigated the files of WBNX in June, 1942. Mr. Alcorn said he took the matter up with Censorship and Mr. Brunner was cleared by OC.

Mr. Brunner was also cleared by Mr. Guest and Mr. Fenner of FCC when Mr. Alcorn brought the matter to their attention in the spring of 1943, testimony indicated.

In a letter from his Washington attorneys dated February 6, 1943, giving Mr. Alcorn reasons why he was having trouble with his license, several points were emphasized, the principal one being that Mrs. Hilda Shea of FCC was strongly of the opinion that foreign language broadcasts during war, even including musical programs, should be actively pro-Allied and so propagandized. It appears from this letter that Mr. Alcorn was derelict in his management of his station in allowing some passivity to creep into foreign language broadcasts and, therefore, his license was involved. The programs by Lido Belli were specifically cited as not being "active" enough on the pro-Allied propaganda side.

Charges in Letter Inaccurate

The letter further cited that two other points on which Mr. Alcorn might be cited by FCC (according to Mrs. Shea) were that scripts were not always submitted in advance for programs (by broadcasters to WBNX) and that broadcasts were not monitored "on the air."

Mr. Alcorn termed these charges inaccurate.

The attorneys summed up their letter by urging Mr. Alcorn to require full and complete scripts in advance for all programs, and to have all programs monitored "on the air" by qualified linguists. With regard to Mr. Belli they made no recommendation except to mention that "your license is in jeopardy because of him." However, they did "suggest" two courses—either dispense with Mr. Belli entirely or try to compromise with Mrs. Shea's views by making the station personnel on foreign programs pro-democratic and to retain Mr. Belli to service commercial accounts, but not to broadcast or to select program material.

OC cleared Mr. Belli when it investigated him, the letter reported.

Mr. Alcorn said that when he received this letter he called Reed T. Rollo (the attorney who wrote it) and said: "this is about the most unusual letter I have ever received from you, and I still can't quite understand it. If you feel that way about it, you get right up out of your chair and go over to the Commission and set our license down for a hearing; we are perfectly willing to go through with that."

The license was granted.

It was revealed by Mr. Garey through reading letters into the record that Mr. Falk had recommended that a man named Ernest Angel, a German language broadcaster, see Mr. Alcorn for possible employment. A letter from Mr. Alcorn to Mr. Falk in June, 1943, pointing out that Mr. Guest had cleared Mr. Brunner for broadcasting and asking some disposition from Mr. Falk was read and Mr. Alcorn said he had received no answer to it.

Another Letter Unanswered

Mr. Alcorn's letter to Mr. Guest of March 17, 1943, requesting a bill of particulars on any "shortcomings" of WBNX in view of the investigations of WBNX conducted by Messrs. Silver and Clift also remained unanswered, Mr. Alcorn said.

Testimony next turned to Lido Belli, whom Mr. Alcorn characterized with the best recommendations. Mr. Belli was interned shortly after Pearl Harbor as an alien and was released shortly thereafter when Mr. Alcorn signed with immigration authorities as sponsor for Mr. Belli.

In August Mr. Alcorn was called back to Ellis Island and asked to sign a new parole agreement which stipulated that Mr. Belli was to cease all broadcasting or control or preparation of broadcast material. This stipulation was the "economic ruination" of Mr. Belli, Mr. Alcorn said. Mr. Garey said this stipulation was imposed after Mr. Falk had written the Department of Justice demanding Mr. Belli be interned for the duration.

Mr. Alcorn said he did everything he could to get the parole changed, getting a clearance from OC again after an intensive investigation by Mr. Richards of OC.

Correspondence between Mr. Alcorn and Mr. Belli's attorney and the Department of Justice relative to getting Mr. Belli's right to service his customers (he operated an ad agency) even if he could not broadcast was entered on the record. In October, 1942, the FBI said the matter was now in the hands of OC.

Letters also were introduced by Mr. Garey "in view of the constant thread that runs from the FCC to the OWI and from these offices through . . . Short Wave Research. . . ."

Letters from Alfonso Vanacore (Hugo Neri on the air), who had been discharged from Mr. Belli's employment because of the foreign language broadcast situation, to OC and OWI in which Mr. Vanacore asked clearance to get back on the air were read.

Mr. Garey then returned to the FCC investigations of Mr. Alcorn's station files.

'Everybody' Investigated

FCC began investigating his station completely in the spring of 1943, Mr. Alcorn testified, and "everybody" at the station and who ever broadcast on it in a foreign language was investigated, including Mr. Alcorn and his executive staff. Investigations included backgrounds and foreign political and native leanings of the people and all operations of the station.

Copies of IL MONDO, which attacked WBNX as an outlet of "Fascist hokum," were put in the record by Mr. Garey, after which Mr. Alcorn was excused from the stand.

Luncheon recess over, Mr. Garey introduced a letter dated June 3, 1942, from Chairman Fly to Arthur Simon, Foreign Language Broadcasters Wartime Control chairman, which stated if the control code were to be effective 100% cooperation must be had from foreign language broadcasters.

On June 5, 1942, Mr. Simon wrote to Mr. Alcorn requesting a contribution toward helping running the Control Committee. On June 8, Mr. Alcorn wrote Mr. Simon, returning a copy of the Control Code, in which Mr. Alcorn asked pointed questions as to who gave the Control Committee a "mandate" over stations—FCC or OWI?

A letter dated June 9, 1942, from Mr. Hartley to Mr. Simon contained information that Mr. Hartley's impression of the Control Code did not jibe with copy of it he received—in fact, did not jibe to such an extent that Mr. Hartley tendered his resignation from Wartime Control saying that the Code was an arbitrary ruling infringing upon rights of managements and powers of government.

A letter from Gene Dyer, of WGES, to Chairman Fly dated June 10, 1942, indicated that Mr. Dyer thought Wartime Control was "running away with itself" and that WGES would sign only if Mr. Fly so recommended.

Neville Miller's letter to Mr. Alcorn dated June 13, 1942, mentioned a meeting of members of the NAB staff with OC and with Mr. Simon, Joe Lang and Harry Henshel of Wartime Control, in which it was decided the Control Committee should not dictate to stations, but should set up a code of cooperation.

More Letters

In October, 1942, Mr. Alcorn wrote Mr. Simon that WBNX would not participate in a meeting of Wartime Control at Washington because WT "has failed in its objective."

Edward Ervin's (WBNX employe) statement before the FCC (Fenner) in New York on February 24, 1943, was introduced by Mr. Garey. Mr. Ervin made the point that WBNX may have made some mistakes of omission because it is "human," but the station was operated with utmost conscientiousness and concern for its duties under its license, giving details on how the station controlled its programs and the personnel which appeared on them by thorough checking of this personnel over long periods of time.

Giulio Ascarelli, of station WHOM, was called to the stand.

The usual biographical questioning occurred, during which Mr. Ascarelli said he came to the U. S. A. in February, 1939, and applied for citizenship two weeks later. After trying to get work at Metro-Goldwyn-Mayer, for whom he had worked in Italy, he tried WHOM after hearing there was an opening there for an Italian language broadcaster. He looked in the telephone book for the station address, he said.

Mr. Ascarelli talked to Mr. Wilcox, who referred him to Mr. Amauli, director of Italian programs. Mr. Ascarelli got the job after several conferences with Mr. Amauli.

Mr. Ascarelli said his membership in the Fascist Party in Italy was for "practical reasons of working" and not political. He said he was suspected by the Fascist Party of anti-Fascist actions because he worked for an American concern. A quota visa was given him to come to America because he was Jewish, he testified.

Subsequently Mr. Ascarelli was employed by CBS and OWI, the latter work being paid for through Short Wave Research.

Aliens Can't Be Paid by U. S. A.

Because he was an alien, Mr. Ascarelli testified he had to be paid through Short Wave Research and not by a U. S. government agency.

Mr. Garey asked Mr. Ascarelli if he knew certain people (mentioning them by name) who have appeared in the hearings records and Mr. Ascarelli said he met Miss Keene of Short Wave Research, Mr. Tabet and Mr. Colombo of WOV and others after he came to America. He met Remo Nissin in Italy, he said.

Mr. Garey questioned Mr. Ascarelli about his duties as censor at WHOM, which are mainly that he compare the English text with the Italian translations in newscast scripts to see they coincide exactly.

It was revealed during questioning of Mr. Ascarelli that he was grilled by Mr. Fenner of FCC concerning possible Fascist activity at WHOM, or any persons there with Fascist leanings, and also as to his own background and family.

After further brief questioning on how Mr. Ascarelli got his visa (on a "break," he admitted) the hearings adjourned until Tuesday, August 24.

(The following letter was sent to the New York *Times* by Chairman Fly. It is dated August 19, 1943, and was printed by the New York *Times* on Sunday, August 21:)

TO THE EDITOR OF THE NEW YORK TIMES:

During the past three weeks the Cox Committee to investigate the Federal Communications Commission has held what it terms "hearings" in New York City. The *New York Times* has run substantial accounts of the local activity of this Committee. There are, however, other less publicized facts concerning the history and procedures of the Cox Committee, the knowledge of which is essential to any public appraisal of the Committee and its work.

I do not wish to go into the matter of the $2,500 check Congressman Cox received from Radio Station WALB in Albany, Georgia, for "legal services" he purported to perform in connection with that station's application for a license from the Commission. This matter is now in the hands of the Attorney General and the facts are widely known to the public. The relation of that item to the origin of the investigation and the scurrilous remarks regarding the Commission which are made by the Congressman on the floor of the House even before the investigation began are likewise relegated to the background. At this juncture, however, one may well inquire as to the character of "judicial inquiry" which has developed from such a genesis.

The Congressional power of investigation is too essential an instrument for maintaining the health of our body politic to permit it to be prostituted for personal vengeance. Since the earliest years of our Congressional system, investigations have been the most thorough means by which the Congress informs itself on crucial topics, in order to legislate wisely and remedy abuses. But to the extent that the Congressional power is diverted to the personal and political purposes of the investigators, the Congressional investigative power is impaired. The constructive force of such an inquiry can rise little higher than the judicial quality of the proceeding; and the quality of the Cox proceedings is at such a level that it must be understood and remedied if the future Congressional power of investigation is to enjoy the respect and public confidence to which it is entitled.

From its inception the Cox Committee and its Counsel have abandoned any attempt at objectivity or constructive accomplishment. The principle of a full and fair presentation of all the facts has been rejected. Suppressing the true facts, the Committee has sought the headlines by twisting and distorting meagre evidence carefully calculated to do injury to the Commission and its personnel. Careful design is all too apparent.

The Commission has never been permitted to answer the irresponsible charges made, to make any statement through counsel or to offer any document in evidence. The procedural controls of the Committee are exercised to the end that startling news will be created and its publication assured, while evidence reflecting upon the validity of the story is completely smothered. Thus after six months of "investigation" and seven weeks of "hearings," the Committee has still not afforded the Commission an opportunity to answer any of the charges or to get a word in edgewise.

The other day a reporter who I am sure is sophisticated enough to know his way around, asked me why it was that the wee, small voice of the Commission was never heard at these hearings. He remarked that he knew of the Commission's answer to at least one of the pettifogging charges made at the public hearing, and that he could not understand why the Commission did not speak up. It was shameful, he said, for the Commission to allow such a distorted record to stand. I agree with him, but there is nothing apparently that can be done. We have demanded without avail an opportunity to be heard. Our pleas for a hearing have continually been ignored.

Observers at the Committee hearings have seen the Commission's representatives silenced, their proffers of proof rejected, and even the fact that the proffer was made stricken from the record. They have noted the oft-repeated Edgar Bergen-Charley McCarthy act in which Cox and his Counsel exchange speeches carefully prepared to emphasize the point which they desire the press to accentuate. In the hearing room the Committee's own hired press representative seeks to spur on the reporters. Adjournments and recesses are utilized to grasp the headlines and, indeed, to smother countervailing statements.

This procedure has, indeed, been reduced to formal rules. Thus on July 6, the Cox Committee in meeting assembled was offered the suggestions of an expert headline-getter for the control of the Committee procedures. The next day the Committee's Counsel, no doubt apprehensive that some member of the Committee might not appreciate the imporance of these rules, resubmitted them in ready reference form. These rules are so revealing that I quote them verbatim,

> "1.—Decide what you want the newspapers to hit hardest and then shape each hearing so that the main point becomes the vortex of the testimony. Once that vortex is reached, *adjourn*.
>
> "2.—In handling press releases, first put a release date on them, reading something like this: 'For release at 10.00 A.M. EWT July 6', etc. If you do this, you can give releases out as much as 24 hours in advance, thus enabling reporters to study them and write better stories.
>
> "3.—Limit the number of people authorized to speak for the Committee, to give out press releases or to provide the press with information to the *fewest number possible*. It plugs leaks and helps preserve the concentration of purpose.
>
> "4.—Do not permit distractions to occur, such as extraneous fusses with would-be witnesses, which might provide news that would bury the testimony which you want featured.
>
> "5.—Do not space hearings more than 24 or 48 hours apart when on a controversial subject. This gives the opposition too much opportunity to make all kinds of counter-charges and replies by issuing statements to the newspapers.
>
> "6.—Don't ever be afraid to recess a hearing even for five minutes, so that you keep the proceedings completely in control so far as creating news is concerned.
>
> "7.—And *this is most important:* don't let the hearings or the evidence ever descend to the plane of personal fight between the Committee Chairman and the head of the agency being investigated. The high plane of a duly-authorized Committee of the House of Representatives *examining* the operations of an Agency of the Executive Branch for constructive purposes should be maintained at all costs."

Although the rules themselves are the best evidence of the unfair character of this investigation, the vicious results their operation achieves invites a few supplemental remarks. For example, under Rule 1 the prejudgment of the Committee is made obvious. I would suppose an investigation of this kind would strive for the facts, not decide in advance of hearing what it wants "newspapers to hit hardest." Then, as if this decision were not enough, the Committee seeks to "shape" the entire hearing to this prejudged point. At this juncture the gavel falls. The decision to skirt around any facts that might prevent reaching a predetermined "vortex" is laid bare in Rule 1.

By Rule 3, the Committee "plugs leaks and helps preserve the concentration of purpose." Plugs what leaks? Preserves concentration of what purpose? Could it be that the Cox Committee has so shrewdly staged its proceedings to "grab the headlines" that it is now fearful lest its simultaneous secret proceedings and gagging of witnesses is likely to leak out? Or, is it merely fearful some of the facts which will refute the wild charges are likely to be anathema to the concentration of purpose?

Rule 5 is, of course, the most tainted of all. Not only are the "hearings" so-called, rigged to garner headlines and prevent any answer of Committee charges by the Commission but also the truth can be avoided if only the "opposition" can be outmaneuvered in press relations.

For the government agency investigated to be termed the "opposition" is something new. The press has a public trust to present the facts upon which the day's news is based; they as well as the Commission must have an interest in discouraging tactics of the Rule 5 type.

Rule 6 indicates to what degree "policy sits above conscience" in this Committee. Admonitions for short recesses to regain a lost position and to "keep the proceedings completely in control so far as creating news is concerned" seems hardly necessary in the face of the tight rules laid down. The rule shows that the Cox Committee is not taking any chances on losing complete mastery of the publicity and hence control of the "job" it started out to do on the Commission. Even though early warnings of what was to come were clearly visible still I cannot believe that Congress contemplated a procedure of this kind in its name.

Control of the public procedures and the publicity mechanism, while a hearing is denied, has been accompanied by complementary behind-the-scenes activity fitting into the same pattern. Early in the investigation the Commission discovered that various "witnesses" from the industry, from the Government, and from the Commission's own staff were being grilled by Committee Counsel in secret sessions. At these proceedings no member of the Congressional Committee has been present. The press and public have been kept similarly in the dark. Even the "witness," if not antagonistic to the Commission, has been refused permission to see or correct the transcript of his own testimony.

These "star chamber" proceedings by the employees of the Committee have been held in private hotel suites, in the private law offices of Committee Counsel and his personal associates, and in other places of seclusion. On occasion, the attendance of "witnesses" at such places before these Committee employees has been compelled by subpoenas issued without any authority of law. This unlawful procedure has been amplified by the Committee staff member purporting to place the witness under oath. Under these circumstances the "witnesses" have been grilled for hours on end and full transcripts of the "testimony" taken. The Commission has never been permitted to purchase or even to see a copy of those transcripts.

Reprehensible as the taking of this secret testimony is, the manner in which it is finally used is worse. When the witness is very antagonistic to the Commission and is not able to be present at the public hearings, only the most damaging parts are read into the record; any countervailing statements even of the same witness are studiously suppressed. When the witness of the "secret session" is a Commission employee, only those statements which appear to be damaging because read out of context are uttered for the public record.

After the witnesses who might be fair and state the facts as they really are have been culled out by these secret sessions, the anti-Commission witnesses who are sufficiently disgruntled are finally called to public hearing, and their secret testimony is used to force them to go at least as far in "public hearings" as they were cajoled or threatened to go in the closed session. That even these witnesses, hostile as they are to the Commission, are reluctant to go this far on the public stand is evident from the record.

The press, the public, and the Commission have a right to an open, impartial, and objective investigation which will not merely admit but also will affirmatively seek the full and true facts. If the Commission has on occasion erred, let the facts be fully known and the errors promptly corrected. Meanwhile, let's have an end to hearings which reach a "vortex" and then adjourn, before the full facts may appear, secret hotel-room seances, gags, intimidation, and "conclusions" released to the press 24 hours or more before the hearings are held. My interest here is of small concern; the public and the Congress have much at stake.

/s/ JAMES LAWRENCE FLY
Chairman, Federal Communications Commission

National Association of Broadcasters
1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.
September 10, 1943 SPECIAL LEGISLATIVE BULLETIN No. 16

Text of Address of Senator Ed Smith of South Carolina at 4th NAB District Meeting on FCC-Supreme Court Decision

(Following the speech text is the text of the resolution passed by the 4th NAB District broadcasters urging passage of radio legislation such as the White-Wheeler Bill by Congress. The broadcasters were assembled in Asheville, N. C., Sept. 3-4.)

"What hath God wrought" was the first message sent over the telegraph wires. It seemed then, that no greater miracle could be accomplished or imagined than the sending and receiving of communications over vast distances by means of small instruments and thin lines of wire.

But the radio with no visible connection between the sending and receiving apparatus, circles the earth in a flash. It carries not only messages but the voices and personalities of speakers on waves of ether—science working with God for the benefit of all mankind.

This miracle of radio is not simply a means of communication. It is a mighty medium of information, free expression and discussion.

Any effort to restrict or circumscribe it strikes a blow at one of our profoundest rights—the right of Freedom of Speech. It is a blow aimed at the Bill of Rights itself, America's most sacred document.

Such a blow, at our deepest liberties, has been dealt by a majority of the Supreme Court—Felix Frankfurter writing the majority decision.

There was before the court a question on the licensing of radio stations and on wavelengths. There was no question whatsoever before the Supreme Court concerning radio programs. But Frankfurter, in writing the majority decision, deliberately went far afield and embraced that question. In his decision he turned over to the FCC the control of radio programs, virtually giving them the power to determine who should speak over the radio and what they should say. A totalitarian government hardly could go farther than that in restricting free expression.

This he has done at the very hour when Americans have been sent all over the world to fight and to die for freedom of speech.

Frankfurter Prospers in America

It is passing strange that Felix Frankfurter, of Austria, should write a decision threatening American Freedom. He knows, by happy experience, what a glorious privilege it is to be protected by our splendid form of Government. For long years he has lived here and prospered well. He was educated in our colleges. He has been entrusted with office after office of dignity and influence. And finally he has been elevated, by the President of the United States, to the highest appointive position of trust and honor and power that this nation has to give. He knows what a tragic fate can befall a country whose liberties are dead. Prostrate Austria, his native land, in her misery and her shame, is his example and his proof.

It is with gratitude that I pay tribute to Mr. Justice Murphy who wrote the dissenting opinion and whom I now quote:

"By means of these regulations and the enforcement program, the Commission would not only extend its authority over business activities, but would greatly enlarge its control over an institution that has now become a rival of the press and pulpit as a purveyor of news and entertainment and a medium of public discussion. To assume a function and responsibility of such wide reach and importance in the life of a nation, as a mere incident to its duty to pass on individual applications for permission to operate a radio station and use a specific wavelength, is an assumption of authority to which I am not willing to lend my assent.

". . . We exceed our competence when we gratuitously bestow upon an agency, power which the Congress has not granted. Since that is what the court in substance does today, I dissent.

". . . Because of its vast potentialities as a medium of communication, discussion and propaganda, the character and extent of control that should be exercised over it by the Government is a matter of deep and vital concern. Events in Europe show that radio may readily be a weapon of authority and misrepresentation, instead of a means of entertainment and enlightenment. It may even be an instrument of oppression."

Calls Decision Roll

It is of vital importance to Americans everywhere that they know which men of the Supreme Court bench agree with Frankfurter and which men agree with Murphy.

Therefore I shall call the roll of the Supreme Court.

Mr. Justice Black and Mr. Justice Rutledge took no part in this decision. Justices Reed, Jackson, Stone and Douglas agree with Mr. Frankfurter. Mr. Justice Roberts agrees with Mr. Justice Murphy in upholding freedom of speech. What a valiant but what an alarmingly small roll of honor!

It is the duty of Congress to re-enact a radio bill, as promptly as possible, to nullify this dangerous court decision.

This bill must be clear, strong and forthright. It must state plainly the scope and the limit of the powers to be delegated to the FCC. It must leave no loophole for broad interpretation of authority. This bill must guard and protect America's dearest freedom.

Our fighting men have left this sacred heritage in our keeping. We will betray them if we do not guard it with all our might!

What price freedom for the world if American freedom be sacrificed!

Remember Americans all—"Eternal vigilance is the price of liberty!"

4TH DISTRICT RESOLUTION

5) Resolved: That the membership of the Fourth District of the NAB, comprised of the owners and managers of radio stations in North Carolina, South Carolina, Virginia, West Virginia and the District of Columbia, view with alarm the possible effect of the May 10th decision of the Supreme Court of the United States, holding that the FCC was endowed with heretofore unsuspected, expansive powers.

Be it further resolved that the membership of this Fourth District, in conjunction with other members throughout the United States, urge the Congress to adopt legislation which will definitely and clearly prescribe the powers which they wish delegated to the FCC and that the first step in obtaining this legislation be taken immediately by the United States Senate through the passage of the White-Wheeler bill or such other legislation as will provide for the security and safety of a free radio.

National Association of Broadcasters

1760 N STREET, N. W. * * * * * * * WASHINGTON 6, D. C.

September 17, 1943 SPECIAL LEGISLATIVE BULLETIN No. 17

Hearings of the Select Committee Sub-Committee to Investigate the Federal Communications Commission Continue

(The following reports are written in news style in digest form because the volume of material transcribed has grown to proportions beyond the means of NAB to reprint verbatim. The digest is objective and contains the full sense of each day's hearings. Should any station manager wish the full transcript of the hearings, information as to cost may be obtained from Althea Arceneaux, Shorthand Reporter, 1060 National Press Building, Washington, D. C.)

TUESDAY, AUGUST 24, 1943

Testimony of Berta Wurm, translator and secretary at station WBNX, taken by the Select Committee counsel June 16, 1943, was read into the record by Committee Counsel Eugene Garey.

Miss Wurm's testimony showed she had been interviewed by the New York office of FCC (Mr. Fenner, Mr. Guest and others) four times in 1943 and had been questioned about her own background and the backgrounds and political beliefs, etc., of several persons at station WBNX.

Lido Belli (Rizzieri Belli), radio producer, was called to the stand.

Biographical questioning established that Mr. Belli came to America in 1926 and first got into the radio business as an announcer, then became a free-lance producer in 1933. On December 9, 1941, he was taken to Ellis Island as an enemy alien and kept there 13 days, being released on parole to W. C. Alcorn, manager of WBNX, as related previously in these transcripts, following clearance of suspicion from Mr. Belli by the U. S. Attorney General.

Several memoranda then were introduced by Mr. Garey from the FCC files showing that FCC and OWI personnel (Mr. Falk, Mr. Jett, Mr. Fly and Mr. David and others) were actively interested in 1942 in Mr. Belli and these files indicated that Mr. Belli was a pro-Fascist in the opinion of FCC people.

As reported in the testimony of Mr. Alcorn previously, Mr. Belli confirmed that he was called to Ellis Island in August, 1942, and told to cease all broadcasting activities. Mr. Belli said he lost more than $90,000 by being kept out of business for the succeeding eleven months. He vigorously acted to determine why he was put off the air and did get clearance from the Office of Censorship and help from Congressman Marcantonio of New York. The name of Duccio Tabet, WOV censor, entered the testimony in the various memoranda, with Mr. Garey observing pointedly the "Committee will learn more (about Tabet) this week."

OWI Instructs Belli

Longest report showing alleged pro-Fascist tendencies of Mr. Belli was written by Mrs. Hilda Shea of FCC to Nathan David, also to FCC, on December 24, 1942, and goes into considerable biographical and business detail. Mr. Belli denied all the charges so alleged.

Mr. Belli testified that at Congressman Mercantonio's suggestion he went to OWI and saw Mr. Cranston, Mr. Falk and Mr. Facci, who advised him to fire people he had on his payroll and to hire people they recommended and to put more pro-democratic material on his programs. They said Mr. Belli's parole would be altered so he could again conduct his business. Mr. Belli hired a man whom the OWI people recommended and fired Hugo Neri, whom the OWI people wanted fired. Mr. Belli in April, 1943, sent a communication to the FCC in which he reported on the changes he had made in his staff per request and suggestion of OWI—in May his parole conditions were modified and all activities against him ceased. Mr. David interjected the comment at this point that the same letter text was sent OWI, OC and the Department of Justice.

After determining that Mr. Belli and his staff were thoroughly investigated by FCC personnel in January, 1943, Mr. Garey excused the witness and the session adjourned.

WEDNESDAY, AUGUST 25, 1943

Counsel Garey opened the session by reading into the record more material from the FCC files on Lido Belli, which disclosed, among other revelations, that the FCC had interviewed 50 persons and consulted 21 publications and agencies in the Belli investigation.

Renzo Nissin, WBNX newscaster and censor, was called to the stand. Questioning by Mr. Garey and Representative Cox determined that Mr. Nissin had come to America in 1938 and was not a citizen, but had been employed by OWI in 1942. Mr. Garey said the Congressional Record of June 17, 1943, it was revealed that OWI hired 417 aliens with salaries ranging from $3,800 to $8,000.

Nissin Takes Over

After some difficulty making a living, Mr. Nissin testified he went to work at WHOM with an Italian broadcast and as a script writer, both jobs coming under a dramatic company working at the station and not on the station staff.

Mr. Nissin in 1942 was employed by OWI to write pro-democratic programs in Italian, material for which was largely furnished by OWI sources.

The testimony established that after Mr. Nissin received the letter from Mr. Belli requesting an interview (The OWI had recommended that Mr. Belli hire Mr. Nissin) Mr. Nissin went to Mr. Belli's office and was shocked at the story Mr. Belli told him about the trouble Mr. Belli had had. In answer to Mr. Garey's question as to whether Mr. Nissin was "amazed to think that a situation (Belli's) like that could obtain in free America" Mr. Nissin said he was. Mr. Nissin said he censored and wrote most of Mr. Belli's programs and in general was in charge of Mr. Belli's broadcast operations. Questioning then revolved around Mr. Nissin's activities, persons he hired (after clearing them with FCC and OWI) and his connections with OWI—i.e. he had a lot of friends among the employes of the Overseas branch. Mr. Nissin discharged only one man and him on the grounds he was incompetent, testimony recorded.

Lengthy questioning concerning Mr. Nissin's interests in the Belli matter brought out that Mr. Nissin regarded Mr. Belli very highly and recommended to OWI that Mr. Belli be allowed to return to his business.

Following luncheon recess, Mr. Garey read into the record the statements of Bernard Fiedler, Casimir and Florence Jarzebowski, Michael Kecki, Natalie Lesmewski, Martha Ley, Tadeusz Sztybel and Eleanor Zablotowiscz, all of station WHOM. Statements were taken by Select Committee Council McCall on June 17, 1943.

FCC Investigations Thorough

Principal point established in all these statements was that the FCC examination of the WHOM people, conducted by Mr. Fenner and company, was extraordinarily thorough, going into complete biography, religion, political beliefs, information concerning friends and relatives and acquaintances and other data on each person questioned.

William I. Moore, of WBNX, was the next witness called. He was identified as Mr. Alcorn's (WBNX manager) assistant.

Mr. Moore outlined in detail the FCC investigations of WBNX conducted in May, June and July, 1942, characterizing them as "a most comprehensive investigation of the station's activities of every imaginable character." Testimony also referred to the FCC questionnaires WBNX filled out in the spring of 1943 (forms 850-51-52).

Other points confirmed Mr. Alcorn's testimony at the previous hearings on the George Brunner matter. After an exchange of questions and answers concerning Mr. Moore's contacts with Frances Keene, about which Mr. Moore's recollection was very poor, he was excused.

Ralph N. Weil, manager, WOV, was next on the stand.

Mr. Weil, following a brief exposition of his business career, was asked by Mr. Garey to present some exhibits and a report on WOV's public service work from January, 1942, to the present, which showed WOV had spent about $286,000 in time and cash on this service in that period. A number of awards WOV had received also were exhibited, including a letter from Neville Miller, NAB president, and the award given WOV by NAB at the Cleveland convention.

After this display of WOV's services, questioning suddenly centered on Mr. Weil's lack of memory concerning details of a conversation Mr. Weil had had with Harold La Fount of the Bulova interests the day following Mr. La Fount's testimony before the Select Committee counsel. Mr. Garey charged that Mr. La Fount spoke to Mr. Weil about this testimony and Mr. Weil said he couldn't remember, but he didn't think that was so. The entire matter revolved around who recommended Arnold Hartley (WOV program director) to Mr. Weil when he hired Mr. Hartley.

Mr. Garey indicated Mr. Weil was not telling the truth and the hearing adjourned until the next day after Mr. Weil had requested permission to confer with his lawyer. Mr. Weil was directed to return the next morning by Representative Cox.

THURSDAY, AUGUST 26, 1943

Testimony of Arnold Jaffee, Hershl Levin, Boleslaw Rosalak and Ona Valaitis of station WHOM was read into the record by Mr. Garey, as taken by Mr. McCall, Select Committee counsel, June 17, 1943. This material was a continuation of the FCC examination of WHOM staff personnel, referred to in the foregoing day's transcript.

Mr. Garey then read letters from Chairman Fly, FCC, to the FBI and military personnel requesting and giving information concerning foreign language broadcast personnel, particularly George Brunner, of WBNX. Mr. Garey made the point that Mr. Fly's concern about Mr. Brunner more than seven months after Mr. Brunner was off the air was to "find justification for what they (FCC) had done" in putting Mr. Brunner off the air.

Duccio Tabet, censor and translator of WOV, was called to the stand.

Tabet and the Lord's Prayer

The customary biographical questioning revealed that Mr. Tabet had come to America in September, 1940, and had organized a group, consisting largely of Italian refugees, called "Free Italian Youth," which was to help the United Nations fight Fascism and to establish a democratic government in Italy.

Questioning then turned to Mrs. Tabet and a speech she made before the Cooper Union rally in July, 1943, in New York. Mr. Garey attempted to learn whether Doctor or Mrs. Tabet had Communistic leanings, which Doctor Tabet denied. He said he and his wife were interested in going back to Italy as soon as possible to help in establishing a democratic government there.

Lengthy questioning followed concerning Doctor Tabet's connection with WOV. He began work for WOV in December, 1941, and his wife got some work through Short Wave Research, Inc., and their acquaintance with many of the people mentioned many times in these hearings began, including Mrs. Keene, Mr. Colombo, Mr. Hutton (WOV program director) and others.

Not getting much satisfaction in trying to establish that Doctor and Mrs. Tabet acted as informers for FCC, Mr. Garey then turned to a detailed examination of Doctor Tabet's duties as a censor of programs, going into the content of a memorandum Mr. Hutton and Doctor Tabet prepared in April, 1942, containing censorship instructions to the Italian program staff.

It was at this point that the "Lord's Prayer" exchange occurred, so widely picked up by the press in reporting the hearings. It appears that Doctor Tabet had censored a Christmas script of 1942 and had deleted a passage which could be taken to advocate forgiveness for Fascists—a passage very similar to the Lord's Prayer passage which reads "Forgive us our trespasses as we forgive those who trespass against us. . . ."

Garey vs. Tabet on 'Peace'

Mr. Garey set up the parallel between the passage Doctor Tabet deleted and the Lord's Prayer phrase, but Doctor Tabet said "we can't make a comparison of a prayer and a commercial announcement."

Mr. Garey then pressed home hard the charge that Doctor Tabet had no right to censor a basic principle of the Christian religion in free America, with Doctor Tabet defending himself on the point that he had the right to censor something he thought could be misinterpreted.

It was pointed out that Doctor Tabet also had censored the phrase "and peace on earth to men of good will," because it did not include mention of the American victory. This item was worried over at some length with Doctor Tabet trying to fix his defense on the commercial aspect of the program, which made it "not a religious program" and Mr. Garey driving ahead on the deleted sections and Doctor Tabet's competence to censor religious principles.

After luncheon recess, Mr. Garey inserted into the record information on Mario Ferrari-Hutton, program director of WOV, which concerned biographical data and business history. He came to America in 1940.

Arthur Simon, general manager, WPEN, was called to the stand.

Testimony taken from Mr. Simon by Select Committee personnel on August 12, 1943, was read into the record. Biographical and business data were recorded, then the transcript switched to Mr. Simon's contacts with Andre Luotto, who had figured largely in previous days' hearings.

Mr. Simon's remarks about Mr. Luotto indicated he was a good businessman and a gentleman and so far as Mr. Simon knew, a loyal and patriotic American.

Mr. Garey then examined Mr. Simon concerning Mr. Luotto's efforts to clear himself and his brother S. Luotto and their contacts with Mr. Simon at that time (see Legislative Bulletin No. 14) and Mr. Simon largely confirmed the substance of Mr. Luotto's testimony, with some corrections.

Simon Says 'Outrageous'

Considerable testimony relative to Mr. Simon's work with the Foreign Language Wartime Control Committee was introduced, including reiteration and confirmation of previous transcripts in the hearings about Mr. Simon's and the Committee's involvements with OWI and FCC on censorship matters. References were made to Mr. Lang's (WHOM) troubles with FCC in getting a permanent license and also other foreign language stations, all material which has been covered in previous hearing sessions.

Completing this reading, Mr. Garey next introduced testimony taken from Mr. Simon by the Select Committee staff on August 23, 1943.

This testimony began with references to the NAB Cleveland convention foreign language broadcasters' breakfast at which Mr. Falk of OWI spoke. Mr. Simon was asked if he recalled Mr. Falk "harping" on cleaning up the foreign language stations on threat of losing licenses if it wasn't done. Mr. Simon confirmed this and said he "hit the ceiling" and got up and said Mr. Falk's allegations and remarks were "outrageous." The testimony then went on to cover certain contacts Mr. Simon had with Chairman Fly about foreign language committee cooperation and the business of a couple of committee meetings in Washington, business of which was routine, and also covered some complaints A. Luotto made to Mr. Simon on several foreign language people falsifying information on their foreign language committee questionnaires.

Reverting to live testimony, Mr. Garey asked Mr. Simon about his feelings concerning the Mazzini Society (anti-Fascist group) and Mr. Simon said he wouldn't have any part of it on his station.

Tabet Resumes Testimony

Duccio Tabet was recalled to the stand.

Mr. Garey read into the record a broadcast script titled "The Face of Jesus and the Face of Judas" which Doctor Tabet censored the name "Judas" out several times, which Doctor Tabet explained by saying the Italian word for Judas "Giuda" means "Jew" and he didn't want the script to mean "Jew" when it meant "Judas."

Mr. Garey next jumped to a program on which music composed by Vincent De Crescenzo was featured, asking Doctor Tabet if he had forbidden music by this man to be played over WOV. Doctor Tabet denied this.

A report Doctor Tabet made "on his own initiative" to FCC recommending that WOV have some additional pro-democratic programs was then introduced in which criticism of some of WOV's program was recorded. Mr.

Garey developed the observation that Doctor Tabet voluntarily made suggestions and recommendations about WOV programs to FCC people.

Summing up the testimony given by the three censors, Doctor Tabet, Giuseppe Lupis and Renzo Nissin, Mr. Garey said that while the FCC investigated the personnel on foreign language stations and found fault with many innocent persons, FCC allowed men to remain on stations engaged in the "practices and activities" of the three men mentioned—and Mr. Garey concluded his point on a possible need for action and legislation to remedy these matters.

Ralph Weil, manager of WOV, was recalled to the stand.

Unusual Managership

Opening up on the subject of why Mr. Weil hired Arnold Hartley, Mr. Garey established that Mr. Falk's recommendation on this was "important." Personnel of Mr. Weil's station who are aliens was next discussed with Mr. Weil revealing that he didn't know much about the background or political tie-ups in Italy of his alien people, or how they came to be hired or why.

Mr. Weil volunteered the information that he took up censorship matters with OWI for a year after Pearl Harbor because he didn't know which government body was officially designated to pass on those matters. To make sure, he asked everybody (OWI, OC and FCC) about his problems.

Relations Mr. Weil had with A. Luotto were gone into with Mr. Weil corroborating substantially the testimony given by A. Luotto (see Legislative Bulletin No. 14). Mr. Weil said the only reason he didn't put S. Luotto on WOV was because S. Luotto had been removed by another foreign language station (WGES) and it was a gentleman's agreement among foreign language stations not to hire a man removed from another station—and, further, Mr. Weil had not investigated at all and refused to honor Censorship's clearance of S. Luotto. Still further, on the stand today Mr. Weil still didn't know whether he would permit S. Luotto to broadcast beginning September 1, 1943, but agreed to notify the Select Committee of his decision at Mr. Garey's request.

Mr. Garey read a report written by Mr. Weil to Mr. Guest of FCC made March 10, 1943, in which Mr. Garey said Mr. Weil laid down completely before FCC to curry favor.

Others Investigated

At this juncture Mr. Garey read into the record statements taken by the Select Committee staff from George Brunner, Mario Capelloni and Ruth Parsey, of WBNX; Peter Novassio, Giuliano Gerbi, Paola Sereno and Tullia Calabi Zevi, of WOV; Susan Pascal, secretary to Lido Belli, and Joseph de Laurentis, radio artist. (Mr. Novassio is not with WOV at present.)

Inasmuch as George Brunner has been mentioned so much in these transcripts, it is offered that Mr. Brunner's testimony showed Mr. Falk had told him in June, 1943, that Mr. Falk was doing everything he could to get Mr. Brunner back on the air (he was a salesman then) and that Mr. Brunner had been taken off the air for two reasons: 1. voice inflection, and 2. a newscast delivered by Mr. Brunner on December 15, 1941, didn't correspond with the English text. A citizen, who came to America in 1923, Mr. Brunner also testified he went through the same grilling by Messrs. Fenner and Guest as to his life, background, relations and friends, political beliefs, etc., that other personnel listed in this week's hearings had.

Mario Capelloni was given the usual thorough FCC questioning as above. In the case of Joseph de Laurentis, he related a great deal of trouble getting his name mentioned on WOV because Doctor Tabet "scraped" it off scripts. He also was "blacklisted" by some government agency, he didn't know which, for a while and was off the air, but everything was finally straightened out some time after an FBI investigation of him. He has been a citizen since March, 1915.

Giuliano Gerbi testified he gets $50 a week from WOV as announcer, $30 a week from NBC as translator and announcer and $3,800 annually from OWI for the same kind of work. He came to America to stay in 1940 and filed citizenship papers, and he also got the FCC going-over—twice in a few months.

Tabet 'Too Strict'

Peter Novassio said he became a citizen in 1926. His testimony included the information that Doctor Tabet and Mr. Hutton had refused to allow music of Mr. De Crescenzo to be played on WOV, charging him to be pro-Fascist. Mr. Novasso said Doctor Tabet was too strict and was trying to make rules in America like the Fascists did in Italy.

Ruth Parsey was grilled by FCC, principally about Mr. Brunner. So was Susan Pascal, who got the works on not only her own background, etc., but on her boss (Mr. Belli), trying to find out about his beliefs, conversations, etc. Miss Pascal said Mr. Fenner outright called her a liar twice.

Paola Sereno was asked about "plenty of people" and also plenty about himself, by the FCC questioners, so he testified. In a second examination by the Select Committee, Mr. Sereno was asked about the OWI program "Your Uncle Sam Speaks," for which he was a translator—he described the show and told of his taking part in the cast once.

Tullia Zevi was questioned at length on her background and that of her husband, Bruno, now overseas, by the Select Committee staff. It developed she and her husband and Professor Sal publish a little anti-Fascist magazine titled "Querderni Italiani." She is also monitor and censor at WOV working under Doctor Tabet. Asked about the "Judas" incident, she gave the same answer that Doctor Tabet did—that "Judas" sounds much like the Italian "Judi" for "Jew." She came to America in 1939 and has filed first papers. Considerable questioning about her duties and business relations with Mr. Hartley and other WOV personnel was recorded, how she was hired, what Mr. Weil does, etc.

FRIDAY, AUGUST 27, 1943

Rep. Edward J. Hart presided in the absence of Representative Cox.

Hugh Reilly, Select Committee counsel, opened the final New York session by calling Harold La Fount, vice president, Wodaam Corp. (operator of WOV) to the stand.

Mr. La Fount, it was established, came to America from England when a child, became a resident of Utah and a Mormon bishop and was a member of the old Federal Radio Commission. He is now president of the Independent Broadcasters' Association, consisting of about 100 "very small" stations.

Mr. La Fount, it was recorded, owns an interest in WORL, WCOP, WNBC and WELI and supervises WOV and WPEN. Questioning devolved around Mr. La Fount's business duties in the stations and his operations in them.

The Andre Luotto case was taken up (see Legislative Bulletin 14) and Mr. La Fount admitted that Mr. Luotto's character was "very satisfactory." Mr. Reilly asked Mr. La Fount about his acquaintanceship with Washington people, particularly the FCC personnel, most executives and Commissioners of which he knows. Mr. La Fount stated he is contact man between the IBA and the FCC, but is not a "lobbyist."

Mr. La Fount confirmed in essence the testimony A. Luotto gave the Select Committee concerning the contacts he and his brother, Stefano, had had with Mr. La Fount.

Mr. Reilly then questioned Mr. La Fount as to whether he had ever hired anyone besides Mr. Hartley at OWI's recommendation on any of his stations and he said no.

OWI Charged

Mr. La Fount admitted discharging personnel because of suggestions from OWI, even though in one case he was convinced the person involved should not have been fired, and that in three cases Mr. Simon (of WPEN) keenly resented firing them.

Mr. La Fount admitted knowing Chairman Fly, Governor Case and Commissioner Craven of FCC better than any of the other Commissioners.

The matter of the transfer of WOV from the Bulova interests to the Mester Brothers came up as related in A. Luotto's testimony. Mr. La Fount testified that he knew nothing about FCC's objection to A. Luotto until after the application for transfer had been filed and set for hearing.

Mr. Garey interrupted Mr. Reilly's questioning after a brief recess to introduce four letters bearing on the Alfonso Vanacore (Ugo Neri) case in which Messrs. Falk, Cranston and Facci of OWI had directed Mr. Belli to put Mr. Vanacore off Mr. Belli's programs. Mr. Vanacore had been trying to get the ban lifted and the letters dealt with clearances given him to return to the air from OWI, FCC and OC. OWI and FCC disclaimed jurisdiction in his case and OC said it never had entered the matter. Mr. Garey made the point that Mr. Vanacore still is not on the air and won't get back because of OWI and FCC.

Mr. Reilly resumed questioning Mr. La Fount, who said he had misunderstood previous questioning and that Mr. Hartley's name was not on a list of recommendations for program director for WOV submitted by OWI.

Further reference to the WOV sale was made and Mr. La Fount confirmed A. Luotto's testimony about the PM story (protesting against transfer of WOV to A. Luotto and the Mester Brothers), and the subsequent events which led to the dropping of the application request without prejudice by the FCC.

A staff memorandum sent to Mr. La Fount by Chairman Fly of FCC on May 27, 1942, was introduced.

FCC Dislikes A. Luotto

This memo very definitely listed A. Luotto as a major factor in viewing the transfer in an unfavorable light by FCC plus the factor that the Mester Brothers Company itself was not even up to the FCC's "minimum standards" for station operator qualifications.

Questioned as to the validity of this memorandum and as to his feelings about it, Mr. La Fount finally admitted that he thought Mr. Luotto was a good citizen and that he should be given a chance to "be heard" on the charges against him.

Mr. Luotto's testimony was again touched on and Mr. La Fount confirmed the gist of the meeting at which he and Mr. Luotto, FCC Counsel Telford Taylor, WOV Attorney Horace Lohnes and Mr. Taylor's assistant attended at which Mr. Luotto presented his story as related in Legislative Bulletin 14, following other details similarly as presented by Mr. Luotto.

Mr. La Fount said he had never seen any formal written objections on the WOV transfer filed by FCC, but had only got them by word of mouth. He confirmed the fact that the principal reason the application was withdrawn was because WOV attorneys had indicated a hearing would be a long, slow and costly procedure with a year at least elapsing before any action could be taken by the Commission and because of the complications mentioned by Mr. Luotto in his testimony.

Mr. Garey concluded the New York hearings by summing up that FCC set up a "Gestapo" which has violated the rights of individuals and that the material presented in the hearings was but a small part of the national picture, but that the Select Committee could study the great mass of unpresented material at its leisure.

Special Legislative Bulletin No. 16 contained the "Text of Address of Senator Ed Smith of South Carolina at 4th NAB District Meeting." In the interest of accuracy we point out, as stated in the NAB REPORTS, that "Senator Ed (Cotton Ed) Smith, of South Carolina, was scheduled as dinner speaker, but illness prevented his appearance. Mr. Shafto read Senator Smith's speech. . . ."

(The following letter was sent to Representative Cox by Gene T. Dyer and a copy was sent to NAB. So that the record may be complete we are glad to print in in this Legislative Bulletin.)

"The writer was downright flabbergasted to read in the September 3rd Special Legislative Bulletin of the National Association of Broadcasters the following:

" 'S. Luotto did inject the startling comment into the hearing that Gene Dyer, co-owner of WGES, during a conference with the Luotto brothers in Chicago on S. Luotto's situation referred to dealing with a combination like Hartley-David is like "having a (deleted by Dyer) contest with a skunk." Representative Cox attempted to have the witness "soften" the language, but S. Luotto stubbornly insisted that was what Gene Dyer said and so the chairman let it go.'

"This statement for your information and that of the Committee is *absolutely untrue*—and since it is so damnably hurtful to both Mr. David and Mr. Hartley, I feel it my duty to deny it most forcefully.

"I shall mercifully conclude that Mr. Luotto's misquotation of my words was a result of his 'unfortunate inability to understand the English language.'

"Shortly after the time of Mr. Stephano Luotto's dismissal from WGES, he visited me at my office together with his brother Andre and asked me to intercede with the FCC to restore him to the air. They wanted to arrange a meeting with a New York Congressman, Mr. David, Mr. Hartley and a number of other persons whose knowledge of him (S. Luotto) might prove Luotto's case for his return to the air. I refused to agree to this plan at the time and when pressed for an explanation I answered in this evasive fashion as I recall:

" 'I have not made up my mind in this matter at this time gentlemen,—and I've learned from my experience back on the farm that until I'm equipped with a shot-gun I'll never get into a perfume throwing (a less elegant term was used) contest with skunks.'

"There was certainly nothing of rancor or condemnation in my heart or mind for either Mr. David or Mr. Hartley. Mind you, Mr. Hartley was then in my employ and remained with us months afterward and left us of his own volition. And further I have never discussed the Luotto matter in any way whatsoever with Mr. David. It was certainly the furthest thing from my mind to have in any way impugned the character or standing of these gentlemen, nor could my statement as set forth be construed as reflecting on anyone. I was simply saying that until I was armed with facts I would enter into no argument. I hope your record will indicate this direct variance with the testimony of S. Luotto.

"There are other discrepancies in Mr. Luotto's testimony but since they tend to hurt only ourselves, I am making no issue of them.

"It is my belief, Mr. Congressman, that the interests of American broadcasting could well be served by proper revision of the Communications law as now written but it is also my belief that under the present radio law the close surveillance of radio stations even to the point of their personnel is a bounden duty of the Federal Communications Commission. I respectfully urge that this end (the modification of the law) be accomplished without indescrivate destruction of the lifeworks of men in the industry. With this purpose I know you agree.

"I am taking the liberty of sending a copy of this letter to Mr. David and Mr. Hartley and to the National Association of Broadcasters."

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

October 1, 1943 SPECIAL LEGISLATIVE BULLETIN No. 18

Text of Representative E. E. Cox's Resignation Speech and of Representative Martin J. Kennedy's Statement and Resolution Concerning Freedom of Speech and Radio . . .

Representative E. E. Cox of Georgia:

Mr. Speaker: For more than a year, now, I have been the object of bitter and scurrilous attacks.

Day after day the poison shafts of slander have been driven through my heart. Every effort to tear down and to destroy a reputation I have spent a lifetime in building has been put forth. All of this is something that I have been compelled to endure in silence. My hands have been tied—tied by the Chairmanship of a Select Committee of this House to investigate the Federal Communications Commission.

This Chairmanship has compelled me to maintain a judicial attitude which cannot longer be done in the face of the insults and the slander being hurled at me from day to day.

Mr. Speaker, that which is being dealt out to me is a sorry wage for service I have tried to render in the interests of my fellow men.

It is a difficult thing—a terribly difficult thing—for a man to sit silent under the lashes of slander and falsehood such as have been laid upon me. But so long as silence appeared to be in the best interest of the operations of the Select Committee of which I am the Chairman, it was the part of wisdom and good administration for me to do so.

The first consideration must be the integrity and effectiveness of the Committee of which I am chairman. The utterly baseless attacks upon me have beclouded the real issue of whether the Federal Communications Commission has been guilty or not guilty of the acts of maladministration, with which it has been charged and which this Committee was directed by the House to investigate. The House and the country are deeply concerned to ascertain the facts about the Federal Communications Commission without prejudice and free of personal controversy.

As long as I am connected with the investigation it is obvious that the effort will be made to divert public attention from the real issue, alleged maladministration of the affairs of the Federal Communications Commission to a personal controversy.

In my judicial career when a case arose in which my own personality was involved or my impartiality was questioned it was my practice to eliminate myself from the trial of the case. While such a custom does not prevail in investigations by legislative bodies, I have never the less reached the conclusion that in the light of the circumstances and the nature of the controversy in this instance, I may well follow that course.

The truth of this personal controversy and my complete vindication will come at another time and in another way. It cannot be attempted on this floor in the limited time I have at my command and this is not the time for such an effort.

I do want to say to you, Mr. Speaker, that I face my colleagues in this House—those who have known me and who have been my warm and cherished friends over the years—with an absolutely clear conscience. The work of the Committee has begun and it must be completed. The evils at which the inquiry is directed must be eradicated. Unless this is done one of our most cherished freedoms will become but an empty phrase.

Mr. Speaker, this is a hard thing for a man to do. It is an unhappy thing for a man to have to do and if my own interests alone were at issue I could not do it. But, Mr. Speaker, the first duty of every member of this House is to consider the welfare and the effectiveness of the House itself. Its interests are incomparatively greater than the interests—even the right of justice—attaching to an individual member. The next duty of a member of this body is the welfare of the various instrumentalities it creates to carry out its will—whether those instrumentalities be independent agencies or standing or select committees. Any member who loves this body as we all love it, who takes pride and deep satisfaction in being a part of its honored membership must put before himself, before his own interests, before even justice to himself the best interests of the House. Consequently, the action I take today is based solely upon my conscientious and deep desire to live up to the most sacred obligations of this body and to my oath as a member of it.

Mr. Speaker, moved by these considerations and fortified by the concurrence of friends in this House in whose friendship and judgment I have the utmost confidence, I tender my resignation as Chairman of the Select Committee to investigate the Federal Communications Commission. Its work thus far has been well done. Its membership is excellent. Its staff is composed of men and women who are able, conscientious and skilled in the work they have undertaken. This Committee must continue its work under a new Chairman freed of any possible embarrassment of my personal problems or controversies.

I thank you for the honor of having named me Chairman of the Commitee and for your expressed confidence in my administration of its affairs. I urge the House to support, to continue and to stand solidly back of the work of the Committee under its new chairman, whoever he may be.

So far as I am personally concerned my love and admiration for this House, my devotion to its ideals, make it a matter of pride with me, that I, one of its members, efface myself so that the work of one of its committees may go forward. Let no man mistake me. I shall continue to make the fight where I find it. I leave the Well of this House today with my head unbowed and with my devotion to my duties undimmed.

From the Office of Rep. Martin J. Kennedy (D) 18th District, New York

Radio has become such an important factor in the shaping up of public opinion that there has been a tendency by Government officials, broadcasting high officials and various organizations to impose a direct or indirect censorship on radio discussions. Such censorship is not in the interests of the development of a free American public opinion.

The American people are able to formulate their own judgments. They must have their information brought to them without interference from those who do not entertain the true value of the public mind, established by our successful history founded on the judgments of all Americans after free public debate on the numerous issues solved during the course of this country's life.

The more serious tendency toward censorship lies in the efforts to make our Courts lean towards censorship restrictions on radio communications because broadcasting for physical reasons is necessarily subjected to a licensing or a franchise system.

There really should not be any question but that the provisions of the First and Fourteenth Amendments to the Constitution apply to radio. But, because of the tendency to differentiate speech through licensed communication from ordinary speech, as far as freedom is concerned, it has become imperative that Congress and the people speak more pointedly on this question through a referendum in the form of my proposed amendment.

I have purposely refrained from attaching directly new language to the First and Fourteenth Amendments because these two amendments are so sacred to the American people and now so succinctly express the basic American creed that any tampering with their form might be viewed as a profanation.

Freedom of religion, freedom of speech and a free press not only are the great objectives of our system, but are as well the guarantees of its continuance.

Americans are not a namby-pamby people. They can take strong stuff over the air just as they can give strong medicine to our enemies on the field of battle. The forthright leaders of the past—those men who guided America to its present high position—were never mollycoddles in the use of language and there is no reason for the belief that leaders on the air today should pull their punches in castigating inimical movements.

If a speech on the air offends a listener, the dial can always be turned away from the broadcaster who is offending as far as a particular listener is concerned. We want our broadcasting to be forthright and we want our facts accurately reported. We will pass our own judgments.

At present, through a filter system, composed of the Federal Communications System and those who control the licensed broadcasting systems, our broadcasting has been diluted to the degree where it has become so neutral as to be ineffective. We want strong speech from strong men on the air, not synthetic understatements from pulpiteering puppets. An example of the worth of strong free speech is in the broadcasts of Walter Winchell. He helped to awaken America to the danger of the Fifth Column and his sharp attacks on it over the air did much to destroy it. He aroused public opinion to such an extent that the work of the enemy in our midst has been ineffective. Censorship that would have stopped Winchell in these attacks would have been disastrous to the country.

There are other able commentators on the air who have fearlessly pointed out to the people things that were destructive and these men should not be hampered because higher-ups do not share their views or approve of their methods of expression.

America can only live while speech is free and the most important of all speech is speech by radio.

Following is a copy of my resolution, H. J. R.

H. J. Res. ——

**In the House of Representatives
September 30, 1943**

JOINT RESOLUTION

Congress shall make no law abridging the freedom of speech by radio or wire communication.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Constitution of the United States is hereby amended by adding the following article:

AMENDMENT 22—SECTION 1.—Congress shall make no law abridging the freedom of speech by radio or wire communication.

SECTION 2.—The provisions of any law, license or contract in violation of Section 1 hereof are hereby declared inoperative.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

October 22, 1943 SPECIAL LEGISLATIVE BULLETIN No. 19

Federal Communications Investigation

Statement By Clarence F. Lea

Chairman of the Committee

October 18, 1943

The House Committee for the investigation of the Federal Communications Commission held an executive session today for the purpose of passing upon the admissibility of certain statements taken at New York and also determine certain matters of policy to govern the deliberations of the Committee.

All of the members of the Committee, including Mr. Lea, Mr. Hart, Mr. Magnuson, Mr. Wigglesworth and Mr. Miller of Missouri, were present.

After a two-hour session, the Committee unanimously agreed on matters covered by this statement as follows:

Admissibility of Testimony

As appears from the record of the open session of this Committee, held in Washington on the 14th of October, the written transcripts of statements of four witnesses, taken on an investigation into Short Wave Research at New York during August and September, were requested to be embodied as testimony in the permanent record of the Committee hearings. As it further appears from the record of such hearing on the 14th of October, a question was raised as to the propriety of receiving this evidence on the ground that it was not taken before a member of the Committee. Thereupon, it was asserted that the Committee would use its discretion as to what part of such testimony would be received in evidence where hearings were private. It was then decided the Committee would consider the matter in executive session, and before such evidence was sent to the printer.

Pursuant to this understanding, this Committee met today to consider methods of procedure of the Committee and also the question as to whether or not the offered statements should be received in the records of the Committee. After looking into the matter, it appears that part of these statements were made in the absence of any Committee member and at a private hearing.

After considering the admissibility of this testimony, the Committee has reached the conclusion that under H. Res. 21, as adopted by the House of Representatives, and under which this Committee is operating, hearings can be conducted only by a member of the Committee, and the presence of such member during the whole of such hearing must be regarded as within the intendment of the resolution.

It appears that the statement of two of these witnesses was taken without the presence of any member of the Committee at any time, and that in the case of one of the other witnesses a Committee member was in attendance only part of the time.

The Committee has decided as a matter of policy to admit testimony taken in the presence of a member of the Committee in charge of the hearing, and to reexamine the witnesses whose testimonies were not given at a hearing at which an authorized member of the Committee was present.

The witnesses whose testimonies were not given at a hearing in charge of such a member will be brought before the Committee for further interrogation, after which any question of the admissibility of the testimony of such witnesses will be determined.

After consideration, the Committee finds that the three letters offered in evidence and marked "Exhibits 21, 22 and 23" for identification are relevant to the issue involved and properly admissible. The letters are, therefore, received in evidence.

Procedure

All hearings of the Committee shall be presided over by one of its members.

All hearings shall be open to the public, unless, because of military secrets or other public interest, the Committee shall determine to meet in executive session with a quorum present.

The Federal Communications Commission shall be notified in advance of all hearings.

Oaths shall be administered to witnesses by the presiding Chairman of the Committee at any hearing.

All witnesses shall testify under oath.

It is the purpose of the Committee to allow the Commission full opportunity to present, in due time, any facts relevant to the subject matter of the hearing.

Method of Preparing Analysis of Testimony

The Committee has arranged for an analysis of the testimony taken at the hearings to be made. Under this plan of analysis, citations will be made under three general headings as to each substantial accusation made against the Commission or its personnel.

The first head will include what are regarded as substantial accusations made against the Commission or its members.

Under the second head, the citation will be made to the various sections of the hearings which are claimed to support the accusations.

Under the third head, citations will be made to evidence in the record embracing denials, explanatory and exculpatory matters in reference to such accusations respectively. Under this head the Federal Communications Commission may likewise make such citations.

National Association of Broadcasters
1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.
October 29, 1943 SPECIAL LEGISLATIVE BULLETIN No. 20

White-Wheeler Bill (S. 814) Hearings Set For November 3; NAB Legislative Committee To Meet November 2; Bankhead Bill Reported Favorably Without Radio; Pengra and Arney Heard

Chairman Wheeler has announced that hearings will commence on the bill to amend the Communications Act of 1934, November 3rd, before the Senate Committee on Interstate Commerce.

Neville Miller has called a meeting of the NAB Legislative Committee for November 2nd to consider testimony to be given at the Wheeler-White hearings and to consider other legislative matters.

Bankhead Bill to pay for Government newspaper advertising reported favorably without any major amendment and without including radio, by the Committee on Banking and Currency of the United States Senate, by vote of eleven to five.

The NAB presented testimony at the hearings. C. E. Arney, Jr., secy-treas. of NAB, and Marshall Pengra, chairman of the Small Market Stations Committee of NAB, testified. After giving an outline of the organization of the National Association of Broadcasters, Mr. Arney said: "The immediate question before this Committee—namely that of paid government advertising, has been a subject continuously before this Board of Directors during the past two years.

"It first arose with respect to the activity of the Civil Service Commission in the recruitment of defense workers, shortly after the declaration of the emergency in the spring of 1941. It came to a head later in July of that year when the Navy launched a paid advertising campaign in behalf of recruiting. None of these funds was allocated to nor solicited by radio. After thorough discussion the Executive Committee adopted a resolution expressing its opposition to the use of Government funds for advertising. The following is the text of that Resolution, and I quote:

> "Resolved: In view of current trade publicity being given to a proposed advertising campaign in behalf of the Navy Department to be placed through one of the large advertising agencies, the Executive Committee feels that the purchase of time by defense agencies might tend to restrict rather than enhance the most effective utilization of broadcasting during the present emergency.
>
> "Therefore, we wish at this time to reaffirm the industry's desire to continue its present practice of making its facilities available at no cost to Government agencies engaged in promoting the national defense program."

"Subsequently the matter has come up in connection with various other government campaigns. Specifically, it was given extended consideration when S. 1073 was introduced. At that time the board reaffirmed the policy of the industry as being unalterably opposed to paid government advertising in any media.

"Some segments of the industry, fearing that a government policy of paid advertising might be adopted with respect to one medium the effect of which would be to introduce a manifestly unfair competitive factor in the advertising field to other media not included, have insisted that if it is to be the policy of government to buy advertising in any medium, then radio and other media most certainly should be included.

"Acting upon these expressions the board of directors at its meeting on June 3, 1943, adopted the following resolution and I quote:

> "Whereas, the broadcasting industry through the National Association of

> Broadcasters has opposed the acceptance of government funds for advertising or the acceptance of government loans or subsidy in any form, and:
>
> "Whereas, there is before Congress today proposed legislation which provides for the expenditure of government funds for advertising in newspapers,
>
> "Now, Therefore, Be It Resolved, that the Board of Directors of the National Association of Broadcasters reaffirms its former actions but does not take the position that if Congress contemplates such legislation every effort should be made to see that there be no discrimination as between the press and radio or any other media of communication, and
>
> "Be It Further Resolved that the Board of Directors direct its Small Stations Committee to determine what class or classes of stations should receive such advertising and take such other action as may be necessary to carry out the provisions of this resolution."

"In taking this position the Board of Directors felt compelled to defend the competitive position of radio advertising media. It will be noted that the resolution reiterated opposition to any paid government advertising. I may say parenthetically that this position was taken in full knowledge of the fact that many stations were faced with serious problems of falling revenues.

"The facts are that in 1942, 176 stations lost an average of $6,082 per year, and the average net earnings of 125 stations were $1,125 per station. Of these 301 stations 225 are in towns of less than 50,000 population. Those are the stations in the small markets as defined by the National Association of Broadcasters.

"Following the passage of this resolution by the Board on June 3, the Small Market Stations Committee, one of the National Association of Broadcasters standing committees, met. This committee represents the 382 stations operating in communities of 50,000 population or less. It was created at the 1943 war conference of the industry in Chicago. It is headed by Marshall Pengra, General Manager of KRNR of Roseburg, Oregon. Mr. Pengra is here today and I am going to ask him to give this committee a statement of the attitude as developed in the discussions which have taken place within the Small Market Stations Committee."

During the questioning which ranged all the way from rural coverage of radio stations to the handling of the world series broadcasts and controversial subjects, Mr. Arney pointed out in connection with the bill that approximately $180,000,000 worth of radio time has been devoted to the promotion of the war effort during 1942. Of this amount he estimated that approximately $130,000,000 was in sustaining time and the other $50,000,000 was included in commercial programs. He stated further—"here is the position that we take here—that we oppose any sort of paid government advertising. We feel that the present system has worked in a manner that is as effective as it can possibly work with perhaps the failure of the human equation.

"As matters stand today the Treasury Department has at its beck and call the advertising brains of this country through the War Advertising Council. The War Advertising Council places at the disposal of the Treasury Department the best men in writing copy both for radio and for printed media that there are to be had. They serve without compensation.

"Now if all those brains have not been able to conceive some sort of announcement or advertising program that will effect the results that you gentlemen here seemingly are aiming at—namely, the sale of more War Bonds, it is difficult for me in my own mind to see how you can accomplish it through the appropriation of money to the Treasury Department and the Treasury Department will then hire some agency to place this advertising, and it will have at its disposal the services of but one of the many agencies that are now serving it. So it is a matter that has been difficult for me to understand. In other words you have all the brains, you have all of the time on all of the stations, and you have presumably the space in many of the newspapers and printed media at the disposal of the Treasury Department. So far as radio is concerned, I think I can say without fear of contradiction that there has never been a time when the Treasury Department has asked for an announcement or broadcast that it has not been given."

The testimony of Marshall H. Pengra, General Manager of Radio Station KRNR, Roseburg, Oregon, and Chairman of the Small Market Stations Committee of the National Association of Broadcasters, is quoted below in full:

Statement of Marshall H. Pengra, General Manager of Radio Station KRNR, Roseburg, Oregon; and Chairman of the Small Market Stations Committee of the National Association of Broadcasters.

Mr. Pengra. My name is Marshall H. Pengra. I am general manager of Radio Station KRNR, Roseburg, Oregon, a town of 7,000 population. I have occupied this position since 1937.

I am chairman of the Small Market Stations Committee of the National Association of Broadcasters. In April of this year N. A. B. named a Small Market Stations Committee to meet at the National War Conference of Broadcasters in Chicago to consider their problems and make recommendations. The first meeting of the Small Market Stations Committee in Chicago resulted in a finding that stations in its classification were subject to a multitude of problems peculiar to smaller operation, and recommended a permanent committee to meet at once for further and more searching consideration of the problems.

The first regular meeting of the Small Market Stations Committee was held in Washington on June 12 of this year. It reported that the problem of securing increased revenue was the number one consideration of small market radio stations, and recommended that a complete study of all stations in this classification be started at once to determine the feasibility of attempting to set up a group-selling plan to interest national advertisers.

During this meeting, and pursuant to the resolution of the N. A. B. board which Mr. Arney read, our committee held an extended discussion of the Bankhead bill (S. 1073) in its original form, and these were our findings:

> 1. Small Market Stations hold with the industry's repeatedly expressed position. We oppose in principle the idea of government-paid advertising.
>
> 2. The Bankhead bill if passed discriminates sharply and viciously against the radio industry as a competitive advertising media in the same field with newspapers and other media, setting up an advantage gained not through merit on a free competitive basis, but by process of law.

As a result of these considerations and findings the committee declared that if the bill should pass, funds should be provided for all mass communications media in proportion to the use of such media by private industry, and in that connection suggested the appointment of an advisory committee to work with the Secretary of the Treasury, or any other government official or agency engaged in the allocation of such funds.

Gentlemen, this bill (S. 1457) as it now stands puts the Federal Government in the advertising field as a buyer, but not a buyer in the free and competitive sense of the word. The Government's advertising appropriation in terms of this bill specifies the purchase of newspaper space exclusively. By the accepted government buying rule in any field, the Government buys the best. That is the standard practice for the Federal Government of the United States—it buys the best to be had in war materials, food for its men, and in hundreds of other lines. If, through passage of S. 1457, the Federal Government buys advertising exclusively in the newspapers of the United States, that exclusive selection is serious discrimination against other media in the advertising field. It constitutes the highest endorsement of merit for service rendered. It says in effect, the Government always buys the best, and in advertising it buys newspapers exclusively.

And that represents our position.

Senator Bankhead. That is what the Government has been doing, but it has not been buying newspaper space.

Mr. Pengra. Yes.

Senator Bankhead. And it has not been buying radio time, do I understand you to say?

Mr. Pengra. No radio space has been bought by the Government.

Senator Bankhead. Then this is nothing new. That is all I wanted to ask.

Senator Danaher. Mr. Pengra, you designate the group for whom you speak as the Small Markets Radio Stations.

Mr. Pengra. Yes. We define those as stations operating in towns of 50,000 population or less.

Senator Danaher. In towns, do you say?

Mr. Pengra. Yes.

Senator Danaher. Do you try in any way to limit your designation by the amount of listening audience?

Mr. Pengra. No.

Senator Danaher. Is the designation which you have adopted one which is recognized as a descriptive term by the Federal Communications Commission in any regulation?

Mr. Pengra. No. This committee was formed originally in April of this year. To our knowledge other than its awareness of the existence of the committee, the Government has given no recognition of any kind.

Senator Bankhead. Is it an advertising agency?

Mr. Pengra. Is your question directed to this point, Is this group an advertising agency?

Senator Bankhead. Yes.

Mr. Pengra. This is a committee of stations within the National Association of Broadcasters.

Senator Bankhead. All right. No other questions.

The Chairman. In regard to the small markets stations, I will say this: I remember a particular case where a certain address was made by a distinguished person in opposition to a certain measure, and then the Senator favoring the measure asked for time. One Senator's remarks were broadcast throughout the network, but when the other Senator spoke I think he was limited to a very few stations. The other stations just would not take the talk. What is that attributable to? Could it have been due to the fact that the heads of the other small stations thought they did not want the public confused by hearing the opposition?

Mr. Pengra. I find it difficult to answer that question.

The Chairman. But that situation has occurred.

Mr. Pengra. Yes. But I shall attempt to answer your question as to what the various station managers might be thinking in that connection, by saying I would have no conception. It happens to have been the practice of our station in the past, so far as we have been informed in the past, to bring out both sides of any controversial issue. But in many instances we are not advised in advance that a talk is to be on a controversial subject. There may have been several of such subjects in the past, and as one of them you might say a discussion of lend-lease. Frequently not until we have heard the address do we have any way of deciding whether it is the introduction of a controversial subject or just a general explanation.

The Chairman. However, if an address is going to be contrary to the views of the person who is the owner or manager of the station, that person would have the opportunity to just cut it off.

Mr. Pengra. Answering your inquiry as to the ability of the owner or operator of a radio station to decline to accept, that is within the concept of the duties permitted by the F. C. C., yes. Let us take the case of a radio station manager who is confronted by a situation such as you suggest, and you suggest that he might prefer not to present the opposite side of a given issue because he personally opposes it.

The Chairman. Yes.

Mr. Pengra. There are no regulations that I know of to prevent that man from doing such a thing, unless it would be his own moral character and the respect he holds for the license by which he operates, which is granted by a governmental agency, the F. C. C. But I think that is the human element applicable to any field of communication media.

The Chairman. Do you not think you could provide a remedy for it in some way?

Mr. Pengra. That our committee could do that?

The Chairman. Yes.

Mr. Pengra. There are rules recommended by the National Association of Broadcasters for such procedure, which to my knowledge are as good as could have been arranged for so far, and one which my station—and I can only speak for my station—follows.

Senator Danaher. Is there not some effort within the industry to bring about an acceptance of those rules you are talking about?

Mr. Pengra. Yes, there is. But as Mr. Arney pointed out, there is no method by which the National Association of Broadcasters as an association can impose any penalty for failure to observe them.

Senator Danaher. Except not to cut them into the network in the first place unless they agree to take the refutation.

Mr. Pengra. The National Association of Broadcasters could impose such rules, but whether or not they would be accepted I do not know. You are speaking of network operation, and if the network as such agrees to that proposal, then undoubtedly the rule will follow through down to the individual station.

The Chairman. Do you not think the industry ought to try to enforce it, or do you want a law enacted on the subject?

Mr. Pengra. I am not sure whether I would want a law enacted on that or not. In the immediate consideration of it the only thing I can tell you for sure is gauged by my own operation. In the operation of my own station——

Senator Bankhead. Where is your station?

Mr. Pengra. It is in Roseburg, Oregon, a town of 7,000 people. Roseburg is in the southwestern section of Oregon, about 200 miles south of Portland. The operation of our station there is on the basis that when the Federal Communications Commission has given us a license to operate in the public interest, we are constantly vigilant to see to it that we shall be in the public interest in the just sense of the word.

Now, as I have said, I can speak only for my own operation in that respect. We consider it a very high privilege under the existing rules and regulations that govern the granting of radio station licenses, to operate a radio station in our community. We bend every effort toward giving the best and most considerate service we can in the public interest, without restriction.

Senator Danaher. At the same time you are subject to the very human limitation it would seem to me that if someone buys network time to advocate a given proposition, and then on the hour scheduled for the refutation there is a candidate for mayor in Roseburg, Oregon, who has purchased your facilities for that same period, and paid you with perfectly hard, round, good American dollars for that privilege, you are going to take his dollars, are you not?

Mr. Pengra. Senator Danaher, might I qualify that with this statement, that if it is a question of two groups, let us say one being a national network and the other a local presentation, both wanting to buy the same time, as far as we are concerned that group which has reserved the time first under the natural rules of business would be entitled to first use of the time. Then we can offer to the network group supplemental time for a later appearance, and that is our practice. But when you consider that the operation of a radio station must be in the public interest, both nationally as it may affect a network program, and also locally, the use of the station's facilities by the mayor of Roseburg as against a Senator, in the case you suggested, would not resolve itself into what we would like to do but which was first. That would be the problem in our town and it does occur.

The Chairman. Under the plan you have outlined, if your station were notified as to what particular side the individual was talking on, would that be of assistance in handling the situation?

Mr. Pengra. It would help to a great extent. Might I illustrate that by saying this: If we know that a controversial subject is to be discussed by a speaker, and if I were informed what side he would take, and then be assured that the other side will be heard, in the operation of our station in the public interest we will publicize the fact that such and such subject is to be covered. That is operating a radio station in the public interest.

The Chairman. Well, you seem to be very fair about it, but I am afraid some other radio broadcasting stations might be like a judge I have heard referred to, that after hearing one side he refused to hear the other side because it might confuse his mind. (Laughter.)

We thank you very much for your statement.

Mr. Pengra. And I thank you for the opportunity to be heard.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

November 5, 1943 SPECIAL LEGISLATIVE BULLETIN No. 21

Hearing on White-Wheeler Bill

(Consistent with the established policy of keeping the industry informed on the progress of matters vital to its welfare NAB will publish a series of Special Legislative Bulletins covering the White-Wheeler Bill Hearings. Wherever possible a digest of the testimony will be given. Since however Mr. Fly's testimony was not presented in the form of a prepared statement and most of the discussion was the outcome of questioning by members of the Committee this issue of the bulletin is largely a verbatim report of the testimony. It is followed by a brief resume of the high points of the testimony of November 4 which will be more comprehensively covered in later bulletins.)

The Senate Committee on Interstate Commerce, under the chairmanship of Senator Wheeler, opened its hearings on S. 814 (Wheeler-White Bill) Wednesday, November 3, with Chairman Fly of the FCC the first witness.

After outlining the important functions of the Commission, Mr. Fly drew a comparison between the Senate bill and the Sanders bill on which hearings were held during the 77th Congress and presented a cross reference to provisions of the Senate bill together with references to portions of his testimony which went back to that hearing. The testimony which followed is reproduced below:

I shall discuss the procedural provisions of this bill. As I found in the course of the extensive hearings in the House, the greatest interest was in the network regulations, and I shall merely outline the status of the network regulations as they exist today, and in terms of the procedures which lie in the background. And I shall make some comment upon the Supreme Court decision sustaining those regulations. Also, I will comment briefly on the new sections, that is, the sections not contained in the Sanders bill, which are sections 7, 9, 10 and 11, and which are primarily concerned with the problem of free discussion.

* The Chairman. I should like to ask you this question right there: Are the networks still operating?

Mr. Fly. Yes. The networks are still operating, and I think it may shock this committee, in view of the representations which were made to this committee, and I know were given serious consideration at that time, that the networks would be destroyed by the regulations; I say, it may shock this committee to say that the networks are making more money today than they have ever made. I think the past quarter was the most profitable quarter in the history of radio network operation.

Senator Reed. Is that due to the regulations, Mr. Fly?

Mr. Fly. I will say, Senator Reed, I think that is a very fair question. I do not think it is due to the regulations. I think the one thing that is clear is that the regulations have not impaired network operation in any particular.

Senator Reed. I agree with you upon that. Of course, their increased profit is, however, not a reflection of the effectiveness or lack thereof of regulation, but is due to business conditions.

Mr. Fly. It is consistent with the assumption that the network regulations offer a feasible and healthy mode of network operation. But I do not take the position that the network regulations produced the increased profits.

The Chairman. I realize, of course, the contention was that if these regulations went into effect the networks could not operate.

Mr. Fly. Now, that is right, sir. They in effect said the networks would be destroyed, that the regulations would be destructive of the feasibility of network operation. And in general there was a great cry of ruin and destruction that went up. Of course, that was extensively heard by this committee, and the networks were very energetic and competent in presenting that plea in the various forums, including the courts.

Now, the two major networks, and they are the ones that are making the most money today, have standing room only. They have that far consolidated their time on the air that the presidents of each of the big networks have seen fit to go off to Africa, and to parts unknown, for the time being. And I see no reason why they cannot. An office boy can run the network, and continue to drag in the money that floats over the counter. So I think that is a good illustration of the great concern which these people feel as to the welfare of their own business, and it comes down simply to one thing, I think, and that is that these two big networks want to get back into the same monopolistic practices they were in before, and want to control radio broadcasting stations in this country far and wide, and in the extensive detail which they did prior to these regulations.

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* "The Chairman" wherever appearing hereafter refers to Chairman Wheeler.

The Chairman. Right there let me ask you a question about one thing that has never been clear in my mind, and that is with reference to advertisers. Perhaps I should have asked this question of the representatives of the networks, and probably you won't be able to tell me, but do the large advertisers of the country make up their own radio programs, or do the networks make up such programs and then sell the programs to advertisers?

Mr. Fly. I think in the main, Mr. Chairman, advertising agencies make up programs. I think in times past, and that includes my own testimony here, we have given perhaps too little emphasis to that point. The advertising agencies, big powerful national concerns, have a tremendous control over network broadcasting in terms of programs. They have their program departments, and they originate shows, and they—

The Chairman. That is what I wanted to know. They originate shows, do they?

Mr. Fly. Yes.

The Chairman. Do they hire their own commentators or do the networks hire the commentators?

Mr. Fly. Both on the origination of shows and on the hiring of commentators the practice will vary somewhat from case to case, but I think in the main the sponsor hires the commentator. Then, often where the network does hold some control over the commentator, still in that event the sponsor exercises discretion in selecting him.

To give you a single example, Mr. Swing had made a contract with N. B. C. to make his services available to that network. Then through a series of negotiations the Standard Oil Company concluded to ask Mr. Swing to act as commentator on their program, and an arrangement was made with N. B. C. to release Mr. Swing and he appeared upon the Blue Network. Now, the sponsorship there is of the Standard Oil Company.

There are outstanding some instances where different people, and I think maybe not the networks but people connected with networks, have some sort of contractual relation with some commentators; and to a certain extent they own slices of them, very much as some agents may own a portion of a boxer.

The Chairman. Well, for instance, we will say a manufacturer, or the Standard Oil Company, or Ford, or General Motors, or a soap manufacturer such as Procter & Gamble, may put on their own show.

Mr. Fly. In the main that is true.

The Chairman. And they put on the kind of show they feel is most suitable for attracting the largest number of listeners to their program.

Mr. Fly. Well, in the case of the soap operas with the motive to get the greatest number of listeners, but some other sponsors may be more interested in getting across to listeners ideas which they want to get across.

The Chairman. For instance, in the case of a manufacturer who employs a commentator, he may want to get across the ideas that he wishes put across.

Mr. Fly. That is very true, and that is the reason I put in the qualification on the suggestion that they are simply trying to get the greatest audience. In that event they may place more emphasis upon the philosophy than they do upon the size of the audience.

The Chairman. So that a manufacturer who hires a commentator may want to get across his philosophy regardless of the public interest.

Mr. Fly. Yes.

The Chairman. In the main, one who puts on a show puts it on for purely financial gain to himself rather than for what is in the public interest.

Mr. Fly. That is true in too great a number of cases.

The Chairman. That is the reason, I take it, why we get so much tinpan alley stuff over the radio rather than getting programs of a high character, programs which perhaps do not appeal to the intelligence of the people.

Mr. Fly. I think that is true on both angles of the thing, in terms of quality of job done in the entertainment field, soap operas and that sort of thing, and in terms of turning the microphone over to the sponsor who has an ax to grind, for to a great extent their network has abdicated its function of management, and to a great extent its duty of seeing that it has a program which is best in the public interest.

Senator Hawkes. Mr. Chairman, may I bring out a point I have in mind?

The Chairman. Certainly.

Senator Hawkes. I wish to ask Mr. Fly if it is not a fact that the number of utilized stations a network may be able to guarantee an advertiser or a cient, determines to a very substantial extent the character of the show that is put on.

Mr. Fly. I think that may be true.

Senator Hawkes. I know it always has been true in my business. In other words, if you can only get so many stations, then you only put so much money in the show, and you have a certain man, like Mr. Swing, or somebody else. I think the number of outlets and opportunity to guarantee delivery to the greatest number of people, in large measure determines the character of the broadcast.

Mr. Fly. Well, I think that may be true, sir; and certainly if you carry that to the degree of getting only a few stations, you cannot put the money into the quality of the broadcasting.

Senator Hawkes. That is the point I make.

Mr. Fly. That would be true. That, however, is not in general a very serious problem. Since the network rules have gone into effect the networks have extended their coverage and added a great number of stations. I offer that not in a critical sense, for I think that is a constructive move, and am certainly hoping to see a spread of the benefits of network operation.

Senator Reed. But that is true to the extent that they have abdicated a part of their duties.

Mr. Fly. I think that is so.

Senator Hawkes. The point I wanted to make is that these programs have to be set up a long time in advance. There certainly is some point in being able to guarantee your outlets, otherwise you cannot prepare your show. These things do not happen in a moment, you know; they have to be prepared, and sometimes it takes two or three months to get a broadcast up and to get the cast in shape.

Mr. Fly. Yes.

Senator Hawkes. The point I am trying to make is, there has got to be some way to know what outlets you will have before you can prepare your show, or your broadcast.

Mr. Fly. Of course, some shows are prepared without regard to what network they will go on, or when. They are prepared with a view of being able to sell those shows and to put them on at some future date. But once the determination to put a particular show on is made, then of course you have got to arrange with the stations to see that the show is carried, and that can be done under the present option time regulations. It is being done, and it is obviously a feasible operation. As a matter of fact, the blue network recently put on a full hour program, from coast to coast, on a period that is not covered by any form of operation. It cleared the entire time from coast to coast. That is from six to seven o'clock in the evening.

Senator Reed. Mr. Fly, would you go a little further with an explanation of the program you just described, a one-hour program from six to seven in the evening. Who sponsored that program, if anybody?

Mr. Fly. That is the Philco Radio program on the Blue network, sir.

Senator Reed. Was there anything unusual about that?

Mr. Fly. No. There is really nothing unusual about it, except that there is a case where the network moved out and provided a nation-wide coverage from coast to coast one hour on which it had no option time at all. That is from six to seven p. m. on Sundays.

Senator Reed. To that extent that is unusual, is it not, that one of these networks had a full hour open, a full hour for which there was no option?

Mr. Fly. That has not been unusual in times past, Senator Reed. The Blue and the Mutual have had time available; indeed, the two large networks in times past have had this spot available. Right now they do not have it.

The Chairman. You may continue, Mr. Fly.

Mr. Fly. I want to mention very briefly the great consideration which was given to these network regulations. The original hearings under Commission Order 37 lasted for 73 days of actual hearings and extended over a period of six months. 96 witnesses were heard, and all but two or three of those were from the industry itself. There were 8,713 pages of transcript, and 707 exhibits. There were oral arguments, briefs, and supplemental briefs; and upon the basis of that complete record the regulations were established in May 1941.

Thereafter—and those were the hearings which the members of the committee will recall that we appeared on investigation of these regulations, on Senate resolution 113, 77th Congress; and that hearing lasted for 13 days, and filled 628 pages of record.

Then, I have mentioned the extensive hearings that were held before the House Committee on Interstate and Forign Commerce, on the Sanders bill, and that developed into another discussion of these network regulations. That lasted for weeks, and I testified for a week there.

Then the networks carried the matter into the courts. There were four court decisions, two in the statutory district court below, and two in the Supreme Court of the United States. For the record, those opinions are reported in 44 Federal 688, 47 Federal 942, 316 U. S. 447, and 319 U. S. 190.

I suppose that seldom in history has any set of regulations had the detailed and painstaking attention in the various forums that might review a matter such as these very regulations; and I need hardly remind you that they have been finally sustained in the courts, in the district court and in the United States Supreme Court.

Now, as I have suggested, when the general cry of ruination and of impracticability went up, that largely came from two sources, or I might say, two and a half sources; the two big dominant networks who were making the most extensive use of the monopolistic practices and had the major control over the entire industry—

Senator Reed. You refer to these giant monopolies, broadcasting networks, but you haven't named them. Some of us are not as familiar with these things as you are.

Mr. Fly. National Broadcasting Company and Columbia Broadcasting System.

Senator Reed. Dividing the N. B. C. into two networks.

Mr. Fly. I am coming to that in a moment, sir, but those are the dominant forces in the effort to tie down all regulations and then they have been served by a stooge organization known as the National Association of Broadcasters.

Senator Tobey. What do you mean by a stooge organization?

Mr. Fly. Well, let me say this, whenever N. B. C. or Columbia are needled in any way, then the cry is very apt to come from Neville Miller, president of the National Association of Broadcasters, and that has become such a common practice that when they are needled in that way an action from Miller and the N. A. B. is almost a reflex action.

Senator Tobey. You made a charge there, an interesting charge.

Mr. Fly. I didn't mean to make a charge.

Senator Tobey. Well, you did make a charge.

Mr. Fly. I meant to make a statement of fact.

Senator Tobey. You charged that when Neville Miller and the N. A. B. took any action it was a reflex action from the Columbia Broadcasting System and the National Broadcasting Company. What is the connection of Columbia and National to Mr. Neville Miller and to the Broadcasters Association that causes the reflex?

Mr. Fly. It is the great power that those two dominant forces have exercised in the industry and because they built that up under the system by which they had controls over the entire industry prior to the time of the regulations. Bear in mind, sir, that the two small networks, that is, the Mutual and the Blue, are not members of the Association; and also bear in mind the inconsistent record—this is not a charge. This is a fact that can be observed in day-to-day operation, that any time anything comes out that affects these two big networks, somebody at the Association's office sets up a squawk, and in addition to that, while the two small networks are not in here protesting and are not bucking this legislation, the N. A. B. organization has been out holding various district meetings, beating the bushes to stir up pressure to come in and break down these two regulations that the two big ones object to. They have gotten their radio affiliated newspapers to write a great series of editorials and then they get those printed up in big sheets and they mail those around. I dare say you gentlemen got your share of them. They mail them around to everybody who might be concerned, and those in turn inspire more editorials to be written, thus creating a great deluge of public opinion.

Senator Reed. May I inquire if you have information on what comprises the membership of the National Association of Broadcasters?

Mr. Fly. In times past the National Association of Broadcasters had had around one-half of the radio stations of the country who were members and they were predominantly the network affiliated members. Then they had an arrangement whereby the networks would consist of the board of directors of the Association to make big contributions and were always right there to see what their own affiliated stations did, and how they voted. With all the controls they had over the affiliated stations there was not much difficulty in seeing that the Association came out with the right answers. To give you a single example, I said a few words out at St. Louis a few years ago that the big networks didn't like. That afternoon the board of directors of the N. A. B. met and passed a resolution calling for my removal. It was all right with me that they brought an issue of that kind out into the open. Thereafter I was appointed and this Senate appointed me unanimously, but that is the way it has been through the years, and still is, and the two smaller networks are not taking part in that operation.

Senator Hawkes. Have the two smaller networks, the Blue and the Mutual, the right to join this Association, or are they denied the privilege?

Mr. Fly. They can join it if they want to.

Senator Hawkes. Have they ever been members?

Mr. Fly. In times past, yes.

Senator Hawkes. And they resigned?

Mr. Fly. Yes.

Senator Tobey. Is it your idea that when Neville Miller speaks it is the voice of the National Association of Broadcasters and the skin of the Columbia Broadcasting System and the National Broadcasting Company?

Mr. Fly. That is my belief, sir.

Senator Tobey. You want the committee to believe that?

Mr. Fly. I want only to give attention to the facts which I have presented to you and to use those facts in connection with your appraisal of the testimony that comes from those purported associations. Now, whether that would be your conclusion is no real concern of mine, but I am trying to make clear as best I can in factual terms the real people who have made an endeavor to break down this set of regulations, and it is not the small network, it is not the individual independent stations. You take the Blue network, for example. I would suppose that of all of the beneficiaries of the network rules that the Blue network and the stations affiliated with the Blue network, which was the weaker and the smaller one owned by the N. B. C., for the first time the Blue network is a fully-independent, profitably-operating network competing in its own right. They formerly had 116 stations. Today they have 154. They have added a potential listening audience of five million additional listeners. They have gotten a number of new and very good and some very profitable programs. Their revenues are up 50 percent or more over last year. I venture to say that the regulation which lay at the basis of that separation of the two N. B. C. networks in setting them up as independent and competing organizations will go down in history as a really far-sighted bit of action. I think it is far-sighted on the part of the regulatory agency in enunciating the policy and I think the Radio Corporation of America and the N. B. C. were far-sighted in cooperating as they did cooperate in effecting that separation. I believe that all in the industry have agreed that it has been a healthy result for all concerned, including the N. B. C. that sold the network.

Senator Tobey. Who owns it now?

Mr. Fly. Mr. Edward Noble.

Senator Tobey. Is he the gentleman that bought the New York station at one time?

Mr. Fly. That is right.

The Chairman. I might add that I had advocated that the Blue and the Red networks be separated for a long period of time before the Commission actually took action.

Mr. Fly. That is right, sir, and I think it certainly was a wise idea. I think the Senator was entirely right on that and eventually we were right on it.

The Chairman. It took the Commission a long time to come to that conclusion.

Mr. Fly. That is right. It has taken them a long time to come around to a lot of things here that it should have given attention to in years past. I do want to say, though, that that network was not sold under pressure. We kept that rule in abeyance with no time limit fixed on it and held it off indefinitely while the N. B. C. got the thing organized into a separate corporation and generally built it up as an effective semi-independent organization, and then they took their own good time in looking around for the right purchaser. I want to again say that the Radio Corporation of America and the N. B. C. fully cooperated in that move, and I think it is one of those very healthy examples of cooperation in terms of effectuated policy as between the industry on the one hand and the Government on the other hand.

Now, the committee will recall that in times past there has been a great deal of discussion of the exclusivity features of the old network contracts. One of the network rules struck out the exclusive feature. That is, the provision that a station could buy network programs only from one source. Now, we don't have a long history of operation under that provision, but I think the most interesting example that can be given is the World Series program. That is and has been through the years a Mutual program, and before the network regulations went into effect, other stations, that is, stations on the N. B. C. and the C. B. S., were not permitted to carry the World Series.

* * * *

Mr. Fly. A total of 289 stations carried the broadcast. Of these 154 are regularly affiliated with Mutual, 43 are affiliated with both Mutual and another network, 43 stations were affiliated with one of the three other networks, and 49 were unaffiliated. Under the prior system certainly none of the 43 stations affiliated with the other networks exclusive would have been permitted to carry the World Series programs, no matter how much the public wanted those programs. Of the 49 unaffiliated stations a number of those might have been prevented from carrying it because of the provisions of territorial exclusivity which were effective at that time. It is just possible some of those that were on the two networks would not have been permitted to carry them.

* * * *

Mr. Fly. Now that is one of the ways in which a regulation of this kind can work to the public benefit. I might say, even though the public is not aware of the processes by which it may come about, it is a significant fact that communities heretofore denied World Series programs were for some reason enabled to get them at this time.

The Chairman. Has there been a general agreement since the regulation went into effect that various stations on the Mutual and Columbia could interchange their programs?

Mr. Fly. No, sir, that has not been as extensive as it might be. That is the general notion of the open market on the programs. As a matter of fact, the two big networks are staying as close to the exclusivity principle as they can. Columbia has recently circulated some provisions to go in the contracts they were presently drafting, which were written pretty much in terms of exclusivity and then expecting the stations to read out of those principles whatever the station might think was required by relatively minor provisions stating that the contract would be construed in accordance with these rules, but as that was actually carried out and with the correspondence backing it up, they were tending to move into the exclusivity relation again and to continue to preserve it. Now, there was another form of exclusive arrangement which was quite troublesome and that was the provision whereby certain stations and particularly some of the powerful stations would protect too broad an area by forbidding the network program being duplicated anywhere within the broad area, presumably an area in which the station had some interest, but we saw some rather outstanding examples of how that worked, where a station was permitted to control an operation that was on its own primary service area and its own proper market, that is, a market which they could properly lay claim to.

For example, a station in San Diego which is 100 miles from Los Angeles had extreme difficulty in getting network affiliation due to the dominant position of the Los Angeles station and its contract with the networks. Then we had a little station down in the Rio Grande Valley of Texas which had difficulty in getting on the networks, which stemmed in part from the desire of a station 300 miles away to have protection.

There was another one at San Benito, Texas, which followed roughly the same pattern. In all of those stations there was no useless duplication of program service. The upshot of it was that the people who regularly listened to the stations in their own communities just couldn't get the service. In the three instances there, all of those have been signed up and have been given network services.

The Chairman. I might call attention to the fact that in Montana when I took it up with Columbia about some of the stations in Montana and the Columbia network, they contended of course that the people of Montana could get KSL in Salt Lake City and also could get stations in Los Angeles on the Columbia network, and that consequently it was not necessary for them to come into Montana. I insisted that the people of Montana were entitled to those programs.

Mr. Fly. That is a principle which we tried to effectuate.

The Chairman. Let me ask you, while we are on that subject, with reference to cleared channels. After all, when we passed this legislation it was with the idea that there should be an equitable distribution of stations, and that the people of the country generally would be able to have the benefit of good radio programs. How many stations have you got in New York City, alone?

Mr. Fly. I think there are around 16 or 18 stations there, sir.

The Chairman. Only 16 or 18?

Mr. Fly. I would guess 18. Including the Jersey side—

The Chairman. I meant in that particular area.

Mr. Fly. If we include the Jersey side, 22, as Mr. McCosker suggests; 22 stations serving that area.

The Chairman. How many in Los Angeles?

Mr. Fly. Almost as many. I would guess about 16.

The Chairman. How many of them are cleared channels in that area?

Mr. Fly. I am informed that there are 12 in Los Angeles. You have three cleared channels in New York and a fourth station which has pretty near the same practical service.

The Chairman. Who owns the cleared channels in New York City?

Mr. Fly. The Columbia WABC, the N. B. C. WEAF, and the Blue network WJZ; and the fourth station I mentioned, WOR, is affiliated with Mutual. WOR is not a fully affiliated cleared channel station, but it has the same practical service.

The Chairman. My attention was diverted for a moment. How many did you say?

Mr. Fly. I mentioned four.

The Chairman. Four were owned by the networks?

Mr. Fly. Three of them are owned by the networks, and the other one is affiliated with Mutual.

The Chairman. What networks are they owned by?

Mr. Fly. WABC is owned by Columbia, WEAF is owned by N. B. C., WJZ is owned by Blue, and WOR is owned by the Bamberger interests, that is, the Macy Department Store interests. They are affiliated with the Mutual. WOR is the key station.

The Chairman. What is the power of those stations?

Mr. Fly. 50,000 watts.

The Chairman. Do they need 50,000 watts to cover the New York territory?

Mr. Fly. No, sir.

The Chairman. It has been called to my attention, for instance, that there is a station in New York—I have forgotten the name of it—which has a 10,000-watt station, which uses to a large extent these recordings in its programs. That station in the last year has taken in a gross of something over $1,000,000.

What I had reference to, a station in Bridgeport, Connecticut, we will say, is not able to retain its listeners in its own community because of the fact that there are 50,000-watt stations in New York which cover that area so completely. Is it necessary for a cleared channel to have as much power as 50,000 watts?

Mr. Fly. It is not necessary, sir, if you are going to simply cover the area of New York City and its immediate environment. If you are going to have long distance service and extensive rural service, then you do need high power, but of course those stations are not located to give the most extensive rural service because too great a number of those stations are located in an area where half of the service is lost and where in general they go into a very populous area, although they do have—even though they skim the cream of the metropolitan area, they do have substantial rural coverage. I think perhaps up in Senator White's country they will get those stations occasionally and will get the Boston stations more frequently, for example.

The Chairman. Well, here is what the intention of the legislation was. It said:

"It is hereby declared that the people of all the zones established by this title are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality the Commission shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency, of periods of time for operation, and of station power, to each of said zones when and insofar as there are applications therefor; and shall make a fair and equitable allocation of licenses, frequencies, time for operation, and station power to each of the States and the District of Columbia, within each zone, according to population."

If you really want to reach the rural area out in the West and the Middle West, certainly you ought to have some higher powered stations out there if you are going to reach the rural areas.

Mr. Fly. That is true.

The Chairman. Because there are certain parts of my State where in the daytime they cannot get any station because of the limited amount of power that they have.

Mr. Fly. That is true. In terms of getting the rural coverage, you get the optimum result by having all of the clear channel stations somewhere away from the border lines and at a point where they would more effectively reach out into the distant areas. The trouble is that they have been allocated on a basis of the economics of operation and not in terms of the need. It does not take high power to reach a lot of people in a congested area. It takes high power to reach out over the miles, over the long stretches and distance.

The Chairman: That is exactly what I was going to say. But the reason why you have the high powered stations in New York, to a large extent, is because of the financial end of it or the economic. They can get a larger amount of profit from the advertisers.

Mr. Fly. That is right, sir. That is the reason they are there.

The Chairman. And the reason you have the smaller stations in the other localities is that there is not a large population there, so that you do not reach the rural communities out in the West and the interior there.

Mr. Fly. I think it is still possible, though, to have a large operation in a moderate size city in the interior where it does reach out and cover the distance.

Senator Reed. Mr. Fy, I sent a copy of Senate bill 814 to all the radio stations in Kansas, asked their opinion and criticism and advice. Out of that correspondence I learned that the National Association of Broadcasters had given a general endorsement to the provisions of Senate bill 814. Would you suggest that that should increase our confidence in that legislation or invite a closer scrutiny?

Mr. Fly. Well, I think, sir, where the dominant interests are so closely allied and working together to the exclusion of the interests of the smaller networks and of the independent stations, that you would want to view that with some degree of skepticism.

Senator Reed. The Kansas stations rather generally have more affiliation with the Mutual and the Blue than they do with the other ones. The Kansas stations rather generally approved Senate bill 814; now, not without exception.

Mr. Fly. Well, the N. A. B. have done a big job of propaganda. They have held these district meetings all around, and they have had people there to work up enthusiasm and get people in there and explain what a vicious thing it was, and how it was going to bring in government control of the industries in their stations, and so on, and they have gotten them to get in touch with their Senators and Congressional Representatives. They have urged them to do so in writing as well as in these meetings, and no one has gone around to explain to these stations just how the thing would work to their benefit. Now, I must say that they have done a pretty effective propaganda job there.

Senator Tobey. Of course, they have only taken a leaf out of the New Deal's notebook. That is the way they have carried on their agricultural policy in this country for the last ten years.

Mr Fly. Well, I am not familiar enough with that to pass judgment, sir.

Senator Tobey. I am telling you.

Mr. Fly. But if you look at the record of the public utility holding companies you will see something that is quite comparable, except that I think here is a more effective job. They have really done a nicer job here than the public utility companies did, and they have done it pretty broadly and pretty effectively. And they haven't sent any phony telegrams, so far as I know.

Senator Shipstead. It would be nicer for whom?

Mr. Fly. Pardon me, sir.

Senator Shipstead. You said they had done it nicer than the public utilities. Nicer for whom? The public?

Mr. Fly. In their own interests.

Senator Shipstead. In their own interests?

Mr. Fly. Yes, sir.

Senator Shipstead. I see.

Mr. Fly. Their methods were—

The Chairman. They have not been as coarse as the public utilities were.

Mr. Fly. No, they haven't. I think the upshot of it is the tendency to mislead a lot of people, including the Congressional representatives; and to that extent I do think it is a pretty ominous thing that we have that sort of a machine working as it has been functioning, but so long as we can come here and lay the thing right out on the table before you gentlemen I do not have any worry about it. They have not gotten very far with it yet, and I doubt if they will so long as they follow that method of approach.

Senator Reed. Mr. Fly, may I suggest here that my own experience is hardly in line with that statement you have just made. I have had very little information from the Kansas radio stations except on my request. Back in March when this bill was introduced, or shortly thereafter, not knowing much about radio, wanting to know the views of those stations interested in my State, I sent them all a copy of the bill. Now, virtually all the correspondence I have had from Kansas was in response to that request. I have had only two or three voluntary offers of advice.

Mr. Fly. I think that is right, sir. I do not think the little stations that have been going about their own business have gotten much exercised over it; and I think, were it left to them, they would not move forward on it at all. As a matter of fact, some of the most effective support that has come from the smaller stations group has come from an extensive number of people out in that region, some of the small networks of the small stations out there. But I think that by and large the small stations that have been left alone on it have not been moved one way or the other to a great extent.

Senator Reed. My own experience confirms to a great extent just what you have said. We are out in the heart of the country, of course, with a number of small stations and a few large ones in that territory. Practically all the correspondence that I have had, all the advice I have received, all the letters that have been written to me, have been upon my request, not voluntary.

Mr. Fly. Yes, but I think—

Senator Reed. And those letters that have come upon my request have rather largely approved this legislation.

Mr. Fly. I think the upshot of that is that the material and the work that these gentlemen have done has gotten out to these people, and there is where they got their understanding of what the thing means; but I do not think that any of them got hot and bothered enough about it, of that particular group, to make any real noise about it.

Senator Gurney. Mr. Fly, my experience, if I may interject here, is somewhat along the line of Senator Reed's. I have not written any of my South Dakota stations. By the same token I have not heard from one, and I am intrigued by that because generally on radio legislation where we seek to change the whole law I would be bombarded with letters and requests; and I am just wondering if the stations feel so held down by the Commission that they do not write and are afraid possibly of reprisals. I wonder if that is not the answer.

Mr. Fly. I do not think that is true, sir. There is certainly not an example in history where anything has happened to a station for expressing its views on any matter that has come up. I think the upshot of it is that those stations out at a distance were not highly exercised about the matter one way or another, and I think to a great extent they have not wholly understood the workings of the regulations, and I would daresay you haven't got many letters complaining about them too.

Senator Gurney. Well, I have gotten some letters in the past few years about it. I know, of course, that this proposed bill S. 814, if it became law, would change the operations of the Commission and in the way they would be able to control radio. I should like to have a concise statement, if I could, from you as chairman, as to what function of the Commission could not be carried on if this bill became law. In what way would it be detrimental to the radio-listening public, in your estimation? Could you point out the high points in it?

Mr. Fly. It would be detrimental, sir, in restoring the industry back to a condition of monopolistic practices and attitudes and policies, and you would deprive the Commission of any effective means of doing anything about it. I think that perhaps is the most significant feature of this bill.

Senator Gurney. I think that that is a general answer, but it does not point out specifically, by paragraph, just where the Commission would be limited.

Mr. Fly. Well, you mean in the bill, sir?

Senator Gurney. Yes. I should like to have wherein the bill is wrong and why it should not be passed.

Mr. Fly. Well, if you look on page 12 of the committee print, line 10:

> "'Nothing in this Act shall be understood or construed to give the Commission the power to regulate the business of the licensee of any radio broadcast station"—

And no rule or regulation having to do with the business practices shall be effective.

Now, that is the very language that is designed to restore the monopolistic control of the two big networks. That will kill the monopoly regulations and will in effect repeal the Supreme Court decision sustaining them. And that is what it is designed to do.

Senator Gurney. Well, of course, we have never had any commission that could regulate what a newspaper shall do.

The Chairman. Well, a newspaper is quite a different situation, is it not, Mr. Fly, from radio, in this: that with radio there are a certain number of wave lengths which can be used by radio operators?

Mr. Fly. That is right. There is a physical limitation on the wave lengths that can be used, and those wave lengths belong to the public, and there is a duty inherent there that the operation on those wave lengths must be in the public interest.

The Chairman. I mean, the original law that we passed, the original law that was passed of which Senator White was largely the author, as I called attention to a moment ago, specifically referred to that matter.

Senator Gurney. Then, by your answer I feel that the Commission feels that it is necessary that a government agency control what shall go out over radio, rather than like with the newspapers,—

Mr. Fly. No, not at all, sir.

Senator Gurney. —where public feeling controls what is put out in the newspaper.

Mr. Fly. Not at all. I haven't made any such suggestion.

The Chairman. Well, have you, or has the Radio Commission, anything in mind with reference to trying to tell the radio stations what should go out, or control their programs?

Mr. Fly. We have not exercised either a negative or affirmative control over any program or any proposed program. Never in history. We have never suggested that any program should be put on the air. We have never endorsed any program. We have never directly or indirectly suggested that it should be carried, and we have never disapproved one or required it to be taken off the air, or even suggested it should be taken off the air. So, in response to the question about program control, I would say that there is just nothing like that here, sir.

Now, that, by the way, is the danger here. Under that guise this monopoly is going to move in here and try to strike down these antimonopoly regulations. They are going to try program control and try to restore the monopolistic condition. They know good and well that we are not going to tell them what programs they can take and what they can't take, and that is really not what they are talking about here.

Senator Reed. Mr. Fly, getting away from the program matter for a moment, I would like to ask you a question or two. Now, my ignorance on this radio operation matter is appalling, and I am seeking light.

The Chairman. You are not alone in that.

Senator Reed. Well, I admit it, though, more freely than some of the others do.

The Chairman. Well, I don't know. I admit it.

Senator Hawkes. Mr. Fly, may I ask you—

Senator Reed. Just a moment.

Senator Hawkes. Oh. I beg your pardon.

Senator Reed. For example, in a letter here from one of these stations to which I wrote asking for an opinion this statement is made:

> "You probably do not know, and I doubt if any member of Congress knows, that we cannot replace a worn-out transmitter with a modern one without express Commission consent."

Mr. Fly. That is true now, sir, and that will be true under the proposed bill.

Senator Reed. It will?

Mr. Fly. Yes. We have to license all radio transmitting equipment; and, if a new transmitter is substituted, that would need to be licensed. But there is no difficulty there. It simply means that, lest you are to have complete confusion in the field, you have got to have some authority which regulates the type of equipment that is put on the air, and it has got to go through the mill; but, so far as any difficulty is concerned, there is no difficulty about it.

Senator Reed. Well, may I proceed with this letter?

Mr. Fly. Yes, sir.

Senator Reed. I would like to ask you two or three questions on this.

Mr. Fly. All right.

Senator Reed. He said:

> "In the swaddling clothes day of broadcasting when haywire equipment was the rule, some such supervision may have been necessary. If so, it no longer is when no station operates with less than Commission-engineered, approved equipment. You might, if time permits, give this phase of the matter consideration."

Now, they go ahead and talk about the length of time it takes to get permission from the Commission, and the delays and the red tape, and this man said:

> "Even now the Commission has had my application for some weeks for permission to install a new one-kilowatt transmitter to insure continued operation, replacing a 13-year-old machine that my engineers tell me may go down any minute. Both are Western Electric. The difference is all in favor of the new one, of course. In addition, parts are no longer made for the old."

Mr. Fly. Well, now, I think I can answer that, sir. Normally there would be no problem at all in getting Commission consent to substitute the new transmitter if it is of the same type and will do the same job, but, let us say, to do it better, and he would have no problem there.

Senator Reed. He apparently has a problem of delay.

Mr. Fly. The real problem comes, sir, due to the shortage of materials, and we have been required to establish limitations on the construction and use of materials, to follow out the policies laid down by the War Production Board; and where there is any difficulty in substituting a new transmitter, undoubtedly it resolves itself down to that question as to whether pursuant to the policy of the War Production Board we can authorize the utilization of the new material. Now, under our rules, if that is essential to the continuity of the business, we are permitted to authorize it; and, in effect, if it is not essential to the continuity of it, we can't do it, even though we want to.

Senator Reed. Well, I inferred, without being certain, that in this case they had the new transmitter which they wanted to substitute for the old one.

Mr. Fly. That may well be true, but the war policies there forbid the use of materials, and it doesn't merely forbid the purchase or acquisition, but it forbids the use of them excepting under certain carefully specified conditions. So it may well be true that he has got it there.

Senator Reed. But, and having it, is not permitted to substitute it for the old one?

Mr. Fly. Well, I do not think that is the fault of the Commission, sir. Those are the rules under which we have been required to operate, and the industry has been required to go along with us in operating during the war period. I had recently suggested a review of that question as to whether we could not be permitted to use materials which were on hand and had been on hand for some time and where the military had in effect indicated that they would not need them, woud not take them; and it is my own feeling that there we ought to be permitted to go ahead and to make use of them. But that will require some amendment of those rules.

The Chairman. There wasn't any trouble about it before the war, was there?

Mr. Fly. Oh, no, sir.

The Chairman. I mean I have heard no complaints before the war, but I have had some complaints since the war.

Mr. Fly. We have had a number of them, and it is not at all an easy job for us. It would be much easier for us to approve it and tell them to go ahead. We have no interest in delaying them.

Senator Reed. Mr. Fly, confirming your suggestions a while ago of the propaganda phase of this thing, I have a letter that is from Kansas that is directly in point, from one of the advertising clubs out there. I got a letter quite recently in which they transmitted to me excerpts from the Collier magazine editorial about you and Mr. Cox and the House of Representatives. Now, it is hardly necessary for me to say to you, after our contact, that that spoiled this fellow's case, because if I think there ever was an outrageous perversion of legislative practice and procedure it was that Cox investigating committee over in the House.

Mr. Fly. I appreciate that, sir.

Senator Clark of Idaho. It is against the rules of the Senate to speak disparingly of the House.

Senator Gurney. Mr. Chairman, I have another question.

Mr. Fly. Yes, Senator Gurney?

Senator Gurney. Mr. Fly, if I may proceed, I asked you a general question as to wherein the proposed law or proposed bill would be detrimental to the operation of the Commission, and you cited one place in line 10, page 12. What are other places in the bill?

Mr. Fly. Well, sir, I don't want that to be reduced to the significance of one line in several pages.

Senator Gurney. Oh, no.

Mr. Fly. If you are going back to the monopolistic practices, or you are not, and there is where she hinges.

Senator Gurney. All right. Is that the only place in the bill where the present law is changed? Certainly not?

Mr. Fly. No, sir. There are other provisions that I think are subject to question. For example, there is a pretty elaborate scheme of provisions for the intervention of parties who do not have a legal interest, and they would be permitted to come in—let us say an ordinary competitor; not one where there is any electrical interference, but where an existing station in a city doesn't want to see another station come into the city. Then I assume that this language would enable that station to intervene. And even after a grant, I think within thirty days after it, they could move to become parties, and the Commission would have to set the thing down for hearing and to go through a series of delays on it, and then it might be carried by the same party to the Court of Appeals, and then the Court of Appeals would have the authority to stay the proceedings; and indeed the Court of Appeals might have authority to issue some sort of a license and make some sort of a grant, thus moving into the administrative field; and in general there is the mechanics set up for the dog-in-the-manger type of intervention and the stalling and delaying through succeeding months, where it might be a clear case normally for moving ahead and getting a public service to go.

I think the same criticism can be offered as directed to the provision which enables the Commission to issue declaratory judgments and declaratory opinions. There again, parties who may not have an appropriate interest can come right into an existing proceedings and call for some declaratory ruling and get the whole thing bottled up, and then that can be carried to the upper courts, and the whole procedure would be paralyzed while they are going through that one.

The upshot of that is that you are laying a pretty effective foundation here for the dog-in-the-manger type of operator, and in view of the fact that these frequencies are publicly owned I doubt if you want to set up a series of persons of that kind that can move in and paralyze the administrative procedure for an extended period of time in their own interests.

Now, even under the present procedures we have had a lot of those delays caused by improper intervention, sometimes we feel through dummy ownerships. For example, an existing station sees a competitor applying for a wave length, and then all of a sudden another group of citizens superficially unrelated to either of the groups come in and file a competing application, and then that will force us to set it down for hearing, and then that will go on to the Court of Appeals, and you can litigate for a long period of time, and no station gets going there; and you will find occasionally, if you dig far enough, that the existing station is behind that competing applicant, and it is really just a dummy operation.

Senator Reed. You know, Mr. Fly, I am a newspaper publisher, and I am prejudiced against this radio advertising anyhow.

Mr. Fly. Well, sir, I think the press has really got something to concern itself about here.

Senator Reed. I am sure we have.

Mr. Fly. You know, there are other phases of that, Senator. With a tendency of the newspapers to be affected by the news print shortage—and of course that is a very crucial thing nowadays—I shouldn't be surprised if there would be some tendency of the advertisers, you see, put in that squeeze for space, to move out to the radio.

Senator Reed. You are not suggesting that the radio industry might encourage that, are you, Mr. Fly?

Mr. Fly. Well, I am not offering any advice on it, and I just think that that is a situation that might conceivably work to the detriment of the press and to a windfall for radio.

Senator Reed. That is undoubtedly a very important consideration for newspapers right now.

Mr. Fly. Yes, sir, I know it is.

The Chairman. Mr. Fly, I think that Senator Gurney asked you a question which, to me, you haven't fully answered, and that is, he cited that paragraph:

" 'Nothing in this Act shall be understood or construed to give the Commission the power to regulate the business of the licensee of any radio broadcast station and no regulation, condition, or requirement shall be promulgated, fixed, or imposed by the Commission, the effect or result of which shall be to confer upon the Commission supervisory control of station programs or program material, control of the business management of the station or control of the policies of the station or of the station licensee.' "

Now, your answer was that that would let them go back to their old monopolistic practices, as you termed it.

Mr. Fly. Yes, but not because of the program language, but because of that language in reference to the business aspects.

The Chairman. Now I should just like to have you explain that in a little more detail, rather than to make the general statement that it will permit them to go back to their old monopolistic practices, because that doesn't mean very much to me.

Mr. Fly. The networks have always contended—that is, the two big networks have always contended, before this committee and the House committee and in the courts, that the antimonopoly regulations were, in effect, a control of the regulation of the business practices of these companies, and that has become a part of the vernacular, and it is a contention which they have strenuously pressed; and in terms of their efforts to strike down all of the antimonopoly regulations there has always been that language, and the opposition has been couched in terms of saying that this gives to the Commission control of the business policies of the broadcasters, and they had urged that the Act did not give any such control, and it should be nullified; that all we had was the power to take care of electrical matters, to act as a sort of an electrical traffic policeman.

Well, the Supreme Court then held that we did have authority to regulate the business policies of these concerns to the extent that we did in the antimonopoly regulations. So when they come in here adopting the same language and trying to write their own same language into the statute, I cannot think there is any doubt as to what they intend; and I believe when they get up here to argue the network regulations for the umteenth time, that they will tell you that that is what they are up to in that language.

The Chairman. Well, now, what I am trying to get at, in what particular is it that they object? I mean, that you think that this language in effect, that is, would let them go back, in your judgment, to the fixing and domination of the radio time of the independent stations by contract?

Mr. Fly. That is right, sir, and the exclusivity features, and they would move back into exclusive option time and the general control of the stations from New York. I think they would say that the whole pattern of the antimonopoly regulations is then repealed and made unlawful, and they go all the way back, except that the Blue would not go back. That has been sold, and the deal is consummated. But I think it would widen the whole business out. At least, that is the contention which they would make.

Senator Gurney. Mr. Fly, I have not been in radio for 11 years, but prior to that time, at the start of the industry, up until 1932 I was closely identified with it; and when you say "monopoly," it just does not set with me, because my business dealings with the Columbia Broadcasting System were certainly all fair and above board, and there was no effort on the part of the network to tell me how to run my station. None whatsoever. I attended many conventions where I met other radio station owners. We were all getting along fine, and not in trouble. And so when you say that you have got to have this power that you have under present law, why, it just seems unnecessary. Your answer is not sufficient.

Mr. Fly. Well, sir, we have got a voluminous record on that. I do not want to repeat the record. There are many, many thousands of pages that have shown just what those practices were, and I spent days before this committee going over them at the time that this committee reviewed those very regulations.

Senator Gurney. And I listened to them too.

Mr. Fly. We spent seven days before the House Committee on the same thing, and I think there is an overwhelming record there. I am reluctant to ask this committee to review it again at this late juncture because it is an awfully extensive job.

Senator Gurney. Well, I know a lot of information has been given out. I just want to make one further comment. When you said that the bill provides different ways to get into court on applications that are before the Commission, do you not feel that the wording of this bill possibly is put there in this manner so that a radio station can get into court; that it makes it easier for him to get into court in case a decision of the Federal Communications Commission is not entirely to his liking and he doesn't feel it is fair?

Mr. Fly. I agree, Senator, that every station that has a legal interest in such a decision ought to be permitted to intervene before the Commission, ought to be permitted to appeal to the courts. I raise no question there. I think it should be able to appeal. I think, as the present appeal provisions have been construed, that that right is pretty secure. But if there is anything necessary to assure that every party who has a legal interest gets a legal hearing, why, I would not raise any question about it. I just do not think you want to open the door to a system of interventions by people that have no legal interest, that will paralyze the whole administrative process.

Senator Gurney. Then we have two points in this bill that you have mentioned now that are not to your liking. Are there others?

Mr. Fly. The one that I mentioned there as having to do with interventions and appeals is rather extensive; it comes in a number of separate provisions. I have some more specific comment on those provisions that have to do with free discussion, and I also have some comment on the problem of reorganizing the Commission. I want to make a few comments on that.

The Chairman. Let me ask you: Perhaps if we let you go ahead with your statement you will cover these points. If you are going to, you may proceed.

Mr. Fly. Yes, sir. Well, I think I can cover them fairly briefly.

Now, as to the provisions for reorganization, the main points in those sections are that the Commission shall be divided into two divisions: Public Communications, that is, broadcasting and so on; and Private Communications, which roughly touches upon the common-carrier field. And then in general the specific decisions and the dispositions of matters in those two fields are to be made by the respective divisions.

The chairman is placed in pretty muchly the capacity of an administrative official. While he has responsibility for the work of the two divisions, he has little or no authority in connection with them. That is, he must answer to the public. He must answer to the Congressional committees and must represent the Commission and the divisions of the Commission before the various bodies and interdepartmentally, and that sort of thing. But still the chairman may not sit upon either division or vote on either division except in the case of a vacancy or except in the course of the establishment of certain rules and regulations of general application, and that sort of thing. So it leaves the chairman of the Commission in the position of answerability, placing the responsibility on him and requiring him to answer for the conduct of the Commission, without his having any authority to do much or anything about it.

The Chairman. Would you object to a provision providing that the chairman is permitted to sit in on these divisions if he so desires?

Mr. Fly. I do not have any strong feeling, sir, about the whole idea of dividing into two divisions. The present statute makes that permissive, and in times past the Commission has had two divisions, and it did not seem to work to the optimum results, and the Commission itself abandoned the effort to operate in two divisions.

Now, I have given something more than momentary thought to the idea of going back under the present permissive provisions and trying to suggest that we establish the divisions. It is not an easy question, but the difficulty was, I think, that there was a tendency to make certain people unfamiliar with significant policies and significant decisions in the field of communications, thus in a way disqualifying the commissioners on the other division from any adequate knowledge and effective judgment on the matters in the one.

The Chairman. I think McNinch was the first one who suggested that they should be in divisions down there, should be divided.

Mr. Fly. No; they were in divisions prior to that, sir.

The Chairman. Well, I mean what he wanted, he wanted it to be written into the law, as my recollection of it is.

Mr. Fly. I am not clear on that, but I think that it can be done with a fair degree of feasibility. I certainly have no final judgment on that.

The Chairman. At the time he suggested it I think the industry was rather opposed to it.

Mr. Fly. I would guest that they were. It sort of depends on who moves first, you know, and the other is opposed. At least it has been true in times past.

I think there is another provision there that you would want to give some thought to. No more than four of the commissioners may be of one party, and no more than two in any one division. You see, there are seven commissioners as a whole, and then no more than four in one party. The upshot of that is that either the chairman of the Commission or the majority of one of the divisions is going to be in the opposing party. As the Commission stands now, as far as the attitude reflected by us is concerned, I do not consider that a fatal objection. But I can conceive of circumstances where it might be quite questionable of having either the chairman of the Commission or the majority of one of the divisions of the opposition party. And that is necessary under this.

The Chairman. Of course, I think we ought to examine that myself. I think we ought to examine that very carefully because from the election returns yesterday I am afraid the Republicans may come into power.

Mr. Fly. Maybe we ought to provide that the minority party shall be in the majority on all of them.

Senator Reed. Well, may I suggest that neither you nor the chairman of this committee are giving consideration to a very important fact, that we have three parties: a Republican Party, a Democratic Party, and a New Deal Party.

The Chairman. The Republicans apparently have quite a division in their party too. I don't know what they call it. They have the Willkie Party and the Republican Party.

Second Day of Hearings

There follows a brief resume of the high points of the testimony on November 4, which will be more thoroughly covered in a later bulletin.

Senator Gurney requested that Chairman Fly clarify his views with regard to the absence from the country of the Presidents of the two major networks—Trammel and Paley and asked Mr. Fly whether he had any objection to Mr. Trammel's going out of the country—to Africa—to arrange broadcast programs, and Mr. Paley's going out of the country in behalf of OWI. Mr. Fly indicated that he did not intend that his remarks regarding networks running themselves should be construed as any reflection on Messrs. Trammel and Paley.

Senator Gurney queried Mr. Fly as to whether he had knowledge of the membership of the National Association of Broadcasters and Chairman Fly replied that he assumed at the present there was something in excess of one half the number of stations in the country that were also members of NAB.

Senator Hawkes said that he had initiated an inquiry which disclosed that of the 159 Blue network affiliates 113 are members of NAB, that of the Mutual's 209 affiliates, 130 are members of NAB, whereas the membership in NAB of affiliates of CBS numbered only 107 and of NBC only 108.

Senator Gurney inquiring further into Chairman Fly's objection to that portion of the bill which states: "Nothing in this Act shall be understood or construed to give the Commission the power to regulate the business of the licensee of any broadcasting station" received from Chairman Fly the opinion that this section of the bill would repeal the "anti monopoly" regulations—that it would have a tendency to relieve the networks of the anti-trust laws.

Senator White took exception to Mr. Fly's interpretation in regard to network regulations and indicated that he had been considering amendments to the bill which would in effect adopt as legislation some of the network regulations.

Chairman Wheeler pointed out that he did not believe that they could completely relieve the Commission of exercising some authority over certain business of radio stations and still legislate in the public interest. He said he had the view that the Supreme Court decision more or less turned over to the Commission the regulation of every detail of business and that in proper form of legislation a line should be drawn somewhere between the first and second extremes as to what should and what should not be authorized for proper Commission regulatory authority.

Following considerable discussion as to the length of license term, Mr. Fly said he was willing today to recommend to the Commission a three-year license term.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

November 12, 1943 **SPECIAL LEGISLATIVE BULLETIN** No. 22

Resumé of Hearings on White-Wheeler Bill

FRIDAY, NOVEMBER 5, 1943

Present: Wheeler, White, Tunnell, Tobey, McFarland, Gurney, Clark, Moore.

Mr. Fly's testimony at the commencement of the Friday hearings was directed to the provision of the White-Wheeler Bill with particular reference to Section 7, 9, 10 and 11, "which relate generally to the subject of free speech." He indicated that he had no objections to the proposals in principle.

With respect to Section 9, (requiring announcement of name of sponsoring person or organization) he said that it is "a very good provision." He suggested, however, that the Committee give consideration to the fact that the announcements required are as important in the case of sustaining time as on commercial time.

With reference to Section 7 (equal opportunity for opposing candidates) of the Bill Mr. Fly said that this provision should be more explicitly spelled out to include also primary elections and matters such as referendums, bond fights, etc., subject to vote by the electorate. Further he suggested that the section be expanded to cover the "forces supporting the candidates" so as to give balance on each side.

Chairman Wheeler touched upon the inequity in the financial inability of small manufacturers to keep up with the financial ability of large manufacturers to buy time but "doubted that we can do anything about that at this time."

Mr. Fly expressed his doubt as to the advisability of authorizing censorship by stations of controversial script because he thought the blue pencil would be used with too heavy a hand in an effort to "relieve the station of libel suits" and further that he felt a station was legally in a better position if it could point to the law which prohibited its censoring political speeches and controversial issues. The legal aspects came in for discussion as to whether Federal Legislation could in effect do away with State Law covering libel. Chairman Wheeler suggested that Mr. Fly submit to the Committee a memorandum covering the legal aspects of this question.

Mr. Fly endorsed in principle (right of reply by opposition on public or political questions) Section 10 of the bill but came up with the suggestion that a "requirement that logs be kept" should be adopted. When confronted with the opinion that if more paper requirements were imposed on business and more papers were filed down in Washington that eventually the sale of all that paper might pay off the National Debt. Mr. Fly said such a requirement would require "only a little column" but should say "What disposition was made of each request for time." He said he didn't want this material filed automatically—even periodically, but "simply to be made available to the Commission when needed."

Mr. Fly terms Section 11 of the bill which treats "anti-censorship" by the Station or Commission generally desirable and would tend to the "more optimum use of the mechanism of Free Speech." In connection with Free Speech, Senator Wheeler asked whether any censorship by the Commission was involved in the Stipulations requested by the Commission from Mr. Edward Noble in the Blue Transfer case. Mr. Fly denied that the Commission "required" a stipulation and offered as an exhibit the Decision which contains a copy of Noble's letter. Mr. Fly said, the fact was that "I personally told Mr. Noble, and told their counsel, that so far as I was concerned we would approve a transfer even though he did not feel he could adopt and enunciate those principles."

Senator Tobey took Mr. Fly through the financial set up of Blue, exploring into who had or is to have financial interests. No new information resulted. Then Senator Tobey went into the question as to whether there was any pressure put on Donald Flamm at the time of Noble's purchase of WMCA. Mr. Fly's reply was that no pressure was put on and that he had asked Thad Brown, who had come to see Fly about charges of pressure, to report back to Flamm that such was not the case.

Senator Clark asked about the Newspaper Ownership Question and drew from Mr. Fly an expression that it was to be "disposed of at an early date." Senator White said that he had a strong feeling that there is nothing in the Act to support action by the Commission against an applicant simply because that applicant is a newspaper and directly questioned Mr. Fly as to what section of the Act he felt conveyed such authority. Mr. Fly could not point to any particular authority, stating "I just do not know the answer to that question" but added that he thought "our lawyers can give you a pretty good argument on it." Then Senator White turned to Section 16 of the Bill and received from Mr. Fly a gestured "not at all workable, absolutely unworkable."

Following some additional by-play on the Chiefs of Staff recommendation during which Senator Tobey read their recommendations and in which Mr. Fly said the Secretaries of the Navy and War had simply signed without knowing the facts, there followed some additional newspaper ownership discussion, during the course of which Senator White predicted that the time was coming when thorough Congressional consideration would have to be given to the question whether any person engaged primarily in some other business should be allowed to own and operate a broadcast station. He stated, however, that he believed that under the present Act, the Commission had no authority to refuse a license to an applicant on the sole ground that it would be affiliated with a newspaper.

The hearings were recessed until 10:30 A. M. Tuesday, November 9.

Resumé of Senate Hearings, Tuesday, November 9, 1943.

Present: Senators Wheeler, Chairman; White, Clark, Hawkes, Tunnell, Brooks, Shipstead, Gurney, Truman, Smith.

William S. Paley was the only witness and after reviewing briefly his previous appearance before the Committee in connection with the White Resolution, and reviewing the action of the Courts on the network rules, he said: "If I seem to be going over old ground it is because May 10, 1943 marked for American Broadcasting the end of one world and the beginning of another." He remarked: "the Supreme Court said in effect that the powers of the Commission under the present law are without discernible limits" and "have granted the Commission unlimited authority over every aspect of this medium of mass communication." He said that the question which is before the Congress today is: "Do the American people want the Government to have the power to tell them what they can hear on the air?"

The Chairman asked how many stations' licenses had been revoked and when Mr. Paley replied that he believed only two had been, the Chairman asked whether he thought those stations should have been thrown off the air? Mr. Paley replied that he thought the action was bad in principle but was good in those individual cases. However he added, "I would much rather have two or three or a dozen stations misuse their facilities than have a single man or a single commission tell 900 stations what they should broadcast and what the American public should hear."

Senator Hawkes asked whether something short of revocation, for example, suspension, would not be a better solution. Mr. Paley said that he did not believe that substitution of suspension for revocation would remove the danger, that he does not believe that "the American people want a radio system which is under the control of a small bureau of men with seven year appointments—that the American people want the kind of radio they have known. And this can be assured only by the free and competitive play of the program judgments of hundreds of broadcasters throughout the country. Certainly government must perform the necessary role of technical supervision over frequency assignments. But any crack through which even the best intentioned board could extend its control into the program field is wide enough to let through the flood of government control over thought."

Mr. Paley recommended the strengthening of the language of Section 8 in view of the experience gained as a result of the May 10 Supreme Court Decision, since the language of Section 8 was drawn "before we were aware of the degree to which statutory language could be construed by the Court to broaden the Commission's powers." The language of the section should be strengthened "in order to make sure that the intentions of Congress cannot be thwarted." He said the language needed to be strengthened in view of a new threat which "has developed here, before you, in the last few days. You will recall that throughout the Supreme Court decision Justice Frankfurter dealt with business and program control as substantially a single entity. Senator White in Section 8 and in his introductory remarks last March, likewise treated these two aspects of control as parts of a single problem. I think it has not occurred to anyone until recently to suggest that business control and program control were anything but two sides of the same all important coin. But Chairman Fly in his testimony before this Commission last week actually attempted to split one of these controls from the other. The Chairman of the Commission stated he had no desire to control programs. He wished only to control the business practices of radio. In my opinion, gentlemen, the idea that these two things can be separated is a fallacy of the most dangerous sort. If any such idea is accepted it could easily frustrate the basic purpose of this bill. Anyone who has operated a radio station or a radio network knows that program control is indivisible from business control.—The two are one."

As an example, he cited the rule of non-exclusivity of programs to a single outlet. He said "this rule purported to control merely the business practices of networks and stations . . . often the result of the rule is to make them (the stations) carry network programs when they prefer to carry local programs, under the fear that other local stations with which they are competing might otherwise carry CBS programs and thus cut into our affiliate's own audience and prestige. . . . It thus constitutes a direct interference with program practices, although it pretends to deal only with business practices."

Senator Wheeler said he felt that the exclusive feature of the network arrangements is bad, to which Mr. Paley replied that if the situation is considered by Congress sufficiently bad, safeguards should be enacted into the basic law and not left to the changing whims and changing minds of a Commission.

Mr. Paley then cited another example: "Another striking example of using so-called business controls as a direct lever for controlling program policies occurred in the Blue Network hearings, which were scarcely touched on here the other day. This was purely a business transaction. One group was ready to buy the Blue Network; another group was ready to sell. The Commission had jurisdiction because the licenses of three of the hundred-and-fifty odd stations on the network were affected. But the Commission used this occasion to probe deeply and exhaustively into program policies and program intentions of the network management. At this two-day hearing an overwhelming proportion of the total time was devoted to a searching inquiry into program policies. Under this questioning the management indicated the policies which it followed in connection with certain types of programs. But until the new management wrote a letter which abrogated these policies, presumably in accord with the Commission's wishes, this business transfer was not approved."

Still another example, Mr. Paley said, is the fact that "on October 7th the Chairman of the Commission publicly stated in effect, that program time should be sold to special pleaders on public issues. Such a practice would have immediate effects on programs. But on November 4th, before your Committee, he disclaimed any desire to influence programs. I can only assume from this that the close relationship between business practices and programs is not yet clearly understood by the Chairman of the Commission." Mr. Paley said it was only a short step from telling stations the kinds of programs they should carry and to saying how much and what percentage of certain types of programs a station should carry.

Mr. Paley said that all these practices could be followed "unless the Commission is denied control of business practices. The whole device is transparent. Look through the window of almost any business practice in radio and you will find program merchandise behind it." He said "should the Commission control the business practices it can tell us what kind of contract we can enter into and with whom. Thus it can control radio's access to the news and hence the news which listeners hear."

He said that it all comes down to this—"the business of broadcasting is the business of programming. If you grant the Commission the power to regulate the business which furnishes the programs you grant it automatically the power to control the programs themselves." Senator White interposed—"the authority to sell time should be entirely in the hands of the licensee or in the hands of the Commission" and that he "personally thought the licensee should be the one to market the time."

"Coming next to that portion of the bill which he called 'fairness of the air' in political discussion", Mr. Paley expressed the view that he thinks that legislative guarantee is not the answer but that broadcasters should equalize the time so both sides of all controversial issues are covered. Should legislation on this topic be enacted he pointed out "one or two unfortunate results which might flow from such a statute. It is impossible to prove scientifically and mathematically in any particular case that there has been absolute fairness in the presentation of the opposing views on any subject. Since such proof is impossible the result will be I fear that many broadcasters will solve the problem of avoiding unfairness by simply not broadcasting political programs. This result would amount to a great public disservice.

"There is moreover a provision in these sections that the Commission shall make the rules and regulations to insure the fairness of the air. It is precisely in this area of political discussion that temptation is most likely to beset a politically appointed agency. That is why in this area especially it is most urgent that control by the Commission be avoided.

"We urge you, do not give the same agency which already dominates the ultimate destiny of each station the power also to use that domination in the political field. Do not permit the Commission to combine the basic licensing control with the political powers to decide what it is fair for listeners to hear."

The Chairman inquired then as to how you could correct a situation when only one viewpoint is aired and cited the situation where a full network might carry the proponents of a measure and the opponents could secure only a few stations on the network. Senator White pointed out that an attempt to reach that objective had been incorporated in the bill. In this connection, Mr. Paley cited one of the practical problems facing a broadcaster in this regard. That is, if one speaker raises say four controversial issues all within the same time, the next speaker granted time might use his entire time answering only one of the issues raised by the first speaker.

Mr. Paley said "if the Commission is to be divested in Section 8 of the Bill, of authority to determine what goes out over the radio stations of the country, it should not be given this backdoor entrance in section 10. If it is your final decision to write a fairness provision governing political broadcasts into the law then let the Court, not the Commission determine what is fair." It was here that Senator Smith observed that he thought that one of the reasons we are here today is because of a Court decision. Mr. Paley agreed and Senator Smith replied, "Well, in God's name what do you want to go back there for?" Mr. Paley said that the Commission had used Section 311 of the Communications Act as another backdoor into the field of business and program regulations. He said that he thought that change in the law in this section was also desirable. "Though we cannot believe it was conceived for any such purpose ('that is, into the field of business and program regulations'), Section 311 has been advanced by the Commission as a main source of its power to dictate policy. The FCC announced that Section 311 somehow imposed on it an obligation to apply to broadcasting 'the policy' of the Sherman Act, as the Commission chose to consider that policy. I believe 'the policy' of the Anti-trust laws should apply to Broadcasters as to all other business, but the point is that these laws are enforced by other agencies and their 'policy' is applied by the Court."

Mr. Paley said—"let me make it perfectly clear—that I do not come to you asking that radio be relieved from any of the restrictions which are imposed on all other businesses. We do not seek a privileged place. We are bound by and should be bound by the various laws which have been designed to protect the public interest. The Anti-trust laws are ours to face and comply with like anybody else. We ask merely in this respect we be restored to equality with other American enterprises. This would seem to require that Section 311 be eliminated."

Senator Wheeler pointed out that other companies, such as railroads, and businesses regulated by the ICC and the SEC have brought this regulation on themselves as a result of certain abuses. And said however "that the FCC should not enforce the anti-trust laws." Mr. Paley said he hoped for freedom of broadcasting but that if regulations were required "please make them law." "Give us a law which permits no Commission with limitless authority to make rules this week, revoke them next, change them at will and extend their effect to the entire field of broadcast operation." Mr. Paley said further, "Each of those 900 stations is in active competition, often with a dozen or more stations for all or part of its audience. Each of them is thus responsive to the public and is subject to the checks and balances which such competition imposes. The public's retribution upon bad broadcasting is as swift as the flick of a switch or the turn of a radio dial. Public approval is vital to each licensee. It is not vital to any government commission endowed with unlimited power. Is it not far better to divide program control among 900 broadcasters, each under the discipline of competition and the constant need for public approval than to concentrate it in the hands of one Commission free from both restraints?" He said "the absolute power of the Commission does not even need the instrument of written regulations to assert itself. I once mentioned 'regulation by raised eye-brow'. The mastery which the Supreme Court Decision has assured to the Commission has brought that stage to our doorstep. Thus when the Chairman of the Commission or a Commissioner, either as an individual, or in his official capacity, makes a statement that news and news analysis should be handled in a certain way or time should be sold to certain groups or individuals, he makes such statements on a different level than anyone else. What he is really saying is this: 'In my opinion it is in the public interest that each of these things should be done.' As the Commission issues and revokes licenses, under the present law, on the basis of its own opinion of what is in the public interest, any such expression is unmistakable notice to all broadcasters that they conform their operations to such views or make the threat that their licenses may not be renewed.

"This does not mean that I wish to see either Mr. Fly or the Commission silenced. I think it is wholesome thing for our administrative officers to express their opinions clearly and openly. What makes Mr. Fly's views harmful is neither their content nor that they are his views. It is only that he now has such authority that his mere expression of opinion will, in many quarters, be taken as a mandate. It has been said, 'Whoever can do as he pleases commands when he entreats.' Certainly by reestablishing the principle that the Commission cannot do as it pleases, the Commission's arguments and suggestions can be received and considered on their merits. This will remove the Commission from the pedestal of dictation to the platform of debate.

"For fifteen years radio has served one master—the public. Public needs and public desires have been, inevitably, the guiding principle of every successful radio operation.

"Since the May 10 decision we have learned we have a second master—the Commission. The result has been that broadcasters can no longer devote their full attention to the service of the public. Today their energies are diluted by an increasing concern to avoid any disapproval by the Commission. No longer can broadcasters gauge their program service by the yardstick of listener survey and audience response. Now they must scan the latest speech by a Commissioner for the current pronouncement on what the public should hear.

"William Pitt has said, 'Unlimited power corrupts the possessor.' I do not mean to charge the present Commissioners with sinister motives. But sooner or later power will be used. Just how tempted any power in administration would be to use this instrument to guarantee to its own future success at the polls or to mold public opinion in certain directions on controversial public issues, is of course, hard to ascertain. But for us to allow such temptations to exist, knowing the human failings of men, especially when they are badly pressed, is to do injustice to everything we stand for as a nation.

"The freedom of thought of the American people cannot be left dependent on the self-restraint of any Commission, however well-intentioned.

"Yet that is where the Supreme Court decision leaves it. The Supreme Court told the Commission that hereafter it would have 'expansive' powers; that it must not 'merely police the wave lengths' and supervise the traffic over them, but must hereafter also bear 'the burden of determining the composition of that traffic.'

"And so the Court confirmed a new power, unique in our democratic history. It gave to an administrative bureau not only the right, but the duty, the task of determining what the people shall hear over their radios.

"We come to you, finally, as the court of last resort. Only you, the spokesmen for the public, can reverse the effect of the Supreme Court's decision. Not only did the Supreme Court point this out—it also disclaimed any responsibility for the practical results of its decision. Justice Frankfurter said 'Our duty is at an end when we find that the action of the Commission was based upon findings supported by evidence, and was made pursuant to authority granted by Congress. It is not for us to say that the 'public interest' will be furthered or retarded . . . the responsibility belongs to the Congress. . . .'

"I do not doubt that you are weighted down today with many grave and difficult problems. We are in a desperate war against tyranny and the Congress has much pressing work to do.

"But I urge you to consider the problem I have presented as not the least of your tasks. If under the stress of other important issues the freedom of radio should be neglected, your work to win the war will be incomplete. It is not too much to say that when radio ceases to be free and democratic, the whole fabric of our freedoms is imperilled.

"The danger is here and the time is late. The broadcasters ask your help. The whole public needs and deserves it."

The hearings were recessed until 10:30 a. m. Thursday, November 11.

Resumé of Senate Hearings, Thursday, November 11

Present: Senators Wheeler, Chairman; Hawkes, White, Tunnell, Brooks, Smith.

Mr. Fly was the only witness and the principal topic of discussion was program content of broadcasting stations and networks and followed the question and answer procedure, as has been the case heretofore with Mr. Fly's testimony. Mr. Fly commenced his testimony concerning "new fields" in radio—to which Senator Wheeler suggested we call in the Engineers. Mr. Fly then turned to a suggestion that the Commission be given authority to look into the relationship of ownership of stations where less than a majority of stock was transferred.

In commenting on Mr. Paley's statement, Mr. Fly said he believed Mr. Paley's strategy is to create fear "by dragging in censorship by the tail in order for two New York Corporations to again secure monopolistic control."

Senator Brooks asked Mr. Fly "whether freedom of speech applied to radio and if so whether the action of the Commission in the "Boston" case was not censorship." Mr. Fly replied that "that station had had its own editorial staff, and when a station promotes its own idea it is not operating in the public interest."

In response to a question Mr. Fly said he could not believe that public owned frequencies should be granted to serve the selfish interests of a licensee. The Chairman presented the hypothetical case where three simultaneous applications from the same area were before the Commission and all three applicants were legally, financially and technically qualified, whether or not it wouldn't be necessary for the Commission to grant the license to the applicant who made a showing that he could best serve the public interests.

Mr. Fly replied that the Commission would have to give consideration to the types of programs the station would carry before they could reach a conclusion that the service would be in the public interest.

Senator Brooks inquired if an applicant was a newspaper whether that would have a bad effect on the application being granted to it. Mr. Fly said that it would be a question of the individual case as to whether the granting of a license to a newspaper would tend toward dissemination of news in that area in a monopolistic manner.

Senator Brooks asked whether the Commission contemplated rendering a decision finally in the newspaper investigation and Mr. Fly replied "Yes."

Senator Tunnell said "I understand you believe that stations should have no editorial policy" to which Mr. Fly replied that he believed a licensee's duty is to the public.

Chairman Wheeler interposed—if editorials are to be carried they should be branded as such. Senator Brooks inquired as to whether foreign language station renewal applications have been held up due to program content and Mr. Fly said that situation had been cleared up and that no license renewals were now being held up—that "that's no longer a problem."

Mr. Fly then took to task Mr. Paley for his testimony and stated that what Mr. Paley wants is to make broadcasters "legalized outlaws," by putting the authority to exercise control "where it won't be effective" and said further if you can't trust the Commission then "abolish it" and set up some other effective control.

Mr. Fly said it was most unfortunate, but it seems to be true that the more prosperous stations are the fewer public service programs they have on the air and what it seems to come down to is whether a station is in business purely to make money or whether an obligation should be put on it to render public service programs. The Chairman said "Just thinking out loud—what do you think of regulating networks as networks," to which Mr. Fly replied that he did not feel very strongly about it, but the time is coming when public service laws should be enacted to apply also to networks. The Chairman then asked whether Mr. Fly felt that in view of the huge network profits they should extend the service to areas even where it would not be profitable in the individual case to the networks and Mr. Fly agreed that this was a desirable objective.

The Chairman then inquired as to whether developments after the war might entirely change the system of broadcasting and Mr. Fly indicated that the change might be pretty fast after the war and might be considerably different within a decade. He said that consideration was being given to higher frequencies for many types of service but of course the question of allocation and assignment of frequencies was a fairly long drawn out process since they had to be given thorough consideration and eventually covered by international regulation.

Mr. Fly then referred to Mr. Paley's comment about "censorship by lifting an eyebrow" and said that while he is strongly opposed to the preponderance of soap operas on the air, you can't get them off with a crowbar much less an eyebrow. He said that if there is danger of censorship he had language to remedy censorship and then sarcastically read the language of the existing Section 326 of the Act.

Senator Hawkes inquired as to who is going to judge what the public should hear, to which Mr. Fly replied that he thinks the broadcasters themselves should make that determination but that eventually Congress might have to act.

Mr. Fly agreed with the Chairman that when a Commentator "slanders" someone that Commentators time should be turned over to the one slandered for reply.

The Chairman indicated a desire that Commissioner Craven appear and give testimony.

The hearings recessed until 10:30 a.m. Friday, November 12.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

November 19, 1943 SPECIAL LEGISLATIVE BULLETIN No. 23

Hearings on White-Wheeler Bill Continue

The hearings were resumed November 15, 1943.

Present: Senators Wheeler, Chairman, White, MacFarland, Tobey, Truman, Clark Tunnell, Moore, Reid.

The Committee convened at 10:00 o'clock as scheduled, but Mr. Burke of KPAS, Pasadena, California, who had asked to appear at that time was not present. Neither was Mr. Frankenstein who had asked for time to testify present. Consequently, the first, and only witness for the day was Neville Miller, President of NAB.

Mr. Miller pointed out that NAB had been organized 21 years ago. Of the 547 stations now active members of the Association the breakdown by network and nonnetwork affiliation is as follows:

	Members of NAB
Mutual	130
Non-affiliates	123
Blue Network	113
NBC	108
Columbia	107

Mr. Miller showed the geographical separation of stations was pretty evenly divided over the entire country and that the membership represented about 90% of the revenues of all broadcast stations. He then submitted, as exhibits, the following:

Exhibit No. 1, Showing active members of the National Association of Broadcasters, listed by States, in 17 geographical districts, as of November 1, 1943.

Exhibit No. 2, Analysis of Broadcast stations by class of stations, showing the membership of the National Association of Broadcasters within each classification.

Exhibit No. 3, Analysis of Broadcast stations by 1940 population of metropolitan districts and cities showing the membership of NAB.

Exhibit No. 4, Analysis of U. S. Stations by network affiliation showing the membership of NAB.

Exhibit No. 5, National Association of Broadcasters Associate Members.

(The last four exhibits being as of November 3, 1943.)

Mr. Miller pointed out that the membership had increased since the Sanders hearing, at which time there were 924 licenses and construction permits and NAB had 494 members—while at the present time the number of licenses and construction permits is 913 and NAB memberships number 545, that is a net increase of 51 new members during the time that charges were made that NAB did not represent the industry.

Chairman Wheeler observed "Well, the networks do have a big say in the NAB, do they not?" Mr. Miller replied that the Board of Directors consisted of 25 members, of which NBC has one and CBS has one, and explained the democratic manner in which it operates. The Chairman said "Because of the fact that they (the networks) are a large percentage of the industry, you know and I know they do exercise a large influence in the organization." To which Mr. Miller replied "Yes, they are like any other group. But I should like to give the picture for the record, and will say very positively they are not the dominating force they are pictured to be by Mr. Fly. Far from that." Mr. Miller went on to say that NAB is largely a service organization consisting of personnel specializing in several lines of endeavor, all of which tend to the general benefit of the broadcast industry. Senator Wheeler wanted to know specifically what the industry had solved that NAB had fostered. Mr. Miller said that a large portion of its work had been adopted by the industry in the form of the Code—and explained how the Code itself was created, i.e., first the industry was circularized for policies—the Code Committee took those policies and drew up a tentative code. Mr. Wheeler observed that "NAB hasn't done a very good job in some cases." Mr. Miller pointed out that the National Association of Broadcasters could only educate and recommend to stations what they should do, since as he thought, the license itself carried the authority for the licensee to control programs. Senator Wheeler observed that he didn't ever want to see the Government take over broadcasting but he did want the industry to regulate itself so it wouldn't be necessary for the Government to take it over. Mr. Miller pointed out that the only rights a broadcaster has result from a grant by Congress—that we are now operating under a 16-year-old law which has covered a period of vast development of broadcasting and reviewed the uncertainties which face broadcasting today. He cited as an example of the uncertainty of rights of a broadcaster, the fact that 17 judges sat on the KOA case and 10 opinions resulted, 5 for the right of intervention and 5 against the right of intervention. Mr. Miller said that the network cases which covered a period of 5 years had also served to further confuse the rights of a broadcaster.

Mr. Miller said that in his statement he would cover both the substantive and procedural provisions of the proposed bill. With reference to the network regulations, Senator Wheeler said "The Commission couldn't regulate network directly so the Commission did it by the indirect method of regulating the stations on the network." Senator White observed that that was one of his complaints—the method followed, not the objective of the network rules.

Senator Clark said that he agreed that the procedural provisions should be made perfectly clear —but that when you come to the substantive provisions you are in more difficult territory. You are confronted there with changing conditions and to set up statutes in a field of such changing conditions would tend to make static a situation that perhaps should be changed. He said that leeway should be available so that policies could be changed sometimes even from week to week. Mr. Miller observed that while this was true, the basic policy should be written into the law and should be set up as guide posts. He said that one of the things that would assist in stabilizing the industry would be an extension of license period from the present two-year period to from ten to fifteen years, with the Commission given power to cite stations and enforce penalties set up by the statute itself.

Senator Tobey observed that he had to go back every six years to get his "license" renewed, to which Mr. Miller said that he thought that might be an appropriate term of license. Mr. Miller said that he thought that the program structure as it has been developed by broadcasters was in general of a very fine character, to which assent was expressed by various members of the Committee. Mr. Miller pointed to the booklet "The Elements of a Successful Radio Program". With reference to the "increased revenues" of the broadcast industry, Mr. Miller pointed out that part of these revenues came about as the result of sponsorship of such programs as the Philharmonic and NBC Symphony, pointing in this connection to the benefits to the public which resulted. The fact that these programs had been increased from 30 odd weeks to a year-round program certainly was a benefit to the listening public.

Mr. Miller pointed out that the May 10th decision had "extended the Commission's powers" which was a further disturbing element to the broadcasting industry. Mr. Miller read from the Pottsville case Justice Frankfurter's "recommendation" that "we go to Congress." Mr. Miller pointed out the necessity for immediate action concerning the law in order that at the termination of the war the experiments and developments coming out of the war could be fully developed and thereby create added employment. He said that the door should be closed to any further intrusion by the Commission into the program field. Continuation of this course will deter many prospective investors from entering the radio industry who would otherwise contribute large sums to the development of new uses for radio.

The session was adjourned until 10:00 a. m., Tuesday, November 16, 1943.

Following is a report of the proceedings on November 16, 1943.

Present: Senators Wheeler, Chairman, White, Moore, Tobey, Clark, Tunnell, Truman, MacFarland.

Mr. J. Frank Burke of KPAS, Pasadena, Calif., and KFBD, San Francisco, Calif., was the only witness.

The Chairman stated that Mr. Fly and Congressman Voorhis had advised him that Mr. Burke wanted to be heard. Mr. Burke said that he had not expressed any desire to be heard but was perfectly willing to appear. The Chairman said "then I have been misinformed, but since you have written some articles regarding the subject we will be glad to have your views." Mr. Burke said that at one time he had been chairman of a Legislative committee for a group of stations, but when the Committee proposed a letter supporting legislation he had refused to sign the letter, and had withdrawn from the chairmanship of the Committee, but that since that time he had given much consideration to the Supreme Court Decision and to pending bills and was opposed to legislation "since it takes power away from the Commission." The Chairman requested that Mr. Burke explain how he had secured a license for Station KPAS subsequent to the "freeze order." Mr. Burke was vague as to the details and said he had been advised from time to time by his engineer and commercial manager that certain technical difficulties were being encountered.

Mr. Burke indicated that he "had been trying to get on the air at night for about five years" and that the difficulties and expense and worry put him to bed with ulcers. The Chairman observed "well you've done a lot better than a lot of them have been able to do."

When asked by Senator Tobey whether or not he approved of the policies of the FCC Mr. Burke indicated that in nearly all cases he did approve.

The Chairman asked whether he had had a hearing before the granting of his license and Mr. Burke said there had been no hearing, but that the presentation had all been made through application blanks and since then his primary interest had been in "getting on the air at night to give his editorials". The Chairman asked whether he felt a station should have an editorial policy to which he replied that "editorials express my policies as an individual and not those of the station." He said he believed a designated agency of the Government could tell a station what to do better than a person whose finances were involved. He said he considered a station as an "agent" of the FCC holding its license in "trusteeship."

The Chairman delved into the financial set up of the station and asked who owned the stock. Mr. Burke was quite vague and said he would have to have the books before him in order to answer the questions propounded. He said he personally put up $82,500. and then sold $45,000. to others but was unable to give a complete breakdown of the stock distribution. The Chairman remarked that Mr. Melvin Douglas was shown as a Director and Mr. Burke explained that in his early efforts to secure the station Mr. Douglas was to put up $10,000. but later Mr. Douglas refused to buy stock on advice of his manager. Mr. Burke said he "had given stock to people who helped get it (the license) through." He said he was primarily for freedom of speech but could not explain why he felt it was necessary that those opposing his "editorial policies" should be given free time.

He stated that a Federal agency should be given broad authority to regulate conditions which would "control" radio in the public interest and cited as an example the exclusive lease of Mt. Wilson in his territory, which exclusive feature prohibited another FM station being built at the same site held by the lessee. He said that when this contract was submitted to the Commission by the applicant for an FM station that the Commission had told the applicant to get rid of the exclusive clause, which the applicant had done. He said this was the right kind of authority for the Commission to have. When queried by Senators MacFarland and Moore as to whether he thought the Commission should have the power to tell the owner of a piece of property he could not make an exclusive lease with someone, he said the Commission's power should not go to the owner of the land, but to the control of the person leasing the land. The Chairman stated that any such authority would be beyond the authority of Congress to delegate, as he felt it would violate the "due process" clause of the Constitution.

Mr. Burke then read from a prepared statement that he felt that such questions as "dual ownership" and "newspaper ownership" are not to be handled by station control but should be handled through discretion of the Commission in individual cases—that he felt that blanket laws covering either situation would not work.

The session adjourned until 10:00 a.m. Wednesday, November 17.

Pres. Miller resumed on November 17, 1943.

Present: Senators Wheeler, Chairman, White, Moore, Tunnell, Barkley, MacFadden, Gurney, Clark, Hawkes.

Neville Miller, President of NAB, was the only witness on Wednesday, November 17. His testimony covered two of the remaining portions of his presentation.

He explained that he endorsed in principle the recommendations of the Federal Communications Bar Association, pointing out that "the law does not sufficiently specify the procedural steps which must be taken by the Commission in disposing of many controversial matters. Another is that it is well nigh impossible in the present state of the law to secure judicial review of Commission action, no matter how onerous or capricious." He cited the KOA case as an example, pointing out the growing tendency of the Courts to refuse to review actions of the Commission, and said that "more or less under the encouragement of Mr. Justice Frankfurter, there has grown up a feeling that the courts should not review actions of the Commission. Now I think that until the idea became as prevalent as it is today, Congress more or less relied upon the courts putting a brake upon some of these administrative agencies. But since the decisions have taken that brake off it would seem even more important that Congress should come back into the picture and put some definitions, guideposts and checks into the statute, to make perfectly clear the intent of the Congress and which have been more or less removed by the action of the Supreme Court.

On the question as to whether the May 10 Supreme Court Decision had reversed the Sanders Bros. case Senator White said, ". . . We have the Sanders case still standing as a general declaration of the principle of the law, that there is no general authority in the Commission to invade the business field. But alongside that there is upheld a particular exercise of power in the regulations." He said further that the "Supreme Court has permitted the Sanders Bros. case to stay upon the statute books, it neither being overruled by it nor modified by it except in limited particulars. That is the position I am inclined to adjust myself to." He said further, "I think the United States Supreme Court was a thousand per cent wrong in its conclusion in the latter case, but I bow to it." Mr. Miller replied, "The thing that worries the radio industry is the fact that on Senator White's explanation, that the last decision made an exception, they put no limit to exceptions, and so the exceptions might extend to the point of wiping out the entire ruling in the Sanders Brothers case. The other thing which I think is very important is this: that where there is indefiniteness or dispute as to what is really meant, the Court is merely trying to interpret what Congress itself decides is the law. And I think for the purpose of speeding up action, fighting a lot of lawsuits and things of that sort, and while we are in the field of wanting to know what was passed 16 years ago and what the Court means about what was passed 16 years ago, the best illustration is at that time Senator White was on the House Committee that passed that Act. I think, as he has just said, the Court has not interpreted the Act in the way Congress meant it. It seems to me a good result would be accomplished for all parties if this committee or this Congress would lay down definitely now what the law is."

The Chairman interposed that while he appreciated that what the industry wanted was "to confine the Commission merely to regulating the question of the giving of licenses and deciding interference, and so forth, merely electrical apparatus. But I for one will say that if you are going to have a commission and just simply limit it to that field, you might as well not try to regulate the industry at all, except as to those minor details of interferences and so forth, as to power. Now as I gather from what you say if we are going to regulate business practices, what you want is to have the business practices we regulate spelled out to a large extent in the law." To which Mr. Miller replied, "I think we ought to spell them out in this law like they are spelled out in the ICC law and as I understand it in the SEC law, and in some other laws. I think, although I differ with your statement, our primary view is that the Commission came into existence to regulate the physical aspects of radio. The Chairman agreed that the radio act came out of chaotic conditions existing at the time when Congress wrote the law and 'other provisions were written into it.' "

With reference to dividing the Commission Mr. Miller said, "We feel, I think, that it would be very advantageous to have the Commission divided into two permanent divisions, because the laws and concepts of regulation of public utilities, like telephone, telegraph, cables and things of that sort which are public utilities, these concepts are entirely different from the concepts that should govern the regulation of broadcasting, which is a means of communication of news, information and entertainment, especially as the Act provides that broadcasting is not a public utility." . . . "I think that would be advantageous both from the standpoint of personnel and of operation because it would define the responsibility of those who had jurisdiction over broadcasting, and would produce, I think a better result."

Taking up the NAB proposals, Mr. Miller said that Section 15 of the pending bill "dealing with declaratory judgments is designed to provide a method whereby applicants and licensees can obtain a judicial determination of the Commission's power and authority with respect to a particular matter without at the same time placing their right to do business in jeopardy. I commend it to you and invite your serious consideration of this subject, because I believe that of the several legislative changes proposed by NAB this is the most important to the entire industry." Senator White observed, "I think there has been some misunderstanding of the scope of those sections dealing with declaratory judgments and am glad that you emphasize that the only instance in which the issuance of a declaratory judgment is mandatory is where there is involved the rejection or modification or renewal of a license. In all other instances it is wholly within the discretion of the Commission whether they will or will not issue a declaratory judgment."

In connection with the Network regulations, the Chairman said, "Suppose you had said to one of these stations: You must divest yourself of your connection with that network, if not we will revoke your license. When it comes to revocation of license the station would have had the right of appeal." To which Mr. Miller replied that "But by that time the station would have violated the rule, and if it lost on appeal the Commission would then either have to revoke its license, in order to maintain its authority, or say that anybody can violate any regulation and then after we get into Court if we find out you have violated the regulations we still won't enforce the penalty."

Senator Wheeler said that a licensee who violates the rules of the Commission has a license that is liable to forfeiture—but where a large investment was involved a licensee who is undertaking to conform to the rules and provisions of the law and treaty provisions "a situation may arise where he is not quite sure of the regulations of the Commission, what a regulation means; is not quite sure what a statutory provision means. This suggestion would permit him to come in before the Commission and declare the facts which are pertinent, and ask the Commission whether in the circumstances of his case he is or is not within the letter and spirit of the regulation, or within the letter of the law.

"He could then acquiesce in the declaratory judgment of the Commission and conduct his business accordingly. If the declaratory judgment gave him a clean bill of health he could go right along without the expense, delay and difficulties of an appeal to court, in the knowledge that he was wholly in the clear.

"On the other hand, if the Commission issued a declaratory judgment which was adverse to his position, then he could go into Court and test the validity of the Commission's action."

With reference to securing declaratory judgments, the following exchange took place between the Chairman and Mr. Miller:

Mr. Miller: "Such action would, in our opinion, furnish a reasonable formula for the solution of many problems which now confront the industry and which will continue to confront it as long as the system of licensing is the accepted method of regulation. Since regulation, rather than the imposition of sanctions, is the proper function of the Commission, we can see no objection to requiring that a declaration of rights precede the imposition of penalties in any license proceeding. We strongly urge the enactment of this section."

Coming next is Section 16 of the Bill, Mr. Miller stated:

"It relates to the imposition by the Commission of penalties, denials, prohibitions and conditions not authorized by the statute; the unauthorized withholding by the Commission of rights, privileges, benefits and licenses from certain persons or classes of persons; and the manner employed by the Commission in imposing sanctions or withholding privileges, benefits or licenses when such action is authorized by the statute. * * * The necessity for such provisions in the Communications Act arises out of the fact that all too frequently it has been the practice of the Commission to condition grants of an application upon the performance by the applicant of some act which is beyond the proper scope of any issues presented by the application in question. In many cases the condition imposed has been performance of some act which the Commission has no authority to compel, or concerning which the Commission's authority is at most doubtful. Typical conditions are those requiring an applicant who owns two stations in the same locality to dispose of one before a power increase for the other is granted, or those in which an applicant for radio broadcast facilities is required to divest himself of stock in other enterprises as a condition of the grant. Sometimes these conditions are taken up and discussed with the applicant or its representative before they are imposed; in other cases such conditions are merely imposed as a condition of the grant, without previous consideration or discussion with the applicant.

"Now, I don't know that I can give any better illustration of what this section is aimed at curing than the illustration that Mr. Burke gave on the stand yesterday, and that is, here was a company that was interested in FM and they went out and made an exclusive lease on Mount Wilson. Then the Commission evidently, from the terms that Mr. Burke stated, the Commission said, "If you want an FM license, you have got to let anybody else that wants to move in on the mountain with you." Now, that is not regulating the license. That is regulating contracts between individual citizens. If I own a building and I want to rent a building to a man who is interested in FM and I feel I can get a premium on that building by renting it to him and not letting anybody else in the building, I should be able to rent the building the way I want to. But at the present time, without any authority in the law, the Commission by this use of licensing would say that if that licensee wanted to use my building he would have to give up the exclusive privilege and I would have to rent that building to as many people as the Commission thought ought to have it."

Senator White: "In other words, the Commission would use the licensing power to change the terms of a contract?"

Mr. Miller: "That is made between two individuals."

Senator White: "You are referring in this connection to Section 16 of the pending bill which is aimed at that sort of thing?"

Mr. Miller: "Yes, sir, Section 16."

Senator White: "Could you give other illustrations?"

Mr. Miller: "Yes. As I recall it, there was a case—I think the Commission can furnish some illustrations—there was a case as I recall about a year ago where a man had a newspaper, I think it was down in West Virginia, and to get a license the Commission required him to divest himself of the newspaper. I think there are any number of cases, you will find they won't be on record because those things are not made of record, where a man has two stations, where the question of covering the community in which he is located is involved and he makes a case whereby he is entitled to increased power in one of those stations and the Commission will not give him the increased power unless he divests himself of the other station."

Following an expression by the Chairman as to his opposition against one licensee holding two licenses in the same town, Mr. Miller said:

"Senator, so many of these provisions are aimed at securing an orderly procedure and a man's rights. Here you take a man has got two stations. He comes in and he has a hearing as to whether or not he should get increased power, and they say, "Yes, you should get increased power," but they decide he has got to sell his other station and they have never had a hearing as to whether two stations in that town are proper or not."

The Chairman replied, "Well, I agree with you about that." Mr. Miller said, "This section, which is Section 16, merely provides that penalties, denials, prohibitions and conditions not authorized by the statute should not be exacted, enforced, or demanded by the Commission in the exercise of its licensing function or otherwise. No sanctions not authorized by statute shall be imposed by the Commission upon any person. Rights, privileges, benefits, or licenses authorized by law shall not be denied or withheld in whole or in part where adequate right or entitlement thereto is shown. The effective date of the imposition of sanctions or withdrawal of benefits or licenses shall, so far as deemed practicable, be deferred for such reasonable time as will permit the persons affected to adjust their affairs to accord with such action or to seek administrative reconsideration or judicial review. Now, this would simply put a very definite limitation upon it, which I think we are all agreed upon, but which we in the industry today feel that through the power of licensing the Commission has exceeded.

Senator White: "You take the general position that if there are penalties, prohibitions, or restrictions, which this Commission should have the power to put into effect, that Congress should write them in."

Mr. Miller: "That Congress should write them into the law. I think you get back to the old saying that the right to tax is the right to destroy. You have here a question where the right to license is the right to destroy. You not only destroy the value a man has in his radio station but the value private citizens have in wanting to deal with that radio station. If you extend that continually further you will find that the very power to license radio stations controls not only the business practices of the radio stations but the business practices of property owners in that town who want to deal with that station."

Senator Hawkes: "What you are saying, Mr. Miller, is that you would like to have your industry controlled by rule of law rather than rule of man."

Mr. Miller: "Yes."

Senator Hawkes: "In other words, you would like to know what you have a right to expect so that you can proceed with your business in an orderly way?"

Mr. Miller: "Yes, sir. We would like to have those things out, so that we would know what our rights are. Take the question of dual ownership. Here is a man that has a station today; he doesn't know whether he can pioneer in the FM field. If he cannot pioneer in the FM field, he who knows more about it than anybody else, there perhaps will be no pioneering in that field. The condition of a man who is willing to pioneer in that field—he may go in there to do pioneering and get an FM license and then come back a year from now and want to increase the power on his FM and they say, "We will give you increased power provided you sell your other station."

There follows the testimony regarding Section 8 of the proposed bill.

Mr. Miller: "The remaining proposal in this bill, advanced by the Association, namely, section 8 (p. 12), provides for the inclusion in the Act of certain language which would codify an interpretation heretofore placed upon the Act by the Supreme Court of the United States in the case of Commission v. Sanders Brothers Radio Station, decided March 25, 1940 (309 U. S. 470)."

Senator White: "That is the section which writes in the language of the Sanders case?"

Mr. Miller: Yes, the language of the section practically takes the decision of the Supreme Court and writes it into that law. In that case the Supreme Court was called upon to decide a fundamental question concerning the functions and powers of the Federal Communications Commission under existing provisions of law. More specifically, it was called upon to determine the rights and remedies of an existing broadcast station which objected to the establishment of a rival station in the same community where it appeared that the establishment of a second station would result in economic injury to the first station which would or might affect the service.

"In its consideration and decision of this question, the Court had occasion to examine those provisions of the Act relating to broadcasting and to compare them with those provisions relating to common carriers of communication. It pointed out that, as opposed to communications by telephone and telegraph the Act recognizes that broadcasters are not common carriers and are not to be dealt with as such. It further pointed out that the entire scheme established by the Act for the regulation of broadcasting was premised on the principle of free competition and not on the basis of suppression of wasteful practices due to competition, the regulation of rates and charges, and other measures which are unnecessary if free competition is permitted.

"In summing up on the question of the nature and character of the Commission's jurisdiction over broadcast stations under existing provisions of law, the Court said (page 465):

> 'But the Act does not essay to regulate the business of the licensee. The Commission is given no supervisory control of the programs, of business management, or of policy. In short, the broadcasting field is open to anyone, provided there be an available frequency over which he can broadcast without interference to other, if he shows his competency, the adequacy of his equipment, and financial ability to make good use of the assigned channel.'

But notwithstanding the fact that no language can be found in the Act which confers any right upon the Commission to concern itself with the business phases of the operation of radio broadcast stations, we have found the Commission concerning itself more and more with such matters. This it has done by requiring all licensees to file with the Commission voluminous reports showing in the minutest detail practically every phase of their financial operations. It has also by regulation required the filing of practically all contracts relating to the acquisition and broadcast of certain types of program material. Further than this, it has now attempted by regulation to control the source, and consequently the character, of network program material through the contractual or other arrangements made by the licensee for the acquisition of such material. This authority has not only been affirmed but, as already pointed out, in a manner which invites further regulation of program material."

The Chairman: "Let me ask you this: Don't you think that the Commission in deciding the public interest should have the power to say whether or not in a community where there is, say, one small community, where by establishing several radio stations there, they might reduce the kind of programs put on that did affect the economic interest? I mean, that is something they should take into consideration."

Mr. Miller: "That raises the whole question in the Sanders case about the economic effect of programs and public service."

The Chairman: "I am asking you whether or not you agree that the Commission should be given the power. I don't know. I am asking you the question."

Mr. Miller: "I think the question of economic interest comes into the question of public service and whether or not the Commission has gone all over that, I haven't followed that argument to its last place, but the Court in deciding this case very definitely limited the authority of the Commission to that extent. Also it raises the question of financial ability when a man comes in and wants a license. Has he the financial ability to operate the station in the public interest? All those questions come up."

Senator White: "The statute covers that and requires financial ability of a man to operate a station."

Mr. Miller: "Yes. Those are points that are raised in the granting of the license for the purpose of establishing a radio station. I think the

Commission should be given adequate power to decide what is in the public interest, but as to going further to control after the station has been operated is a question which I think is an entirely different question."

The Chairman: "I think that is true. Your idea is that when the Commission acted to put out of business the Baker station out here in Iowa and the Schuler station down in Los Angeles and the Brinkley station out in Kansas, that they acted without authority?"

Mr. Miller: "I think they acted without authority."

The Chairman: "Of course, that took place before Mr. Fly became chairman."

Mr. Miller: "Yes. We do not blame those things on him at all, but the thing about it is this—"

Senator White: "I think you have got enough on him without going back."

The Chairman: "Well, anybody who is chairman of the Federal Communications Commission has got a difficult job at the very best. I don't envy him any."

Mr. Miller: "We appreciate his position. He is in a very difficult position. I think if he doesn't take the power sometimes he is criticized for not taking it, and if he does take it he is criticized for taking it. We think that Congress can make him much happier if they would decide exactly what his power is to be."

Senator White: "That is your real objective here, to try to make Mr. Fly happy?"

Mr. Miller: "Yes, I think if this bill was passed he would be a much happier man."

The Chairman: "That has not been the attitude of some of the committees and some of the criticism."

Senator White: "Mr. Fly hasn't emphasized that thought either."

Mr. Miller: "Still, we want to do him a good turn, even though he doesn't want it done."

The hearings resumed November 18, 1943.

Present: Senators Wheeler, Chairman, White, Tobey, Tunnell, Gurney, Moore, Hawkes, Barkley, Clark, MacFarland, Brooks.

Mr. J. Leonard Reinsch of Atlanta, Georgia, after summarizing his position as directing head of WSB, Atlanta, WHIO, Dayton, Ohio, and WIOD, Miami, Florida, pointed out that all these stations were affiliated with newspapers owned by Governor Cox, and said that Station WHIO, Dayton (affiliated with CBS) is in competition with one other station in that area, WSB, Atlanta, (affiliated with NBC) is in competition with three other stations in that area and WIOD, Miami, (affiliated with NBC) is in competition with three other stations in the metropolitan area of Miami.

He described the organization of each station as a separate entity with its own management and stressed the independence of each station with reference to the newspaper affiliation. He said that each of the newspapers had its own editorial policy, whereas the stations themselves had no editorial policies and pointed out that each station had its own news staff and news service separate from that of the newspaper—and was in active competition for advertising—that they had no joint rates and were operated as completely separate enterprises.

He said he was not appearing for any group but for himself, for the purpose of expressing the need for new legislation. He summarized the public service rendered by the stations pointing to the extent the Atlanta station had gone in order to render service to the farmers through an agricultural program at the time when they wanted to hear it, even though it conflicted with a commercial program.

He explained how the station had collected broadcasts by portable transcription pickups by going out to the farm area rather than having the farmers come into the station. He cited the service rendered by stations during disasters or inconveniences caused by utility breakdown, etc.

Mr. Wheeler asked how he felt about superpower under such circumstances, when in local emergencies a local station could best render a service. He pointed to the fact that super-power was becoming less of a problem due to prospects for additional frequencies and stations.

Asked directly what he thought of the possibilities of FM he gave as his personal view—that with manufacturers including FM Bands in receivers after the war, he felt the development would be quite rapid, and pointed out as far as his situation was concerned their FM planning had been stymied at the present time by the Commission's newspaper hearings and said in this regard he should like to know what his rights are.

Senator Clark asked whether he had been hurt by the network rulings to which Mr. Reinsch replied that he had not but he felt the network rulings were accepted by some as an easy way out. He said he had from time to time run into difficulties with networks on programs, time clearances, etc., but they were the usual business difficulties and no more burdensome than other business difficulties which all business men run into.

When asked by Senator Clark the hypothetical question as to whether he thought a lone station should be granted to a newspaper owner in a town of say—25,000 population Mr. Reinsch said that he felt that there might be instances where the newspaper would be the only interest who financially render radio service, and in that case it might be well to grant the newspaper owner a license. He felt that it depended largely upon the integrity of the owner as to whether or not a license should be granted to him. He said he thought it should be left to the individual case—to be passed upon by the Commission, rather than by setting up a statutory rule which might well work a detriment to the public in some cases. He said that the chance we take in having a few bad situations is the price you have to pay for the freedom of radio enterprise.

Mr. Reinsch pointed out the ability of a local citizen to determine what his neighbors wanted to hear, and that he knows broadcasters are the type of persons who are members of the Rotary-Kiwanis, War Bond Campaigns and generally substantial citizens in their communities.

Senator Clark asked whether he was "afraid of the Commission" and Mr. Reinsch replied that he was fearful of the "innuendos" and of the "unknown" and "the trend toward program interference."

With reference to program appeal, Senator Gurney asked whether he was in possession of any knowledge as to the reaction in Europe to the setting up of American stations and Mr. Reinsch replied that while the American stations, run by the Army, carrying regular American programs, covered only about a 25 mile radius, a recent survey had shown a 40% preference to the American programs, 42% to the British programs and 18% without any option.

He called the attention of the Committee to the fact that the broadcaster is confronted with the best censor of his program—the "listeners who can by a turn of the switch, or in the more modern sets the punch of a button, cut you off, and if enough of them do that you have got to change your programs or go out of business."

Mr. R. J. Thomas, President of United Automobile Aircraft Agricultural Implement Workers of America, CIO, was the first witness. His testimony was directed to opposition to the Code. He directed his attack primarily to the censorship by WHKC of a talk to be given by Richard C. Frankensteen. He pointed out that while Mr. Frankensteen did speak he of course couldn't say what he wanted to.

When confronted with the question as to whether or not the subject matter of the proposed speech by Mr. Frankensteen was controversial he said that it related to "The Rising Cost of Living" and to the issue "The necessity for rolling back prices and maintaining the anti-inflation front" (The program over which Mr. Frankensteen spoke is a commercial program. The station took the position that the subject matter was controversial and that as it subscribed to the policies of the Code it could not carry controversial subjects on paid time).

In connection with the UAW transcriptions which were sent out last summer he said they had been refused time by many stations on a commercial basis to carry these announcements. He stated "You will note that the NAB defended its warning against sale of time for those transcriptions on the ground that stations should afford free time for discussion of such issues but—here is the heart of the matter—not one of the stations which refused to sell us time for these transcriptions offered to give us time. Thus labor's point of view is effectively kept off the air—but as you know the views of those with goods to sell are aired day and night ad nauseam."

"Nor—and here is another example—can the UAW even get time to answer a direct attack about it. On June 8 of this year Fulton Lewis Jr. devoted more than half of his time to a direct attack on Donald Montgomery, Consumer Counsel of the UAW. I submit for the records a copy of that attack. Among other things Fulton Lewis charged, and I quote him directly 'Mr. Montgomery's program actually is selling out his own CIO Union members'. Now that is a pretty serious charge to level against any man. It is precisely similar to charging in a radio talk 'Senator Blank's program actually is selling out his own constitutents'. Mr. Montgomery wrote to the Mutual network which aired Fulton Lewis Jr. on June 17, 1943, and asked for time to reply. That was five months ago and to date neither Mr. Montgomery nor the UAW has been afforded an opportunity to answer Fulton Lewis Jr. false charge and serious misrepresentation."

Senator Wheeler asked whether he thought that a requirement, where anyone is attacked that he should have offered to him the same opportunity to answer the attack with the same audience listening in would be satisfactory—Mr. Thomas said Yes—and Senator Wheeler went on to say that he thought that such a provision would eliminate many personal attacks because of the fact that all the time of a station would be taken up to these answers. Senator Hawkes asked Mr. Thomas whether the refusal of time to labor organizations had been on the basis of the fact that they were labor organizations or to the program content. Mr. Thomas replied that these refusals of time had been based on the contention that the labor programs proposed were of a controversial nature.

He said that he had two proposals. They were: "First the NAB Code must go. It is a set of private regulations set up without a shadow of official sanction which serves merely to gag the free use of radio in the United States. Second: Labor and other groups must be guaranteed access to the radio of this country by legislation if necessary and subject to the same conditions that other groups notably manufacturers with goods to sell have access to the radio." He said further that there should be an investigation of the whole subject but that the first two proposals should not wait for a long drawn out investigation to come to some conclusion. Senator White pointed out that his tentative proposals should tend to remedy the situation Mr. Thomas had in mind. Mr. Thomas replied that he did not think the proposals in the pending bill went far enough.

Senator Wheeler asked that he submit a proposal for consideration of the Committee in executive session but pointed out the difficulties in writing such a statute should be borne in mind—that you would not want to write the thing in such a broad manner as to let every Tom, Dick and Harry who had an idea get on the radio—that that kind of policy would take up all the time there was on the air.

The session adjourned until 10:00 a.m. Friday, November 19, 1943.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

November 26, 1943 SPECIAL LEGISLATIVE BULLETIN No. 24

Industry Leaders Testify on White-Wheeler Bill

Leonard Reinsch of WSB, Atlanta resumed the stand on Friday morning, November 19, 1943.

Present: Senators Wheeler, Chairman, White, MacFarland, Gurney, Moore.

In concluding his testimony on newspaper owned stations, he said "It appears to me that all concerned are in agreement on one thing—that Congress should decide the policy, so that the Commission will have available for its guidance, in crystal clear language the scope of its authority." He pointed out on the question of public service programs that "quantity" was not the controling factor but that quality of the public service program was the important element.

He said that "the difficulty now is that the Supreme Court has shifted the entire idea of radio regulation by giving the FCC the duty of 'determining the composition of the traffic.' I do not think that is what Congress ever intended. . . . My plea, as an independent broadcaster is purely and simply that Congress assume its Constitutional function of writing the 'rules of the game' for radio regulation. We do not expect the law to put the FCC in a strait-jacket and I feel that a new law properly expressing the broad Congressional intent and given fair and honest administration by the Commission, within specific limits clearly set by Congress, will, to a great degree, remove the difficulties that plague us today."

In response to a question from the Chairman as to whether the Chains should be licensed, he replied "I do not believe that is practical, Senator." The Chairman said "I have been provided with copies of complaints made by one Abe Aronovitz, who was a candidate for the office of City Commission of Miami, Florida"—in which the complainant charged that he had not had the opportunity of giving the public the facts except by paying double and triple rates for radio and newspaper political advertisements. Mr. Reinsch said that while he was not familiar with the particular instance their practice was to have the same rates for political as for commercial broadcasts.

Mr. Reinsch said "I agree with your sentiment that when a commentator does get into that field (political) the opponent has the full right to equal time, and I mean by that, the same time, and have an opportunity to reach the same audience."

The Chairman read from the script of the commentator over WIOD, as follows: "These are critical times, not only in the affairs of our nation, but the affairs of our city. The days that lie ahead, the planning that must be done for the postwar period requires the service of men familiar with the affairs of the city. I would not for a moment cast aspersions on the honesty, ability, integrity or sincerity of Mr. Aronovitz or Mr. Pittmen, but they are untried in city government, they are not familiar with the problems which must be solved now and in the future, and we cannot afford to experiment in these times with the unknown.

"It is my honest considered judgment that the best interests of Miami will be served in the voters return to office tomorrow Commissioners Dunn, Hosea and Thomason. 'But again let me urge you that no matter who you cast your vote for, go to the polls tomorrow and vote. If you are not sure of the polling places in which you vote, you can easily learn it by phoning the office of the City Clerk. Do your duty as a good citizen and vote tomorrow in the city election.'"

Certainly there is the night-before-election appeal by radio commentators. Now, that happens all over this country, the night-before-election appeal by commentators coming out of Washington, who might favor one administration as against another administration, and of course in that instance the man would hardly have any time to answer it unless he was notified in advance that this was going to be done and that he could answer it.

"Mr. Reinsch: Senator, I agree with you that that is wrong. Incidentally, Malone does not work for WIOD any more.

"Senator White: Mr. Chairman, may I interject a comment? Of course we are getting into a very troublesome field. Under the present law we deal only with duly qualified candidates for office and provide that if one of them is permitted to speak over the radio his opponent shall be given like opportunity. Now in S. 814 we have expanded that somewhat. We have expanded in particular the principle of identification, and we have written in language which I believe will make very much more certain to the listening public just who is talking over the radio to that public, whether the person is speaking in his own right and on his own responsibility, whether he is speaking in behalf of someone else. That is we are pushing that principle of identification much further than the present law now requires it to go.

"There has been a question in my mind whether we have gone far enough in what the chairman and I are offering to you for discussion. I am not sure that we ought not to go so far as to include language which will call for the identification of the person, which shall require him to indicate whether he is speaking in his own behalf or at the solicitation of somebody else, or whether somebody is paying him, and generally a complete identification of the interest which prompts the broadcast.

"Now, as I say, in the proposed bill we have taken a step beyond the present law, but I still think there is quite a question of whether we have gone so far as we should have.

"Mr. Reinsch: Yes.

"The Chairman. Of course I think the Columbia Broadcasting Company, when they took the position that these commentators and news analysts should not inject their own personalities into it, have taken the right kind of stand, because something has got to be done by these radio stations, the radio industry itself, and it should clean up that matter. We are constantly getting mail of things of that kind being done.

"Mr. Reinsch: Senator, I believe that the role of the news man on radio is pretty well expressed in the Columbia writing. The news man is a reporter of news. It is a factual report. Let the people make up their own mind. We are not here to make up their mind for them. And let the man that is before the microphone give the news as it is happening. And as long as he doesn't give prejudiced news, then we have the finest medium in the world of expressing that news.

"The Chairman. I agree with you. All right."

NATHAN LORD OF WAVE TESTIFIES ON PRACTICAL ASPECTS

Mr. Nathan Lord, of WAVE, Louisville, Kentucky was the next witness. He requested that Section 11 (Anti-censorship of political broadcast section) which states "however that no licensee shall be required * * * to broadcast *any material for or upon behalf of any person or organization which advocates the overthrow of government by force or violence*" be revised so as to make clear the meaning as to whether it applies to the "material" broadcast or to the "person." "In other words, if it means broadcast material only, I think if those words are stricken then it is clear. If it means broadcast material and any individual or organization who has ever advocated overthrow are barred from the air, it should be clarified". Senator White said that he did not think it meant the latter.

With reference to Section 8, Mr. Lord said that he would like to see the language of this section explained in detail "and be made more explicit in denying program control to the Commission. The programming of a station is a responsibility resting solely upon the licensee, and this responsibility should not be divided or abridged."

The Chairman asked "Now are we just going to give some fellow who gets hold of a station the right to go ahead and do anything he says and anything he likes and conduct that station—and it is really owned by all the people—to use that and monopolize that particular wave length to do anything that he wants to do with it? to which Mr. Lord replied "Senator, my philosophy on that is that over the course of years abuses in actual broadcasting have been diminishing. I would rather see the monopoly of programming left in the hands of 900 broadcasters rather than narrow it into the hands of a bureau in Washington. In other words, I think a licensee should have the final responsibility for what goes out on his air.

"The Chairman: Yes but—

"Mr. Lord, I think he has a better feeling of what are in the interests of his listeners in his community. Now, if you give program control to the Commission practically how in heaven's name can they exercise it—

"The Chairman: They can't.

"Mr. Lord—except by establishing, in every community where there is a station, a sub-bureau to check the interest of the listeners, because, after all it is that radio station's—

"The Chairman: I would not want to see anything like that done, but I wonder sometimes, for this reason: A station on a particular wave length has a monopoly of that wave length."

Senator Wheeler's stock question as to whether the Brinkley station should have been put off the air resulted in the following discussion:

"Mr. Lord: Of course you have got to be controlled by your judgment of what is in good taste.

"The Chairman: Yes, but are saying in one breath. Let the radio station have that privilege, but, on the other hand, you are saying that Dr. Brinkley ought to have been put off the air. Now, where is the line? There is some place in there that ought to be a line of distinction that you could draw. Now I do not know where it is.

"Mr. Lord: Maybe what I am trying to say, Senator, is that in the years we have had radio in America—

"The Chairman: What you are trying to say is that you ought to have a commission that would use good judgment and reason with reference to it.

"Mr. Lord: What I am trying to say is this: that we have done a good programming job over the period of years.

"The Chairman: I think that is true.

"Mr. Lord: Which is attested by the 30 million people, families, owning radio sets, and we do not see any reason for changing that.

"The Chairman: And you think the Supreme Court has changed it?

"Mr. Lord: Yes sir, I do."

Mr. Lord said that while he agreed with the objectives of Sections 9 and 10 of the bill (the identification and equal distribution of time on public issues) he was opposed to their adoption on practical grounds since he felt it precludes the exercise of any judgment on the part of the licensee and would require if carried to its extreme the broadcasting of programs which at best would not be of interest to it and at worst may even be positively objectionable to its listeners.

Senator White said that what you are proposing is to make certain if you let one of the crackpots as you call them on then you must let another go on to answer him—to which Mr. Lord replied "I think on the whole the majority of stations are doing today exactly what those sections want us to do. I am afraid that if you put these sections into law we shall have to operate occasionally in a way that will not be in the public interest." and further "I say I am in sympathy with what that provision wants to do, but I am afraid it goes too far, that it just opens the door wide for a hundred people to have a hundred views on one subject, a subject of interest that has three or four important, interesting views to the public and 97 individual, personal of-no-interest views that we have to put on the air."

"The Chairman: I understand what you mean "While I might disagree with him, and then somebody else might come along and say, "Well I don't agree with either of them, and Senator Wheeler has expressed the opposition to Senator White but I have got another theory which I think is opposite from what either of them are".

"Mr. Lord That is exactly what I am saying."

"The Chairman: Of course that is something as I say where it is a very difficult thing to work out any definite legislation, and the question is whether you are going to leave that up to the Commission to say whether you have to do it in the public interest or whether you don't, or whether you are going to specify it in law. Now, some of them are asking that we specify it into law and others say leave it up to the Commission; others say don't give the Commission any authority at all excepting over purely mechanical matters.

"Mr. Lord: Yes.

"The Chairman: I cannot subscribe to that view and as I understand it you do not subscribe to it.

"Mr. Lord: No, not wholly."

Mr. Lord endorsed the procedual provisions in principle.

The testimony given by Don S. Elias of WWNC follows:

Mr. Elias: My name is Don S. Elias, vice president of Asheville Citizens Times Company, Asheville, North Carolina, and executive director for the corporation of Station WWNC which the corporation owns and operates.

Senator Gurney: In other words, a newspaper-owned station; is that right?

Mr. Elias: It is a newspaper-owned station, complete.

Senator Gurney: Are there any other newspapers at Asheville?

Mr. Elias: No other daily newspapers.

Senator Gurney: Are there any other radio stations?

Mr. Elias: Yes, sir.

Senator Gurney: How many?

Mr. Elias: One. Our station is on the Columbia Broadcasting System. The other is on N. B. C.

Senator Gurney: What is the relative power?

Mr. Elias: Theirs is 250, and ours is 1,000 day and night.

Prefacing what I had planned to say, I would like to make this remark. I had the opportunity to listen to the first day's testimony of the chairman of the F. C. C. To my mind he occupies a quasi-judicial position, and I was shocked at what seemed to me to be the intemperance of language and expression indulged by him, his bitter, scornful excoriation of the leading networks of this country, and the N. A. B., which he termed as a stooge organization.

He made the declaration, for whatever reason he had, that the only reason why anybody was up here trying to get new legislation was that we were trying to restore to these monopolistic two leading chains monopolistic practices that they had indulged in, which the Commission had broken up with the network regulations, and that the Supreme Court of the United States had sustained their position on those regulations.

Well, I disagree with him completely, 100 percent. A man ought not to have to defend himself for coming in to the Congress of the United States to advocate anything.

We have been trying since 1936, in the radio industry, to get a new law written. Senator White, a member of this committee, introduced a resolution in 1937 geared to making a new law and a complete investigation of the radio industry. And then you can go back earlier than that. Before that, to be exact, on June 13, 1934, in a message to the Annual Convention of the Radio Manufacturers Association, President Roosevelt said, in part, "Radio broadcasting should be maintained on an equality of freedom similar to that freedom that has been and is the keystone of the American press." And again on January 25, 1939,—

The Chairman: The American press sometimes complains that they have not had complete freedom, don't they?

Mr. Elias: Well, I haven't been a party to it. I don't know whether they have or not. But I think there are people that would restrict the rights of the press. The chairman of the F. C. C. called in, since this war started, representatives of the A. P. and the United Press and the radio networks and told them that he thought they ought to pipe down and go slow on saying that Russia could survive and had any possibility of lasting through the war. I think he was out of step.

The Chairman: Who said that?

Mr. Elias: The chairman of the F. C. C., the existing chairman.

And in 1939—this is before any of this came up or before the network regulations were ever suggested, so far as I know—the President wrote to Chairman Wheeler this letter which I read:

> "Although considerable progress has been made as a result of efforts to reorganize the

> work of the Federal Communications Commission under existing law, I am thoroughly dissatisfied with the present legal framework and administrative machinery of the Commission. I have come to the definite conclusion that the new legislation is necessary to effectuate a satisfactory reorganization of the Commission."

The Chairman: That was when Mr. McNinch was chairman, was it not?

Mr. Elias: That was in 1939. I think he was.

The Chairman: 1939? Oh.

Mr. Elias: January 25, 1939, he wrote this letter to you as chairman of this committee.

The Chairman: That was when McNinch was chairman.

Mr. Elias: Yes.

The Chairman: And McNinch at that time was advocating some new legislation, as I recall it, that the chains and some others did not want.

Mr. Elias: I do not know what the nature of it was, but I am only making the point that this is not something that came up after the network regulations and we rushed in here to try to restore to them practices which he did not like, and I have never completely agreed with him on that. But that is another question.

The President says further:

> "New legislation is also needed to lay down clearer congressional policies on the substantive side—so clear that the new administrative body will have no difficulty in interpreting or administering them.
>
> "I very much hope that your committee will consider the advisability of such new legislation."

That is from the President. Now, I am not going to attempt to suggest for whom he was stooging, but I would think that it was the hundred and thirty million people of the United States. But in the same year, in a recorded broadcast on May 9, to be exact, he assured us that, except for such controls of its operation as are necessary to prevent "complete confusion on the air," radio in all other respects "is as free as the press."

At practically every national convention that we have had in the last six, seven, or eight years, N. A. B. has passed a resolution urging Congress that we have a new radio law. We have had our fears, based upon our experience, about the proper protection of the industry under the law as it is now written, and those fears were reemphasized by the Supreme Court decision handed down on May 10.

Senator White: May I interrupt right there?

Mr. Elias: Yes, sir.

Senator White: It is a fact, is it not, that this pending bill, Senate 814, was introduced in a prior session of Congress substantially as it now appears, and that was before the Supreme Court decision in the regulations case?

Mr. Elias: That is my—

The Chairman: That was in the House.

Senator Gurney: Yes.

Senator White: Introduced in the Senate.

Mr. Elias: The Senator's bill has been in, and there have been quite a few of them.

So that, of course, in rendering that decision the Supreme Court stated they were simply interpreting the law as written, that they were not passing on whether it was a good law or in the public interest, and that if anybody felt that it should be changed then we should come to Congress. So we are not in here, I respectfully submit, at the instigation of the networks but by the invitation of the Supreme Court of the United States.

The Chairman: I do not think you are in here by any invitation of the Supreme Court.

Mr. Elias: They suggested that if we did not think well of the law as they had interpreted it, that is where they would advise us to go, and we didn't lose much time in trying to get over here.

The Chairman: I have observed that.

Mr. Elias: The hearings have been a little delayed, so we have been anxious for them ever since last May, as you are familiar with.

The supreme need of the broadcasting industry at the present time, I feel, is a new radio law that will clearly and unmistakably establish the essential freedom of radio against even the suspicion—not to say, the accomplished fact—of governmental censorship or manipulation.

I say this in no criticism of the Congress which enacted the 1927 radio law. Considering the times for which this law was designed, it was a progressive and adequate act. Sixteen years ago radio was still a young and relatively undeveloped industry in this country, and Congress necessarily had to grope in framing a law.

Much has happened since then. Radio has grown prodigiously. Broadcasting has become an important, even indispensable, vehicle of information, opinion, and entertainment.

Most important of all, we have learned from the experience of other countries how important it is to the liberties of a people that their broadcasting facilities be kept free. When the Communications Act of 1934 was passed, Adolf Hitler had just begun to use a controlled radio for subjugating his own people.

The need for a new radio law was thrown into sharper relief by the highly disturbing decision that I referred to, and that decision of the Supreme Court overturned the generally accepted concept of the authority of the Federal Communications Commission and found that agency possessed of the power, and even charged with the duty, of regulating the programs broadcast by the licensed stations of this country.

If you remember the language, they said that they not only had the authority to determine the composition of the traffic, but the burden to determine the composition of the traffic. They gave them not niggardly powers but expansive powers. And I had occasion to look up another Supreme Court in this country, which has been sitting for about a hundred years, and that is the Webster's Dictionary. Noah Webster wrote it, and successive scholars for the last hundred years have rewritten the definition of "expansive," and I found four definitions there. It says:

1. Having capacity to expand;
2. Unrestrained;
3. Capable of expansion;
4. Characterized by exaggerated euphoria or by delusions of greatness.

And you can take your choice, but, whatever it is, it will be highly unsettling to those of you who have been imagining that the freedom of radio is inalterably imbedded in the law of the land. Personally, I suspect that they referred to No. 2, "unrestrained," but in actuality it becomes No. 4, because when you give a bureaucrat unrestrained powers you give him delusions of greatness.

The Chairman: That is true not only of the bureaucrats, but it is true of some of the radio.

Mr. Elias: It is true of anybody. Old Thomas Jefferson wrote, two hundred—

The Chairman: It is true of anybody who has too much power.

Mr. Elias: That is right. Thomas Jefferson wrote more and did more deep thinking on that than anybody else, and he said: You give a man too much power and don't surround him with proper restraints, and you make wolves of all of us. At one time he was even opposed to—he gave a great deal of thought to—restricting the freedom of the press because they had gotten rather antagonistic; and we see other instances when that feeling rises up—at least begins to be felt some.

So that the point I make is that the Supreme Court may have erred in reading the intent of the Congress that passed the 1927 and the 1934 laws. That is not for me to affirm or deny. The fact remains that until the Supreme Court reverses itself or Congress speaks its own sovereign mind in contrary language, that is the law of the land.

The Chairman: Some of these commentators get delusions of grandeur too, don't they?

Mr. Elias: They certainly do, and personally I am right down the line with you, that I think Columbia's policy is right and that they should not be permitted to go on there and take the Associated Press and the United Press, just like a barker outside a circus tent, and get you in there by telling you, "We are going to give you a report of the news," and it isn't their news they have collected. They would have you get an idea now that they had done all this. They have A. P. and U. P. and the I. N. S., and they go along in there and inject their personal pet peeves and prejudices in the middle of it, and I do not think it should be permitted, and I am against it just as much as anybody.

The Chairman: Not only that, but sometimes they talk as though they had collected the news themselves: as if they had collected the news from Cairo or they had collected the news from London or they had collected the news from some place else, where they don't even give the Associated Press and the United Press or the I. N. S. credit for having collected that news.

Mr. Elias: Oh, no.

The Chairman: They say, "Flash from Cairo." It is not a flash that they have got from Cario. They are taking the A. P. or the U. P. or the I. N. S.

Mr. Elias: I think that the networks or a station is charged with the same responsibility that the editor or owner of a newspaper is to edit his news, to edit what is going to be said on the air, and that he just can't turn people loose. We leave Drew Pearson out of our paper. We leave him out about every six weeks, I guess, because he sends something that we are fearful that he cannot prove or that we think is bad publicity at the time that he came out with it, particularly in this country, and we don't hesitate if we think that in our judgment. That responsibility is on us. We owe it to our community and to our readers, and I can cite you instances if you want them.

But as along as the Federal Communications Commission possesses that power without exercising it, the fundamental freedom of radio is in peril.

The Chairman: Well, let me say this to you: Nobody wants—I say nobody; I mean very few people want to pass restrictive legislation to regulate any industry. The only reason that Congress does that is because of the fact that the small percentage abuse their privileges, and it reflects upon the whole industry to such an extent that Congress comes in and passes very stringent regulations at times.

Mr. Elias: Yes.

The Chairman: That was true with reference to the utility holding companies, and it has been true with certain abuses that the railroads did, and others. Now, this industry owe it to themselves to try to clean up their own house, but they haven't done it in some instances, and that is the reason why Congress is called upon to pass legislation.

Mr. Elias: I agree with you on that; but, as I pointed out, this is a young industry, and I think if you will read its record that you will find that we have been striving for that very thing as an industry. Of course, there are exceptions to every rule, and you can make all the laws you want to and somebody breaks them, you know; but we write a code of ethics that we think is proper, and then we amend it from time to time in an effort to improve broadcasting and to elevate it and to give a better service all the time, and we have been doing that, and I do not think it will be necessary for Congress to do it. Any time that we do not render good service, we have the best censor in the world, and that is Mr. average citizen, and we would hear from him; he isn't inarticulate at all. If you find a program on the air and people do not like it, you will hear about it, and it doesn't take long, in your own enlightened self-interest, to take it off, because if we don't have listeners we won't be bought, and we want to make money.

The Chairman: Unfortunately, everyone doesn't have an enlightened self-interest.

Mr. Elias: Well, they will get it if enough preachers and club women and others come in and condemn their practices.

The Chairman: Well, take the illustration which you have given. You had an enlightened self-interest, and you threw off or cut out certain programs by certain commentators; as you said, you refused to take their stuff because you thought it was not in the public interest.

Mr. Elias: Well, we have never had Drew Pearson on our air, on our station, but I am speaking of the paper. We did carry him and do carry him in one of our papers. But if we had had him on the air we would have done the same thing if we had known what was coming. And right there is where I say the originating point, and that is your station at which it originates, should say, "No, Mr. Commentator, you can't say that because it isn't in the public interest. It isn't good broadcasting."

The Chairman: Exactly. But they haven't done it. They have sent it out.

Mr. Elias: Well, I have no desire, Senator, to editorialize on the air. I do not think that it is the proper function of this medium that has been entrusted to us.

I just want to make this point: that if we concede that the Commission as now constituted could be trusted to refrain from clamping any censorship on broadcasting, the fact still remains that the members of the Commission are subject to all the mutations of life and of politics. Some day there will be another commission succeed them, and that commission may not be so squeamish about employing the vast powers which the present commission enjoys. They can't commit their successors.

And that is the reason we are in here and asking for some changes in the law, because it is apparent that we are in peril. I do not think any commission, however angelically constituted, should possess the authority to control the programs broadcast by the licensed stations of this country.

And I might just point this out. I have heard you, since I have been in here, say that you didn't think so either. And I noted Mr. Fly when he was in here the other day; you asked him if he wanted to control them. "Why," he said, "gentlemen, that's the furthest thing from our minds. Why, never in any instance since we have been operating have we tried—told any station what programs to put on or what to take off Why, that's ridiculous. That's some more of this monopolistic talk." I don't remember that he ever said that he never would exercise it, but he may have. He was on after I left, some more. If he was sincere, and I think he was, then he is opposed to it; certainly we as an industry are opposed to it; and if your committee are, we are all unanimous on the point. So let us just write it into the basic law of the land.

The Chairman: Haven't you already got it written in there?

Mr. Elias: I do not think we have, because he is continually trying to influence our programs, and I would like to make it so that a fellow wasn't under the fear that now exists of the Commission, because whenever the chairman—

The Chairman: You fear the Commission?

Mr. Elias: Yes, sir, I do.

The Chairman: Mr. Fly said he would like to have the picture of a fellow who did.

Mr. Elias: Well, he can get mine. Fortunately to me, I may get some reprisals from what I am saying here this morning, but I have a newspaper and I will still live, because I am going to be over there asking for 5,000 watts, which has been granted to us, but on account of the war we didn't get the bill, and I will be back, and I don't know what that will be.

But, be that as it may, the broadcasters of this country today are under a compulsion that is invisible, but whenever the chairman of the F. C. C. states any opinion it becomes tantamount to a command. A fellow who is going over there for more power, or anything that he has got to take up, realizes that he had better be in line. He has that feeling, and it does have that effect. And the law has held that that is oppressive: when you are in a position of authority to do things to me that might be serious, that you have an oppressive control over me, and we would just like to be out from under that fear of compulsion.

The Chairman: Well, of course——

Mr. Elias: He is not very consistent always. I remember reading in the paper that he did not think he ought to comment on this commentator row that got up in New York; that he didn't think as a commissioner that he ought to. Later I saw in the paper that he was up in New York making a speech on the very subject, to the executive committee.

So that we stay continually under the fear that we don't know, and we want the Congress to write down in unequivocal language how we shall operate and what the rights and authority are and what they are not. And then we shall know that we do not have to worry about certain practices that he may try to impose. Not Mr. Fly. Maybe he will be perfectly fair with us. I do not question his sincerity or his honesty or his integrity at all. But we are all human.

The Chairman: But you ought to be out from under it. I agree with that. You ought to be out from under fear that if you come up here and testify or if you disagree with the Commission you are going to be punished by it.

Mr. Elias: I have heard big broadcasters say that their lawyer had called them up.

The Chairman: What?

Mr. Elias: I have heard big broadcasters say that their lawyer in Washington had called them up and said, "You had better get down here and see the Commissioner. What you said and did, you are in bad." And all that. And I have heard some of them say they were afraid to come in here and testify in this hearing because they had matters to take up.

Well, that is an unholy situation, and it exists, and I am telling you in all sincerity it exists because I have talked to them—good, decent, honorable fellows trying to do a job.

I have read with keen interest and some sense of personal confusion the testimony which has been offered at these hearings with regard to the so-called undesirable programs.

Of course, programs that are indecent or obscene or blasphemous should not be broadcast. Furthermore, if any stations are broadcasting programs that violate the lottery ban, they should be brought to book. It is reasonable to assume that the Department of Justice has not found any notorious violations. If it had, it would, I am sure, have acted on the lottery complaints which the Federal Communications Commission, according to Mr. Fly, has filed with the Justice Department. After all, they have to pass on whether they can make a case when you send them a complaint.

As I gather, the programs to which the most spirited exception has been taken cannot be classified as indecent or obscene or blasphemous in the commonly accepted interpretations of these words. The general indictment against them is that they are not in good taste.

This whole discussion has raised some very significant questions: Is radio to appeal only to the intellectual and cultural uppercrust in its music and its drama and its humor? Are we to set up a standard—the standard of the exacting minority—and say to the American people: "You must come to this standard. Radio will not come to you. You have the freedom to listen only to what we want you to hear"?

Take hill-billy music for illustration. I realize such music makes the musically sophisticated froth at the mouth. But to millions of Americans, hill-billy is the most satisfying music. Perhaps they should prefer grand opera and symphony—but they do not. These are, to be sure, humble people who live at the heads of the creeks and on the farms and in the industrial districts. But I cannot escape the conclusion that radio has a great responsibility to these people—a responsibility to give them music that by its very simplicity and earthiness will bring pleasure into their lives.

So it is with swing music and with crooning. Personally I like neither. But millions of the American people like and demand swing and adenoidal crooning. Shall radio say to these people: "You shouldn't like swing and crooning. They are not elevating."

After all, the question of taste is a most difficult one and is settled in every instance by the standards of the person who happens to be doing the talking at the moment. It is like orthodoxy: "Orthodoxy is my doxy. Heterodoxy is your doxy."

To illustrate: the late Justice Holmes was said to have liked vaudeville and burlesque shows, even remarking on one occasion: "Thank God, I am somewhat vulgar in my tastes." President Wilson read detective thrillers with vast enjoyment. Mr. Beveridge shocked many sedate people by recounting in his life of Abraham Lincoln that the great President back in his Illinois days told stories that were somewhat earthy. I do not think that we will assert that either of these three men was necessarily degraded.

Senator White: A good many years ago we had a Chief Justice in Maine who told a good many stories and did a great many things that might subject him to criticism. A later Chief Justice in speaking of him said, "Yes, his stories are pretty bad, but his vulgarity is vindicated by his wit." There is something to that.

The Chairman: There is a vast difference, of course, between a man telling stories like some of the men you have mentioned, and broadcasting them generally over the air, where they go into the homes and are heard by the children. The average man like you have mentioned doesn't go out and broadcast those stories or tell them in the home in the presence of women and children. He does not broadcast them over the air and the newspapers do not carry them.

Mr. Elias: Senator, I had this experience—

The Chairman: You would not do it yourself—

Mr. Elias: With broadcasting hill-billy music.

The Chairman: I mean that is entirely different.

Mr. Elias: No—anything in bad taste—no. But it is the question of taste I am talking about. Personally, I remember when I went over from the paper to take charge of the radio station which was in a different building at that time. The operators of that radio station had lost $45,000 in just a few years and they asked me to come over and see how they could make some money. So I went into it. I had never had any experience in radio, but one of the first things that impressed me was the hill-billy music. I said, "I think that is terrible. We want to bring up our programs, make a better program for our listeners." So I had them fix up a show boat program, we got in a good orchestra, and a humorist, and a singer, and we fixed it up and went down and sold the fellow on switching to this program. He had been getting about 40 or 50 answers a day. He had had little jingles and people would write in these jingles. So, his mail dropped down from 45 or 50 answers a day to 5 or 6. Of course, he complained that was because we had switched the show to something else. Finally we lost his business. Well, I was trying to elevate the taste of the listeners, but they wouldn't listen. So, we lost the business. We finally got him back with the "Sons of the Pioneers." That is some cowboy music. We are now using hill-billy music again. He is doing a good business and his listeners like it. You cannot make them listen. They just turn the knob on you. So that I think in studying these programs, as I suggested, you will find a large portion of the people that just won't listen to these so-called elevating programs. They just have not been educated up to Wagnerian operas. They are a little heavy for me too.

Then, gentlemen, each generation insists upon findings its own standards of what it is in good moral taste. The puritanic critics of Hawthorne's day thought that his "Scarlet Letter" was wicked.

A hundred years ago in this country the moralists looked askance even at Shakespeare on the stage. There was a time not so long ago when Negro spirituals were regarded as vulgar music. Dvorak and John Powell did much to change that. Our pedagogues of today contend that the McGuffey's Readers of your youth were too moralistic.

Since the question has been raised, your committee might find it illuminating to invite an analysis of all of the programs broadcast during a typical week by a group of stations, inclusive of affiliated and non-affiliated. I am satisfied that such a survey of the over-all program content will be highly reassuring to your committee. I believe that the study will disclose that there are relatively few programs appealing to what Mr. Fly calls the "lower passions of the people."

Gentlemen, I think that the democratic way of life extends to entertainment no less than to politics. I believe that if the average citizen is capable of choosing his Senators and his public officials generally, he is just as capable of choosing the kind of programs which he wishes to hear.

The Chairman: There is a question in the minds of a great many people whether they are capable.

Mr. Elias: Well, that is a matter of opinion again, like the definition of orthodoxy and heterodoxy that I just gave.

Furthermore, I do not share Mr. Fly's apparent opinion that if left to his own devices the average American citizen will demand, and listen to, "rotten programs"—"the rottener it is, the more people you will get" to listen. Taken by and large, the average American citizen is just as decent, just as clean in his tastes as Mr. Fly or myself. The difference is in the tastes themselves, not in their morality. An old preacher once lamented that the devil seemed to possess the livelier tunes—but I greatly doubt that anyone has gone to hell by listening to hill-billy music or to swing or to crooning.

Let me hasten to make this fact clear: I do not believe that radio should, by its programs, debase the tastes of the American people. I do not believe that we should make them prefer some modern drama to Shakespeare. But I do not believe that radio is in fact degrading the tastes of the American people.

We put a program on with the hope that somebody will want to buy it, and the only way we can sell it is the reaction of the public to it. If they like it they will buy it. If they don't they will listen to it a little while and then turn the knob. So, we have to proceed by a method of trial and error, and by experiment. We heard a good deal in this country a few years ago about the Government making experiments. That is what we try to do. We make experiments. If they don't work we will change and switch to something else. We do that in our business often, and all the time trying to make it better.

The Chairman: But the Government didn't change the experiments, did they, when they failed?

Mr. Elias: There are indications that there may be some changes. I am not talking about radio now.

The Chairman: Some of you southerners want us northerners to do the changing.

Mr. Elias: Well, we differ with that, but that is the right of an American citizen in a democracy.

In this connection, I would like to make one further observation: Nothing would do more to restrict the usefulness of radio to the American people than to fill the air with so-called informational and public service programs and to reduce entertainment programs to a minimum. Here in Washington public issues are naturally the chief stock-in-trade. But politics is just one segment—an important segment but just one segment—of the life of the average citizen. Mr. Fly refers somewhat querulously to the fact that so many programs originate in Hollywood. Well, a movie star can visit any average American community and draw more people than a member of the President's cabinet. We had two movie stars down to our town recently in a bond drive, and you couldn't get into the auditorium seating about 3,500 people. I personally thought they were hams, but that is the way the people reacted to them. You cannot say on that account that the tastes of the American people are degraded or so debased that these people must be protected from themselves. After all, we need relaxation and entertainment. If you are going to try to help a fellow who is sick—when I get sick and they come in and want to read the Bible to me, it is a little late. I would rather they would just bring in a good steak. It would do me more good. You cannot impose a certain kind of entertainment on a fellow that doesn't like that kind of entertainment. That is the point I want to make.

It is universally agreed, I think, that radio stations should not undertake to impose their editorial opinions, or the opinions of the government of the day, on their listeners. But should radio stations be asked or expected to impose their tastes—or the tastes of Mr. Fly or any group—on the people? I am disposed to believe that in a democracy a tyranny of taste is just as reprehensible as a tyranny of opinion.

I can easily understand why some of you have expressed in such sprightly fashion your objections to some of the programs which are broadcast. In expressing your criticisms, you are exercising your rights as American citizens. But, gentlemen, the average radio listener is just as articulate. He is constantly expressing to us his criticisms. We do not shrug these criticisms aside. We welcome them, heed them. We know that by virtue of such criticisms we can chart a program policy broad enough and varied enough to take care of all of the reasonably decent tastes of the American people.

It is argued the broadcasters have it within their power to impose their program likes or dislikes on the American people. This is only a half-truth and like most half-truths, it ends by being absolutely wrong.

Has the Senate of the United States the power to impose its legislative caprices permanently on the American people? Of course, not. Outside the Senate chamber stands a powerful force that we call public opinion. Sooner or later, that public opinion will prevail. You may thwart it temporarily but ultimately it will triumph.

Similarly, every station in this land depends for its program policies upon the judgment of its listeners. We, to be sure, originate programs, good or bad, but our listeners determine in the long run whether a specific program survives. We cannot impose an unpopular program long on our listeners without forfeiting our audience and injuring ourselves. Enlightened self-interest, if nothing else, induces us to strive constantly to give our listeners the programs they want. Our license to broadcast derives from the Federal Government and runs for two years. But our right to prosper comes from our listeners and must be renewed every day, even every hour of every day of the year.

American radio has a censor. He is Mr. Average Citizen. He lives within easy range of many stations. He is the master of the situation. With a slight twist of the knob, he can turn thumbs down on any and every station.

There are 900 radio stations scattered throughout the length and breadth of the land. These stations are owned and operated by American citizens of all political faiths, of all religious beliefs, of all economic classes. We are Jews and Protestants and Catholics. We are Republicans and Willkieites and New Dealers and Democrats. We are isolationists, interventionists, internationalists. We are economic royalists and semi-paupers and all the financial stages between these extremes.

If there be among us some who in their programming policies are inclined to give preference to their own religious or economic or political faiths, there are others with opposite preferences to give similar priority to their beliefs. The net result is a fair approximation of the political and economic and religious diversity of the American people. What more can you ask of radio in a free country?

The essential freedom of radio is safer in the hands of these 900 broadcasters than in the custody of seven men domiciled in Washington. I say this in no flattery of broadcasters and in no depreciation of the able gentlemen who compose the Federal Communications Commission. We are more representative of the varied social, economic, political and geographical pattern which is the United States of America. We are necessarily closer to the listeners for whom radio exists and are, therefore, more sensitive to the disciplines of listener opinion.

The Chairman: In the case of your national programs, you don't have any control of them? That comes out of Washington, does it not?

Mr. Elias: We do not have any control except on the commercial ones. On the sustainers we can take them or leave them, as we like. We oftentimes do that, we put on our local program in preference to something that originates on the networks. The networks are just in the program business, and naturally in their own selfish interest they accumulate the best talent they can hire and pay a lot more for it than the stations can.

The Chairman: Do you think the networks ought to be responsible for the programs they originate, or do you think the local stations ought to be held responsible for them?

Mr. Elias: Do you mean in the case of libel and slander?

The Chairman: Yes.

Mr. Elias: Well, I really think the networks should, because it gets to them before we have had any opportunity to look it over and see the script.

The Chairman: You believe that both sides should be heard on a controversial question?

Mr. Elias: Yes.

The Chairman: Supposing that your network puts on one side and doesn't put on the other, so that you don't get both sides, should the local station be held responsible—if that is written into the law—or should the network be held responsible?

Mr. Elias: Well, if you are going to be consistent you have to keep it in the network. I am perfectly willing to be held responsible because I have confidence in the people we are doing business with. I have enough confidence in them to take a chance on anything that comes from them, but it does seem a little different if I have to sit down at Asheville, North Carolina, and something I don't see gets to my station that I would have to bear the burden.

The Chairman: In other words, supposing you didn't put on both sides—I mean the network didn't put on both sides. The only person that could be held responsible now is the local station, isn't it? Not the network, because there isn't any provision where they can get at the network.

Mr. Elias: No. That is right. I presume that is right. I don't know what the provisions are. Of course, when you get to a national broadcast on controversial subjects, I think we ought to be fair in the thing, but again the stations have got the right of selectivity and I don't know any way you could get around it. They have got to judge in their own community what they think is the better program for their listeners, and they may run one fellow's speech—if it is a great national issue most people will want to hear both sides, and there will never be any occasion not to run it. I heard you discussing that and I can understand your feelings, but I don't know just how you are going to get the stations—

The Chairman: Well, you can write it into the law as we intend to write it in.

Mr. Elias: On a controversial question?

The Chairman: On a controversial question.

Mr. Elias: I have no fight with that, Senator. I think it is proper. We have got to be fair. The stronger you make your language on that, the better it will suit me.

The Chairman: In the Supreme Court issue, I have particular reference to, I was speaking in Chicago on a program where the time was supposedly divided between Dean Landis and myself. He took one side of the issue. He was all for packing the Supreme Court. I was on the other side. He had the full network. When it came to my part of this program I was not in on any station west of the Mississippi River excepting the particular network carried a line from Minneapolis over into Montana, so that it would be heard in Montana, but didn't carry in any other states.

Mr. Elias: In that instance I was right with you 100 percent, and I am sure we carried them all.

The Chairman: You could not carry it unless the network carried it.

Mr. Elias: No, not unless they sent it to us, of course I couldn't carry it.

I have covered much familiar ground in what I have thus far said but as the late Justice Holmes once safely remarked, it is sometimes more important to vindicate the obvious than to expound the obscure. I greatly doubt that free speech will be safe in this country if we ever take its security for granted or cease being vigilantly anxious about it.

That is the reason I am up here. I have had free speech and free press drilled into me all my life.

Getting down to the specific bill which is being considered by your committee, please permit me to make these brief observations:

1. If any restraints upon the program freedom of American stations are deemed necessary by this committee and by Congress, these restraints should be written into the law in language which no literate citizen can misconstrue and which no commission can distort.

The Chairman: That is pretty difficult to do.

Mr. Elias: Well, you fellows are pretty smart about writing. I know you will try your best. All I am asking for is for the best brains that can try to put into language these fundamental principles. When you have done that, that is all any man can do.

2. A simple denial to the Federal Communications Commission of "supervisory control of station programs or program material" will not be enough in itself to insure the essential freedom of radio for the American people. If that Commission possesses by specific grant or plausible implication the broad power to regulate the business practices of licensed stations, it can use this power in accomplishing by indirection what you may say that it can not achieve by direction.

The Chairman: It depends on what you mean by business practices. Business practices is a very broad and loose term. You don't think that the Radio Commission ought to be confined, do you, to just regulating the mechanical and electrical devices, or as to whether or not a radio station should have this power or whether it should have that power, or whether it should have power to just interfere with some of the stations?

Mr. Elias: That pretty near describes it in my opinion, yes. We don't need, I think, a protectorate or guardianship, over our negotiations with the networks or anybody else. We buy paper from the International Paper Company. I don't want anybody trying to help me do my buying. Recently a man from a network talked to me about a contract and kept arguing about it in a way I didn't like, so I just went over and transferred to another network. I want that privilege to be mine.

The Chairman: What you mean is, you would like to have those business practices at any rate written into the law, and whatever Congress forbids, you would like to have that written into the law?

Mr. Elias: If we are to have any control over our business practice, I want you to write it in, and not leave it to the caprices and prejudice of any commission. I am not questioning the sincerity of any fellow. I think they are all honest, as they see it, but we do not always see things alike, you know. I don't want anybody to get that impression, that I don't think the present Commission is a fine body and that they are doing the job as they see it to the best of their ability, sincerely and honestly. I sometimes disagree with some of them, but that is American too.

The Chairman: They have not interfered with your station in any way, have they?

Mr. Elias: No.

The Chairman: They have not told you what kind of a program you could have?

Mr. Elias: No. I don't want them to have that right. I just want to make it secure while we are writing a radio law, so that they cannot do it. They have not done anything to us that I could complain about. These network regulations—I don't know whether they are in existence at the present time—I cannot see that they can possibly benefit us or hurt us. There was no demand for them that I know of, except that the Commission got the idea—I always had the feeling that there was some idea on their part that they were out to put a protectorate over the broadcasting stations that we had not asked for. That seems to be the practice that has been engaged in the last few years. We see the thing on the other side of the ocean, people having a protectorate that they didn't want, and they are in there fighting about it now. Certainly they have not benefited the stations. If Mr. Fly had been trying to help our station, I will say this, if he is going to try to tell me he wants to limit the number of hours that I shall contract to the network or that I have got to run a certain number of hours of a locally broadcast program, then I think he ought to provide me a better source of programs than the ones he excludes and he might have improved the station by taking off this restriction about electric transcriptions. I am not testifying for the networks, as you can see, but where we have got to come in and say, "This comes to you by electrical transcription," and then at the end we have to say, "This was broadcast by electrical transcription," it becomes cheapened in the mind of the listener. If we didn't have to say that, there are a lot of very fine recorded programs that are probably of a better quality oftentimes than what we get from the networks, but the very minute you say, "This comes to you by electrical transcription," you depreciate it in the mind of the average listener, so we go ahead and run the networks.

The Chairman: I don't think that originated with Mr. Fly.

Mr. Elias: I don't mean he originated it, but if he had corrected that it would have been beneficial.

The Chairman: I remember that question was brought up in committee many years ago. As I remember, it was first advocated by the late Senator Couzens of Michigan. There was a great deal of discussion on it at that particular time as to whether or not they should announce it. I think it was the consensus of this committee that it should be done. I don't know whether it originated with the Commission. I have forgotten what the facts are with reference to that, but I do know there was a lot of discussion in this committee.

Mr. Elias: I don't know what his point was, but I am just making the point, we want good program service. That is all we want. If you give the Commission a lot of business practice powers, they may not just come out with something that will hit you directly between the eyes, but they can find divers ways to put pressure on you. If you really want to put the pressure on a fellow you can find ways to apply the heat. If Congress thinks that that regulation is needed, I want it written into the law by Congress and not left to the changing commissions and interpretations that they may put on it, because they change their mind pretty fast sometimes.

The revenue upon which American broadcasting depends comes from programs. If any commission has it within its power to affect the free flow of revenue to a station, it can establish a subtle but effective control over the program policies of that station. If you deposit in any federal agency the power to tighten or to loosen the purse-strings of a station, you give it a power which can result in the slow but fatal attrition of broadcasting freedom.

It is true, of course, that many federal commissions are empowered to regulate the business practices of corporations. But, gentlemen, I respectfully submit that there is a difference, an awful difference, between a railroad and a radio station. In the regulation of a railroad, the vital principle of free speech is not involved.

If the Congress thinks that certain regulations of the business practices of stations are required by the public interest, then write these regulations into the law in the most categorical language. Do not leave them to the capricious determination of changing appointive officials.

3. There is a grave peril to radio freedom implicit in the very fact that stations must be licensed. I need not remind you gentlemen that the English crown in the days of John Milton used the licensing of printing as a device for controlling free speech and that the poet's immortal plea for free speech, Areopagitica, was directed at licensed printing. Licensed broadcasting is necessary, regrettably necessary, due to the physical and technical limitations on radio. We have been fighting over that a long time but I think we have to have licenses to keep chaos and confusion off the air.

The Chairman: You have got to have some regulation written in here with reference to it because while you and the big majority of stations have a sense of public relations, here is a station down in Miami that I just called attention to, and there isn't anybody, it seems to me, that could approve what happened there.

Mr. Elias: No. I agree with you.

The Chairman: On the other hand, as I say, you have instances constantly coming up where a commentator—I can give you an instance of one who told a story about the wife of the President which was absolutely false.

Mr. Elias: Well, there is a lot of that sort of talk. I read the other day about Eddie Rickenbacker, where he was in the hospital in Atlanta. He was at the point of death practically. He turned the radio on and heard it announced, "Eddie Rickenbacker in Atlanta hospital is reported to be slowly dying; no hope for his recovery." Well, of course, that is bad programming. I think you have got to have some power to edit your script on the radio just like we try to edit the news in the paper.

The Chairman: But if you are going to have stations that won't comply with common decency, there is only one thing Congress can do, and that is to write something into the law prohibiting these things, or else you have to let the Commission have that power. You cannot let these people go on lying about people. You may say, well, let them go into court and sue, but as a practical matter you cannot sue every radio station in the United States. A lot of people don't like to get into a contest with a skunk.

Mr. Elias: That is right. I think it ought to be written into the law. But when you come to Dr. Brinkley's case, for instance, there are other laws and other commissions to deal with it, like the Federal Trade Commission and our Food and Drug Act, and the Medical Society, and so on.

The Chairman: This man Baker out there, he was prosecuted for using the mails for fraud and they could take care of him in that way.

Mr. Elias: Yes. I don't think you have to write them all into this law, where you already have laws. You don't have to clutter up the books with additional laws.

On this question of licensing, if we are to preserve for the American people the maximum broadcasting freedom, the Congress must make certain that the power to license does not become the power to throttle. Every station must have the assurance that as long as it obeys the rules and adheres to the policies defined by Congress, its license will be secure against bureaucratic aggressions. If radio in this country ever becomes a cringing, menial institution that must court the pleasure of a federal commission on pain of receiving a death sentence, broadcasting freedom in the United States of America will be extinguished and radio will be little more than the obedient megaphone of the government of the day. We do not contend that a license to broadcast should be made an irrevocable right. We should be compelled to use this license in the public interest. But, gentlemen, give us freedom from fear—fear that our licenses may be revoked or denied renewal because we have tried to be free and have refused to truckle to the opinions, expressed or insinuated, of appointive officials.

4. May I make a few comments about the moot question of newspaper-ownership of radio stations which has been introduced into these hearings? I am an officer and a stockholder of a corporation that publishes two newspapers and that also operates a radio station. I may for that reason be prejudiced for it is easy sometimes to confuse one's private interest with the public interest.

If the Congress of the United States believes that newspapers as such should be barred from the ownership of radio stations, then let the Congress say so in language easily known of all men.

Senator White: We never have said so. Congress has never said so.

Mr. Elias: There is a question before this committee as to whether we have a right to own and operate stations.

Let it say to the newspapers of the country that they are unfit to operate stations, that they are pariahs against whom a bill of attainder should be directed.

Whether such palpable class legislation would be constitutional is a question which I am not competent to discuss. But I do not think that the newspapers of the country deserve any such proscription. When it comes to business morals and a becoming regard for the country's welfare, they will probably not suffer greatly by comparison with insurance companies, department stores, tire manufacturers, candy manufacturers, undertakers, and the Chicago labor unions.

Senator White: You think they are all about on a par?

Mr. Elias: At least we think we are on an equal with them, if not better. They are not barred from ownership, and I don't think you ought to class us as a lot of pariahs.

If Congress is unwilling itself to say that newspapers are disqualified to operate stations, then I do not think that the Federal Communications Commission should possess the authority, expressed or implied, to reject the applications of newspapers solely because they are newspapers. I do not believe that you will have a completely free radio or a completely free press if any agency of the Federal Government has it within its power to impose such limitations on the newspapers of the land.

5. If your committee feels that there should be governmentally-imposed regulations designed to insure the utmost fairness in the handling of political and other controversial broadcasts, I hope that it will define these regulations in the basic radio law and not leave them to the determination of the Commission.

I do venture to suggest, however, that section 11 of the White-Wheeler bill be amended to the extent of permitting stations to refuse to broadcast any material that preaches racial intolerance, or religious bigotry, or that incites to riot. I need not, I am sure, amplify my reasons for making this suggestion.

Gentlemen, you have listened to me with great patience. I am profoundly grateful to you. Let me make this final observation: If my arguments today seem to be based on a distrust of the present members of the Federal Communications Commission, it is not due to any personal grievances which I may have against them. Yes, I distrust them—but I distrust them because they are human beings, subject to the limitations of human nature. Broadcasting freedom will never be safe in this country if we leave it to the tender mercies of official discretion. It must be imbedded in the basic radio law and those who are empowered to administer that law must be hedged about with restrictions that will prevent abuse.

The Chairman: What is your paper down there?

Mr. Elias: The Asheville Citizens Times Company. We publish the Asheville Citizen, that is a morning paper, and the Asheville Times which is the afternoon paper, and the Sunday Citizen-Times.

The Chairman: When did you get your radio station?

Mr. Elias: From 1925 to 1930 I owned and operated the Asheville Times, the afternoon paper. Mr. Webb and George Stevens ran the Citizen. In 1927 the Chamber of Commerce got a license and established the station that we now operate. In 1928, in the latter part of it, they were about to go broke. They offered it to the Citizen and they offered it to me. I told them I was not interested. The Citizen took the license over and they operated it for six or seven years at a loss of $50,000, and then I took over. We have never made a great deal of money out of it. We regard it as a public service to the community. It is in the black now, making a fair return, but we do not consider it one of our prime assets.

The Chairman: You were granted a permit for increased power on April 30, 1941, were you not?

Mr. Elias: That is right.

The Chairman: Your application to extend construction period was designated under "freeze policy" and dismissed February 15, 1943?

Mr. Elias: The reason for that, Senator, was that they granted a permit subject to approval of the transmitter site and we had to have directional antennae to have that power. From the time we got our design prices from the manufacturers, then we had to go to O. E. M., I believe it was, for a permit to buy the equipment, and they turned it down. I believe it was in November of that year. So that when we went back to the Commission and asked them just to set it over without prejudice because we could not buy the equipment.

The Chairman: How much of the stock of the newspaper do you own?

Mr. Elias: I own about 48 percent of it. Mr. Webb and I own between us practically all of it, around 97 or 98 percent.

The Chairman: I think that is all. I think that concludes our hearings for today. We will meet Monday at 10 o'clock in this same room.

Senator White: Mr. Chairman, before we adjourn, are you able now to indicate who the witnesses will be Monday and in the general order of the hearing from now on—or is this too early?

The Chairman: Mr. Miller will go on Monday.

Mr. Miller: Yes, sir, and Mr. Woodruff will go on. I would like to finish. I think the newspapers would want to go on Tuesday. I was wondering about Thanksgiving, whether you are going to be here on Friday.

Senator White: I see Judge Sykes here, a former member of the Commission, former chairman of it. I wondered if he was to be a witness for anyone now. Perhaps he could tell us.

Mr. Sykes: Senator, as far as I know, I don't expect to be a witness, but of course I am always at the service of your committee.

Senator White: Mr. Chairman, I know of no one who has had larger and longer experience than Judge Sykes. There isn't anyone who can throw more light on these problems than he.

The Chairman: As far as I am concerned, I would be delighted to hear him.

Well, we will resume on Monday, Tuesday, and Wednesday, and then adjourn until the following Monday.

(Whereupon at 12:30 p. m. a recess was taken until 10 a. m. Monday, November 22, 1943.)

The hearings were resumed November 22, 1943.

Present: Senator Wheeler, Chairman.

Mr. James W. Woodruff, Jr., of WRBL, Columbus, Georgia, was the first witness. After outlining the operation of his station he stated that he had come to testify voluntarily in behalf of legislation which would define the rights and duties of broadcasters—this definition should be by legislation which would set forth when and under what circumstances the broadcaster is entitled to a right of hearing before the Commission and the right of appeal to the Courts. Second, to what extent a broadcaster is to remain as sole judge of program broadcast over his station and to what extent the Commission is to be permitted to exercise control over a station's operations. He suggested that the Congress should seriously consider prescribing in the law lesser penalties than loss of license. In this connection he pointed out that there are many minor and innocent violations of regulations and laws which can be committed in the course of normal operation of any broadcasting stations and that such misdemeanors should not subject a station to a possible loss of its license or to long and expensive hearings before the Commission upon an application for a renewal of its license. He suggested however that if lesser penalties were set up that maximums should be fixed that would not cause the station against whom an assessment had been made to deteriorate his program service and pointed out that these penalties could not be in the form of suspension since that would penalize the listening public.

He praised the NAB code provisions covering the broadcast of controversial subjects and said that it represented the best efforts of the industry to regulate itself along this line. However he welcomed the efforts of the Committee to help out in this respect but warned that legal provisions regarding the broadcast of controversial issues should be so worded as not to require a broadcaster to initiate the discussion of controversial issues.

He further indicated that the broadcast of radio commentators presented a serious problem and that a great deal of opinion expressed by the commentators was accepted by the public as news.

Chairman Wheeler asked whether, in the case of network broadcasts he (Mr. Woodruff) had sufficient prior information on which to base a decision as to whether or not to carry the program and Mr. Woodruff replied that progress was being made in advising stations, and that in some cases the network would put on a "preview" of a program so the station might determine whether or not to carry it in its own area.

The Chairman asked Mr. Woodruff whether the stations should be responsible for programs originated by the networks and Mr. Woodruff replied that he did not feel that the outlet should be responsible for libel or slander for network originations.

In connection with News—and News Analysts, Mr. Woodruff said that he endorsed the CBS statement of policy and believed it is a right step in the proper direction.

The Chairman asked whether he thought that controversial issues put on by networks should be carried on their own option, rather than on the stations' time, stating that this "might of course increase the amount of time networks should have" to which Mr. Woodruff replied that he saw no reason why that might not be a proper solution.

NEVILLE MILLER CONCLUDES TESTIMONY

Mr. Neville Miller resumed his testimony with a question left standing at the conclusion of his previous appearance relating to a statement given by Mr. Richards of the Office of Censorship as to cooperation between OWI and RID on license renewals. The complete portion of Mr. Miller's statement on that subject follows:

"When I was last on the stand, Senator Wheeler stated that his attention had been called to an article in *Variety* of September 21, 1941, with reference to a request made of WBNX that it turn over to the FBI all matters dealing with controversial issues. In reply I stated that the Select Committee to Investigate the Federal Communications Commission had held hearings on the subject of foreign language broadcasts, in which hearings there was testimony to the effect that the Radio Intelligence Division of the F.C.C. cooperates with the OWI on foreign language broadcasts. In reply to Senator Wheeler's question: "Are you going to cover that in your statement?", I stated that I was not, but would be glad to furnish the Committee with the statement given by Mr. Richards in the hearings referred to above.

On Tuesday, August 10, 1943, Mr. Robert Richards, Assistant to the Assistant Director of the Office of Censorship, testified at an open Select Committee hearing held in New York City and in the course of his testimony he stated that sometime in August 1942 the Office of Censorship determined to give more attention to the foreign language broadcasting field and that he had various conferences with various parties and following each conference he made a written report of the substance of the interview, which report was placed in the official files of the Office of Censorship. The report which he made of an interview with Sidney Spear, attorney for the Federal Communications Commission, at 2 P. M., August 25, 1942, was read into the record at the above hearings.

Copy of said report follows:

(Interview with Sidney Spear
Attorney for the Federal Communications Commission
at 2 P. M., August 25, 1942)

"Mr. Spear, as I understand it, analyzes the analyses made by Mr. Truman. Mr. Spear does this in order to learn whether or not a given foreign language station is entitled to a renewal of license. He said he was glad to learn that the Office of Censorship is going to 'take a look' at the foreign language stations. He said he was convinced that there was much 'funny business' going on and that it should be stopped.

"He related his experiences with Mr. Lee Falk of the Foreign Language Section, Radio Division, Office of War Information. He said that Mr. Falk originally had taken on the job of removing unsavory personnel from foreign language stations, because he, Mr. Falk, believed such a job had to be done and no one else seemed to want to do it.

"Mr. Spear said:

" 'We worked it this way. If Lee (meaning Lee Falk) found a fellow he thought was doing some funny business, he told me about it. Then we waited until the station applied for a renewal of license. Say the station was WBNX and the broadcaster in question was Leopold Hurdski. Well, when WBNX applied for a renewal, we would tip off Lee and he would drop in on Mr. Alcorn, the station's manager. He would say, "Mr. Alcorn, I believe you ought to fire Leopold Hurdski." Then he would give Mr. Alcorn some time to think this over. After a couple of weeks, Mr. Alcorn would begin to notice he was having some trouble getting his license renewed. After a couple of more weeks of this same thing, he would begin to put two and two together and get four. Then he would fire Leopold Hurdski and very shortly after that his license would be renewed by the Commission. This was a little extralegal, I admit, and I had to wrestle with my conscience about it, but it seemed the only way to eliminate this kind of person, so I did it. We can cooperate in the same way with you.'

"I told Mr. Spear that the Office of Censorship did not believe it would need much help, that our main interest as far as the Federal Communications Commission was concerned was the Federal Broadcast Intelligence Service and we did want to use its facilities. He said we could, and he pointed out, too, that the Federal Communications Commission retained a group of investigators who were topnotch and that the group, he hoped, would be expanded soon by the addition of 25 persons.

"He said perhaps we could use them in studying the background of personnel. I told him our first appeal for investigative activity would be made to the Federal Bureau of Investigation, but we would keep his offer in mind.

"Mr. Spear's organization has made some interesting surveys of foreign-language radio stations. They cover such things as the number of languages employed, total amount of time devoted to such languages, names, and nationalities of broadcasters, etc. He recommends that the Federal Communications Commission or the Office of Censorship undertake a survey which will supplement this. He proposes that we ask all stations to list their personnel with us and be required to notify us when any changes are made, and that separate files be kept on each station so that we would have a continuing survey of personnel turnover. I told him I would report his suggestion to Mr. Ryan. Mr. Spear said he would make available to this office the results of all surveys and investigations undertaken by the Federal Communications Commission that touched on the subject of foreign-language broadcasting."

Mr. Wheeler read into the record certain portions of the remarks by Congressman Coffee (D-Wash.) concerning this subject in which FCC was charged with conspiracy with OWI. The Chairman observed there were adequate means of controlling subversive activities through prosecution and said "if the facts bear this thing out it is pretty high handed."

Mr. Miller took up next Sections 7 (Equal treatment of candidates), 9 (Identification), 10 (Equal opportunity to present public questions), and 11 (Censorship) and read into the record the controversial public issues section of the Code, and endorsed the objectives of Section 10. In connection with this requirement he pointed to the specific problems which would be confronted by the broadcasters in determining the proper persons or just who are "the accredited representative of the opposing political party or parties."

He said that four points should guide the Committee in its consideration of this subject. First—A licensee should not be required to open up his facilities for politics. Second—If the licensee does open up his facilities for such purposes the right to reply should not necessarily be limited to a candidate. Third—That specific definition of equal opportunity should be written into the Act and not left to the Commission's determination. Fourth—The identity of the sponsor of an idea might well be required.

Mr. Miller said that specific language had not as yet been worked out and that NAB would be glad to prepare and submit to the Committee specific language.

Senator Wheeler said that the Committee would be glad to have such specific language for its consideration.

The Chairman then read into the record a letter he had received from Norman Thomas the high point of which was a recommendation that a percentage of broadcast time be specified for public service programs.

The hearings adjourned until 10:00 a. m. Tuesday, November 23, 1943.

The hearings were resumed on Tuesday (23).

Present: Senators Wheeler, Chairman; Moore, Tobey, Reed, Tunnell, Gurney, MacFarland, Clark, Hawkes.

The entire morning was devoted to the Newspaper-Radio Committee, with Harold V. Hough, Chairman, and Sydney Kaye, Counsel, testifying.

After reviewing briefly the creation of the Newspaper-Radio Committee at the hearings held by the Commission Mr. Hough said "Last year, in the course of the Hearings before the House Committee on Interstate Commerce, nearly everybody concerned had a chance to express a viewpoint. In your Hearings most everyone has so far been around and, I understand, others are coming. Everyone agrees that Congress should take hold of this matter. The NAB thinks so, The Federal Commission Bar Association thinks so; so does CBS and NBC, so did Mutual, so did Commissioner Craven and so does Chairman Fly. I read where just the other day Chairman Fly was pretty emphatic here in saying to you gentlemen that he thinks the question of a policy as to newspapers is not only an appropriate subject for legislation but he begs Congress to take hold of it and thinks it would be very wholesome if you enunciated a policy. But he added that he doubted if you would do it. I trust you will take action and not disappoint the Chairman."

Mr. Hough continued: "It is now, two years and eight months since Order 79 was issued, suspending the issuance of licenses to newspaper stations, and it is almost two years since Hearings on the subject matter were stopped. Back when the Hearings terminated, we were told that they would be resumed and closed up shortly. Back in July of 1942 Mr. Fly said that the matter would be disposed of "in the course of a pretty short time," or, as he put it at another point, "within a few months." Only the other day in this Hearing he said that the matter would be disposed of "at an early date."

"While this matter is hanging fire, however, newspapermen are deprived of what I feel is their basic right under the law and the Constitution to the same freedom of action in the field of broadcasting as other citizens engaged in lawful occupations. Chairman Fly seems to be very uncertain of his power under the law. He says he hasn't made up his mind yet. He says his lawyers could make a pretty good argument on the subject matter. Now, I have had contact and acquaintance with his lawyers for months and months and I would like to say right here that I feel that those boys can make a pretty good argument on almost anything. The fact is, however, that we don't think that the Federal Communications Commission are the people who ought to rule as to the extent of their own power. We think that ruling ought to come from the Congress, and, as I have said before, there is no one in or outside of the Commission who has expressed a view contrary to that.

"Chairman Fly has been indicating that the rule preventing applications of newspapermen from being considered, and throwing them into a so-called agony file has been pretty academic because of the war freeze order. Here, we do not agree. Many applications have been voluntarily withdrawn, some are being suspended and many others that might have been made never were made at all because of the existence of the suspense file.

"If you know that you are not going to be let in to see the ball-game, you don't bother to take the long trip out to the park. What I have just said relates, you will understand, to the transfer of existing licenses. The fact that newspapermen cannot acquire an interest in a station, not even to the extent of buying more stock in a station they already own stock in, is bad both for sellers and for buyers, and if I am right in thinking that newspapermen have been honest and useful broadcasters, it is also bad for the public.

"The question now, however, becomes acute even as to future construction. It is true that we are now subject to a freeze, but someday there is going to be a thaw. Some feel Spring is in the air now. Certainly the day will come when the war is over and victory is ours and thus the hour when radio equipment will again become available. The building of an FM station requires thousands of dollars of capital and long planning on both engineering and financial problems. If, when the melt comes and everybody else is up to the stove and newspapers are still frozen stiff, whether they have a final legal remedy or not, won't do them much good—they will be so far behind the parade by the time they win their legal victory that the decision of the court will be just a wreath to put on the coffin of the man who came in last. Gentlemen, that is why action by the Congress now is to us imperative."

At this point questions and discussions back and forth among the Senators took on the appearance of an Executive Session, the discussion centering primarily around how to write adequate authority without granting too much authority to the Commission.

Summarizing, Senator Wheeler said that a regulatory agency must have some control over the controversial equality of time. He said that as he understands it, the industry does not object to having some equal division of time provision written into the law, provided it does not open up the facilities to every crackpot in the country. Senator Hawkes observed that that was the point, "Who is going to decide it?" Senator Wheeler again touched on the matter of option time for networks, stating that maybe the networks should have more option time in order to put on controversial issues in their time rather than on station time, thereby eliminating the situation of a local commercial interfering with a controversial subject put on the networks being carried by the local station. Senator Moore observed that the trouble with the power of licensing is that it is so frequently abused. Senator Moore said further that Congress ought to lay down the rules and Senator Wheeler said that that is what we want to do in this legislation.

Mr. Hough resumed his testimony, saying: "I don't suppose that I am expressing myself too strongly when I say that I think it is a new thing and a bad thing for a Commission to exercise for two years and eight months a right which they themselves say is so doubtful that about two years after the Hearings end they still cannot make up their minds whether they have the bare legal power or not, and yet they exercise that power and refuse to turn it loose."

"Chairman Fly said that after he took his action there would be time for the Congress to review it, and that, I suppose, means that he has some kind of possible action in his mind because the Congress would not have to review his merely dropping the case. It seems to me that if this matter has got to be put up to Congress sooner or later, the public and we and Congress are better off if they consider it while there is still time to render a practical and helpful decision rather than a time when the damage will have been done and it cannot be remedied no matter what Congress or the Courts ultimately do."

"That doesn't mean that I think the Commission has the legal power to do what it is dong. It just means that I know that they are doing it and that they are continuing to do it, and that they have done it for years, and that it is clear to me that we newspapermen have no place to turn for effective protection except to the Congress which everybody agrees should take over the making of the policy in this matter."

He concluded his statement with the recommendation "Out in our country when we ask a man to do something for our protection we feel that he has a right to ask—'Do what?' So I asked our lawyers what they had in mind and I offer that to you now. I pray you will not ask me any questions about this language. It would only be a waste of your time. Frankly, it is a little too legalistic for me to handle but you will hear from these lawyers in a few minutes. Here is the language:

> Insert after the word—SHOWN, Line 10, Page 26, Section 16—"neither shall the Commission deny or withhold any rights, privileges, benefits, or licenses or impose, exact, enforce or demand any penalties, denials, prohibitions or conditions, because any applicant or other person has shown, is or shall be engaged or interested in any lawful business or occupation."

The next witness was Mr. Sydney M. Kaye, Attorney for the Newspaper-Radio Committee. In opening his testimony he said: "More than two years and eight months ago, on March 10, 1941 the Federal Communications Commission promulgated Order 79. * * * Immediately following the issuance of that order, the Commission created a suspense file in which applications by persons who had any interest in newspapers was placed. For more than two and one half years the Commission had followed the policy which it has never officially formulated, of denying newspaper men the right to go into the business of radio broadcasting. For more than two and one half years the Commission has actually been exercising the power which the Chairman of the Commission is not prepared to say exists."

He said that while the power to segregate newspaper men into a group is a pure question of law which could have been decided at the outset of the hearing that the Newspaper-Radio Committee had "requested the Commission to rule on its legal powers. We were told that the question could not be decided 'until the record has been developed and facts and circumstances pertinent to the legal issue are developed'. We do not concede that the powers granted to the Commission by the Congress are susceptible of expansion by a state of facts."

After summarizing briefly some of the high points in the newspaper hearings by the Commission, Mr. Kaye said "Perhaps there is no better way of summarizing the result of the investigation than to say I have heard no claims from any source that the thousands of pages of evidence produced by the Commission's Counsel tended in the slightest respect to the conclusion that broadcasting stations which are associated with newspapers fall short in any respect from the highest standards of public service which are expected of broadcasting stations."

He said further "This left us confronted only with the vague apprehensions of some witness who purported to see, in joint association, some threat, as yet admittedly unrealized, of what was termed 'a monopoly of the pipe lines to the market place of thought!' This fear was expressed most frequently with respect to the seventy-four communities in which there is only one daily newspaper and only one local broadcasting station, both associated in the same ownership. A study of the facts indicated that these communities do not exist in any spiritual vacuum and that there is no potentiality that one man could deprive the inhabitants of the truth. The communities, as the situation itself indicates, are small communities. In all of them engineering testimony indicates that the residents *can* listen to other stations, and actual listener surveys, made for other purposes, demonstrate conclusively that their inhabitants *do* regularly listen to a number of broadcasting stations. Air waves, of course, are not respecters of municipal boundary lines.

"In all of these communities out of town newspapers, largely from nearby urban centers, circulate freely. The evidence demonstrated that in these communities thirty-five copies of out of town newspapers are sold for every one hundred copies of the local newspaper. In well over half of these seventy-four communities there are weekly or twice weekly newspapers of general circulation, which contain national as well as local news and which are completely disassociated from the daily. Thus there are in effect, no "one-one" communities in the sense that the residents can read only one newspaper and listen to only one station."

Chairman Wheeler asked for a list of the seventy-four communities mentioned.

Mr. Kaye said further: "I understand that in the revision of law which you are considering, you are contemplating provisions with respect to the duty of broadcasting stations to present news in fair balance. It goes without saying that if any such provisions are made, they will apply, with equal force, to all broadcasting stations regardless of ownership associations, and I venture to say that newspaper-associated stations will be in the forefront so far as observance goes, both as to letter and as to spirit."

The Chairman observed that might be the answer to the whole problem.

Continuing Mr. Kaye said: "The Chairman of the Commission has testified that newspaper training is a useful and valuable background for a broadcaster. There has been no case in which the Commission has admonished any broadcasting station associated with a newspaper for editorializing with respect to news."

"What the Newspaper-Radio Committee wants," he continued, "is equal standing before the law, and to that we believe we are entitled. We believe that whenever the Commission seeks to establish classifications in order to avoid the individual scrutiny which each application should have, the Commission abdicates its authority and renounces its function. Segregation of a class by business or professional category for the purpose of discriminatory action, is a grave offense to our Constitutional guaranties no matter what the calling may be. It is present, in its most dangerous form, when applied to the press."

Mr. Kaye said that the FCC has "seized the power to tell a citizen how many instruments for reaching the public he may own." He said that "the entire stand of the Commission is based upon an inherent fallacy. Ownership of a station by a newspaper does not demonstrate that the newspaper owner will editorialize through the station, any more than ownership of a station by any other person means that it is necessarily a sounding board for the personal views of the owner. Indeed, with respect to newspapers, we are in the fortunate position of being able to say that an investigation by the Commission itself has disclosed that no such editorializing exists."

"The Chairman of the Commission, since the freeze orders with respect to material have gone into effect, has attempted from time to time to indicate that his present discrimination is merely academic. As Mr. Hough has already indicated to you, the reverse is the case. Interests in presently existing broadcasting stations cannot be transferred to newspapers or to newspapermen. This has resulted not only in applications which are kept in the suspense file, and in applications which have been withdrawn by the applicant because their purpose has been frustrated; it has resulted in a failure to make applications since the applicant knows that he could not expect success. The making of an application requires substantial investment in engineering, legal and other fees."

"From the viewpoint of those stations which could be strengthened by the addition of new capital enterprise and ability, from the viewpoint of the newspapers which would like to exercise their right to engage in the broadcasting field, from the viewpoint of the public which could be served, actual harm has been done and is being done daily."

He said further that "a broadcaster who is in the field today, must be free to expand with the technical development of the art. The radio art, as has been stated, now faces a period of rapid expansion. Frequency modulation, television, facsimile, and other inventions, stand at the threshold of the near future. One of these developments, facsimile, is nothing more than the electronic delivery of a printed publication, a type of broadcasting which results in a printed newspaper or other publication issuing from the radio receiver."

"For the newspaperman in the field of radio," he observed, "the present paralysis is as incapacitating and in the end will prove as fatal, as summary execution itself. The very growth and expansion of the radio field adds an additional reason to the innumerable reasons of principle and practice which indicate that discrimination against newspapermen is unwarranted."

"Commissioner Craven, who is qualified in this subject by his experience as an engineer as well as his membership on the Commission, in a public speech made on November 2, 1943, called attention to the fact that in most cities today there are more radio stations than newspapers and that less capital investment is required to establish a radio station than a modern newspaper. Speaking of the development of the future, he said:

> 'The ultra short wave frequency modulation radio developments of the country have

> made it possible to expand radio's opportunities to a considerable degree. Thus the day need not be far removed when there will be sufficient opportunity for any number of persons with sound business judgment to establish radio broadcasting enterprise in any community in this country.'

"Thus," continued Mr. Kaye, "not only every consideration of sound adherence to our traditions of free speech, but every practical consideration which is involved in legislating with an eye to the future conflicts with the concept of any discriminatory action against newspapers as a class. FM Broadcasters, Inc., has pointed out how greatly the development of that art is being affected by the denials imposed upon newspapers. At the present time, only a newspaperman, of all of the people in the United States, is prevented from building towards the future development of that field."

"It is obvious that no new development in the art of radio can be self-supporting from its inception. First transmitters must be built. Then programs must be originated. Then public interest must be created. Then that public interest must reach the point at which persons are ready to buy new receiving sets. Then the audience must be built up and listening habits formed. Only then will there be that audience which will permit the economic support of the new field."

"It is for this reason that even excluding all cases of newspaper ownership, the vast majority of ownership of broadcasting stations from the beginning has been in the hands of persons who have outside economic interests. Some members of the Federal Communications Commission have suggested that perhaps broadcasting should be divorced not only from newspaper interests but from all extraneous economic enterprises. If this were the case the only financial support for pioneering in radio could come from those persons of inherited wealth who have never chosen to use any of their capital in any economic enterprise, or worse still, financial support would have to come from the government itself. Nor can we conceive of a field in which persons are permitted to come in and bear the brunt of development, only to be excluded from normal enjoyment of the mature art and from normal expansion as the art and industry develop."

Senator Wheeler challenged this statement and said that "thousands" of radio people had started out on a "shoe string." Mr. Keye replied that he was talking about the pioneering money necessary to the expansion of the industry.

Mr. Kaye said: "In view of the urgency of the situation we believe that the Congress should define the Commission's power now and in terms so precise as to leave no possibility of error. On the necessity of precise language I should like to give an example which also illustrates Mr. Fly's point as to the flexibility of the Commission's counsel in argument."

Mr. Kaye quoted from the Court's opinion in the Stahlman case as follows:

> 'It does not embrace and should not be extended by implication to embrace a ban on newspapers as such, for in that case it would follow that the power to exclude exists also as to schools and churches; and if to these the interdict might be applied wherever the Commission close to apply it. This we think would be in total contravention of that equality of right and opportunity which Congress has meticulously written into the Act, and likewise in contravention of that vital principle that whatever fetters a free press fetters ourselves.'

Mr. Kaye said that "It is this case that was placed before the Commission by the Commission's general counsel, with an opinion which stated that the case 'indicates that newspaper ownership may be considered by the Commission in passing upon individual applications and indeed even seems to suggest that rules can be made with respect to newspaper ownership as long as they are not hard and fast rules barring newspaper ownership of stations under any circumstances.' We feel that this interpretation leaves the gate wide open for discriminatory rulings against newspapers and emphasizes our request that the legislation which you enact should be clear beyond possibility of misconception."

Mr. Kaye concluded: "The need for Congressional action, however, is not only admitted and clear. It is urgent. The discrimination which exists has already done harm which cannot be admeasured."

The hearings were recessed until Wednesday, November 24, 1943.

The hearings continued November 24, 1943, with Senators Wheeler, Chairman, Moore, McFarland, Clark, Reed present.

The Chairman presented as the first witness, Mr. Arthur Mosby of Missoula, Montana, operator of Radio Station KGVO, affiliated with the Columbia Broadcasting System, and said that he understood that Mr. Mosby had a plan for network option time which he desired to present to the Committee for consideration. Mr. Mosby introduced into the record the so-called Mosby Plan for network option time, whereby the networks would be optioned the first half hour of each hour during the day and the first three quarters of each hour during the night time. Mr. Mosby complained that under the present set up for option time the networks did not all have option time which coincided and as one advantage of his plan he cited the possibility for State hookups in connection with political campaigns, etc.

He said that his plan would permit a local station to set up a schedule which it could depend upon for local sale and would afford each station a portion of the most desirable time. He said that under his plan network shows would compete with network shows, and local shows would compete with other local shows, and that listeners would be benefited by the regularity of local programs. He said he had distributed his plan widely throughout the industry and had "shown it to Mr. Fly who was quite enthusiastic about it." He read into the record letters commenting favorably upon his proposal from several stations, and said further that his plan should be incorporated in the law. Senator McFarland observed that while he found the plan interesting he felt that it would be very difficult to incorporate this theory into the law.

The Chairman inquired as to the "feasibility of your putting it into the Code of NAB" to which Mr. Mosby replied that he had not put it up to Neville Miller on that basis—and pointed out that neither Mutual nor Blue were members of NAB.

In answer to questions by the Chairman he proposed licensing of networks and stated they should be responsible for programs originated, not the stations. He advocated something other than revocation for penalizing stations' violations of minor technicalities stating that the fines should be "based on ability to pay."

He said he was in favor of granting equal time to answer commentators who malinged individuals. Senator McFarland asked whether he thought this granting of time should be limited to individuals who were attacked, or to answering the subject matter. Mr. Mosby said he believed it should be limited to the individuals malinged. Asked by the Chairman whether some time other than that used by the Commentator would be just as good to answer the Commentator Mr. Mosby replied, "No, because the adjacent time might be sold locally."

He proposed programming of network shows in a manner which would allow broadcasting of the show in the various time zones at the same hour. Asked how this could be accomplished he said it could be done by electrical transcriptions if the rule were removed which required they be announced as "electrical transcriptions." Asked why this could not be done anyway, he said "there was an aversion by the public to electrical transcriptions" that "he didn't know why and could see no reason why the rule should be in effect now because electrical transcriptions are just as good as wire lines."

SEYMOUR TESTIFIES FOR NEWSPAPER COMMITTEE

Mr. Whitney North Seymour, one of the counsel for the Newspaper-Radio Committee, next appeared. He said "I want to discuss the dangers to free speech and freedom involved in the Commission's proposed action. I know, of course, that the members of this Committee are entirely familiar with the ground which I shall cover and are as determined as anyone can be to see that these constitutional rights are preserved. But I hope the Committee will bear with me in covering familiar ground, so that the record may be complete." He further said that he believed that "Congress should make it clear in the statute that the Commission has no such power as it seems prepared to assert."

He said that the apparent theory of this Commission is to provide a media of expression to as many groups or individuals and to perform that duty they ought to limit those who now have one medium for reaching the public from acquiring additional media. He said that such a theory could lead only to the logical conclusion that "It would apply just as much to publishers of books, pamphlets, or magazines, to churches, universities, motion picture companies, public speakers, or any group or interest. Furthermore, the logical consequence of the present limited application of the theory is that one who is given a license for a radio station cannot thereafter acquire some other medium of reaching the public without losing his radio license. And if the theory is accepted, its logic requires that if one who is granted a radio license thereafter acquires a newspaper or magazine, or publishes pamphlets, or is offered a pulpit, or acquires a motion picture theater, or other medium of expression, that person can be deprived of his radio license."

Following a discussion of the background and historical setting of the adoption of the 1st Amendment to the Constitution, he said: "Of course the Amendment does not mean, and we do not contend, that everyone must be given a license for a radio station, but it does mean, and we contend, that the Commission has no power, and cannot be given power, and should now be explicitly denied power, to grant or deny licenses on an arbitrary basis of saying that one competent to have a radio license cannot do so if he has some other way of reaching the public. Nor do we contend that the First Amendment bars the Commission from the full exercise of its proper power to see to it that particular radio stations do not abuse their privileges. . . . It is but a short step from these preliminary experiments to the conclusion that, to perform its full duty of Government under the new theory, the Commission should license, first, the minority groups which have no equally effective way of reaching the public. To do that full duty, the Commission will necessarily favor some class or interest over the classes or interests excluded. The Commission will have to redistribute radio licenses to those so favored. This process will not only give the Commission power to restrict opportunity, the Commission must then choose who shall have the opportunity, so made available. So it would be quite logical for the Commission to say: The Republicans and the Democrats have access to newspapers; they have many speakers, they have wide audiences, so we ought to grant radio licenses to the minority groups, such as Communists and other groups who do not have the same opportunities. Or the Commission might consistently say the Catholics, the Baptists, the Presbyterians, have large followings, so we ought to license, first such groups as Jehovah's Witnesses, who do not have the same opportunities to reach large congregations. And when Government exercises such power in any degree there is necessarily an abridgment of the liberty guaranteed by the First Amendment. . . . We believe that Congress should stop the departure from historic principle and experience now by an explicit prohibition, before we even find out by bitter experience how far the present or future members of the Commission proposes to press the new theory.

"Where this new theory is applied to newspapers as a class, it has particular dangers. Not only does it result in denial to the press of the same right of access to a new medium of expression enjoyed by others competent to enjoy it, but it strikes directly at freedom of the press. Many newspapers have acquired radio stations in order to gain a wider opportunity to serve the public and to increase and safeguard their economic stability. Such measures are proper steps to promote and retain their economic independence. We all know that economic independence promotes independence of thought and action in any field. To deny to the press as a group the right to expand its sources of revenue through radio, and also to deny it, as an inevitable consequence, new opportunities for expansion, some of which are not even envisaged, strikes directly at the freedom of the press. By thus forcing a choice for those who might otherwise choose to utilize both media of communication, i.e., press and radio, the Government would, in effect, be limiting members of this group in their right to publish newspapers. This latter right is indisputably guaranteed by the First Amendment. Since to have a right means simply that one is privileged to do something without fear of sanction, the only distinction between such a limitation as the Commission proposes and one, let us say, penalizing a certain group for publishing newspapers or for expanding circulation, is in the nature of the sanction. If the Commission has this power, there is no reason why some other agency may not be given authority directly over the press, regulating all of its activities. And such power cannot be limited to the newspaper press, it can reach all publishers. Such an economic sanction as is now contemplated may be a far more serious restraint or penalty than a direct tax or fine. It can strangle the press economically as effectively as more direct burdens. So, while application of the theory to any group or class would be destructive of liberty, the proposed restriction on the press must cause particular alarm."

The hearings adjourned until Monday, November 30, at 10:00 a. m.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

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Glade Appears in Support of NAB Code

The Senate Hearings on the White-Wheeler Bill resumed on Monday, November 29, with Mr. Earl J. Glade, KSL, Salt Lake, Utah, past Chairman of the NAB Code Committee, as the first witness.

Present: Senators Wheeler, Chairman, White, Moore, Tunnell, McFarland, Stewart, Tobey, Reed, Hawkes.

Mr. Glade described the spirit behind the development of the Code to be a general desire on the part of the Industry to raise the standards of quality of broadcast practices and programs. He said the tentative Code had been adopted in the hope that the majority of the stations would approve its adoption. He pointed to the fact that there was nothing mandatory in the Code, but indicated the effect of the Code by citing the results in the reduction of time alloted to commercial announcements. He said the Code was designed to protect the American System of Broadcasting and that the accomplishments of the Code included: Reduction in volume of advertising copy; removal of unpleasant types of commercials, improvement in the quality of children's programs and the elimination of considerable "demagogy over the air," by the adoption of the Controversial issues and non-sale of broadcast time for such issues, section. He called attention to the fact that we, as listeners, are inclined to criticize the industry on the basis of the poorer types of programs and commercials, to which Senator Wheeler agreed, but observed, "It is these small minorities doing what they shouldn't do which brings down the regulatory control over an entire industry."

Mr. Glade stressed the importance of the 7-10 P. M. time, and said that portion of the broadcast day should not be subject to quick changes.

Senator White asked what was his opinion of the controversial issues section of the proposed bill and Mr. Glade indicated that he would appreciate seeing that done by statute.

Mr. Glade favored a proposal by the Chairman that certain time for controversial issues be set up by the networks on their own option time.

JUDGE SYKES TESTIFIES

Judge Eugene O. Sykes, former Chairman of the Federal Radio Commission and the Federal Communications Commission, appeared, first as an individual. He supported in principle the division of the Commission's functions as proposed in the Bill, stating the different concepts between common carrier regulations and broadcast regulations, called for such a division. He opposed the Chairman's sitting as ex-officio on both divisions, pointing out that such division would result in a four-man body—subject to tie-vote. He said it would be helpful if the Chairmanship of the Commission and each division rotated annually and that he felt such procedure should be set up by Statute. He indicated that he agreed with the duties outlined in the Bill for the Chairman stressing the importance of the functions to be assigned to him.

Turning to the other provisions of the Bill Judge Sykes said he could not see any objection to the words "aggrieved" and "adversely affected" since they had been in the Act since 1927 and had caused no confusion. He said further that the Appeals and Intervention Section of the proposed Bill should be adopted. The Chairman agreed with Judge Sykes that anyone who had the right to appeal should have the right to intervene before the Commission.

Judge Sykes called attention to the trouble caused by Section 312 of the Act in connection with "revocation" and said that the Commission is confronted with the possibility of doing only two things in case of violations—either renew the license or revoke the license. He suggested some middle ground along the lines of "the penalty fitting the crime."

Senator Wheeler asked Judge Sykes what he thought of the Declaratory Judgments proposal and he said that while he had had no personal experience with it others seemed to think it a pretty good thing.

With reference to Section 8, Judge Sykes supported the objectives contained in the proposal and disagreed with Senator Wheeler that if the Section were written into the law, it would preclude the Commission from denying application for a license to one who had abused his privileges with programs "contrary to the public interest."

Judge Sykes next appeared for the Newspaper Committee, stating that there was little he could add to the testimony of the three other witnesses for the Newspaper Committee, but he did want to point out that the proposed wording was for the purpose of meeting an objective of non-discrimination against applicants because of the type of business in which the applicant was engaged, and pointed out that the provision related only to lawful businesses. He said further that nothing in the proposal would preclude the Commission from considering the moral character of a licensee.

The Hearings were recessed until Tuesday, November 30, at 10:00 a. m.

COMMISSIONER CRAVEN SUPPORTS LEGISLATION

The hearings continued on Tuesday, November 30 with Commander T. A. M. Craven, a member of the Federal Communications Commission, as the only witness.

Committee members present were Senators Wheeler, Chairman, White, Moore, Tobey, McFarland, Truman.

Commander Craven stated that the proposed legislation under consideration is sound but left certain aspects of the Commission's problems unanswered. He pointed to the fact that "no one can predict with accuracy either the technical course of future developments or the economics which will affect their progress" and pointed to the developments and demands for radio services coming out of the war, and said, "The real surge of recent inventive activities has centered around electronic research in the micro waves. This means that the present useful radio spectrum will be extended three hundred fold, thus making space not only for some sorely needed radio channels for domestic communications and broadcasting but also for some new uses of radio. While these will be short range uses, it will be possible to link radio stations to constitute a system. For example, it has been predicated that present-day telegraph trunk lines will be replaced by radio so that in the future we will no longer see telegraph lines strung on poles. The development of new circuits, new electronic tubes and new types of antennas has opened a wide vista for the peacetime application of electronics to all sorts of activities, including communications and broadcasting. To me, the most interesting development is that which includes what I shall term "wide band transmission." This research will facilitate television and electrical methods of transmitting quantities of printed matter. Frequency modulation is another recent development which will improve the quality of reception and extend the range of local radio stations as well as accommodate a larger number of broadcasting stations in the nation."

He said, "While we shall be faced with the same *basic* problems of economics and electrical interference in the future as we are today, it is obvious that we shall have new communication problems for Congress and the Commission. The present day limitations will be obsolete and forgotten. Therefore, it seems essential that we do not base long-term legislation upon what may appear to be an acceptable solution of today's minor radio troubles.

"This does not mean that we should hesitate or falter in enacting today new legislation setting forth *guideposts* for the future. On the contrary, it seems all the more important that there be enacted now new legislation correcting the mistakes of the past. The only precaution required is that the character of the legislation be not such as to regiment or limit the application of achievements of science along narrow or impractical grooves. No one desires an era of abuse of privilege. On the other hand, it is unwise to impede the trend of technological progress.

"It is likewise important that the pioneers of the future be afforded an opportunity to evaluate the risks they will encounter. In this connection, they will be encouraged or discouraged in proportion to the known rights or restrictions imposed by regulatory conditions under which they must operate. If these conditions or rights are vague or subject to change at the whim of an all-powerful regulatory agency, we can expect hesitancy on the part of private enterprise to pioneer in new technological fields.

"It is now obvious to me that the Communications Act of 1934 as interpreted and administered at present, has cast doubt upon the rights of applicants for and licensees of radio stations and also as to what extremes regulatory power may be exercised. The removal of this doubt should be extremely helpful not only to a Communications Commissioner but also to future pioneers in the application of technological progress to the service of the public.

"The future responsibilities of the Commission will be great. With a law such as we now have, I fear that confusion lies ahead in the most critical stage of the history of radio. Without a clear definition of the Commission's responsibilities and limits of power, and without a clear indication of the philosophy of regulation which Congress desires to be applied, the Commission is certain to be confronted in the future as it has been in the past with charges of either failing to do its duty or else exceeding its power. Even both of these charges may be leveled simultaneously.

"Broadness of vision is required when regulating technological progress. Yet, heretofore, the position of Communications Commission has not been considered sufficiently alluring. This is not derogatory to those honorable Commissioners who have given their service to their Government, but it emphasizes the importance of Congressional guideposts outlining in broad terms the character or philosophy of regulation which should be applied in the future. We require legislation containing statements of broad policy, together with such checks and balances as are deemed necessary to insure the development of radio as an American enterprise in which the public has confidence. In my opinion, the Communications Act of 1934, as now interpreted and administered, does not meet this standard.

Senator Wheeler asked, "In what way?"

Commander Craven replied: (1) It does not set forth the rights of licensees. (2) It is vague as the limits of the Commission's powers. (3) Limits of legislative powers by the Commission are not sufficiently defined. (4) He believed the Commission should be required to come to Congress to set forth changes in policy.

Commander Craven said further, "Likewise, there is a relation between regulatory philosophies and radio frequency allocation. If there be allocated only a few channels it is possible that strict Government regulation of many phases of broadcasting might become necessary. On the other hand, if there are many channels, the entire relationship between Government and private enterprise might be most liberal."

"There is a relationship between freedom of speech and radio frequency allocation. If there are sufficient channels allocated to broadcasting to permit the establishment of as many stations as are feasible economically, radio will become reasonably "free" and the doctrine of unlimited competition can prevail. On the other hand, if radio frequency channels are scarce, we shall continue to have with us all of the problems of a limited medium for the dissemination of facts and opinions."

He recommended that in view of the broad public questions involved in the allocation of Bands of frequency to Government Departments and to private enterprises, the Interdepartment Radio Advisory Committee should be legalized.

Senator Wheeler observed that no matter what kind of a law you would write to legalize the IRAC nothing could compel the President to listen to whomever he pleased on allocation problems.

A FREE RADIO

"It would appear to be good statesmanship to rely upon natural laws to secure progressive improvements in radio as an instrumentality of free speech," said Commander Craven, and when asked by Senator Wheeler what he meant he pointed to the increasing "interest" by the Commission in program content, citing (1) the "Lost Horizon" broadcast case, (2) to foreign broadcasts, (3) the atmosphere of the Blue network hearing, during the course of which he said he "wondered whether I was in America."

Senator Wheeler said that freedom of speech means equal opportunity so both sides can be heard and Commander Craven said, "There is one place where you won't get freedom of speech and that is by resting it in the hands of the Government.

In connection with the proposal by Senator Wheeler that a person slandered be given the legal right to reply with the same facilities Commander Craven said that "the difficulty is that the answer to the slander will also be just as slanderous and will in the long run degrade broadcast services."

He further said: "I prefer to rely more on the potentialities of greater opportunities for competition in the future than upon amendments to the law which in themselves may give rise to other serious problems involving the control of free speech. On the other hand, if this Committee rejects this concept, I hope they will at least limit their amendments to provisions prohibiting broadcasters from imposing harsher conditions upon opponents than upon proponents, or that these amendments go no further than prohibiting the use of a licensed radio broadcasting station for the dissemination of political, social and economic philosophies which reflect solely the views of one person or a single school of thought. Moreover, I must caution that in any legislation dealing with rights of access to the microphone, careful draftsmanship is required to prevent interpretations which would result in making radio available only to those having adequate purse strings."

* * *

"We know there are persons who believe a large portion of the nation is anxious to hear their messages. However these persons sometimes forget that the greatest invention of the age is the radio push-button, and that eight families out of 10 are very likely to "push the button" whenever they hear the beginning of an oration rendered by the average speaker. Of course, many deep thinkers of the country listen to the many speeches which are transmitted over the radio. On the other hand there are many instances in which a radio station loses the audience during the broadcast of speeches, much to the delight and comfort of its competitors who may be broadcasting Charlie McCarthy or some other popular entertainer.

"The foregoing facts may not be pleasant. Nevertheless, I am certain that the statesmen of this Committee will give them consideration when legislating rights of access to the microphone. Also these facts, among others, should be weighed, when legislating "fairness" into radio. Therefore if you decide to legislate "fairness" into radio and desire to specify rights of access to the microphone, would it not be preferable to enact a law which prohibits certain known abuses rather than to draft legislation which prescribes how the objective must be accomplished.

"While most of us wish that minorities with meager pocketbooks could have the opportunity to express their views to the public by radio, it seems obvious that the doctrine "Freedom of Access" is not the solution of the radio problems of today. No one can even guarantee that all minorities can be heard adequately at opportune times even if all broadcast facilities were made available exclusively for speechmaking.

"There are persons who advocate that the broadcast licenseee should have the sole responsibility for curing today's radio evils. While this doctrine has much merit, it is possible that it alone will not solve the problems. Under this doctrine, the licensee would be required to adjudicate whatever rights any person may have to use the microphone. Unfortunately, even if Solomon were a radio licensee today, he would be subjected to severe and perhaps apparently just criticism of the operation of his broadcast station.

"Radio broadcasting is cloaked with a public rather than a private interest, it cannot become a common carrier and still be useful to the public. Also, it is impossible, from a practical standpoint, to accord everyone a right to use a radio broadcasting facility for the simple reason that there never will be enough time in which such a right could be exercised.

"Certainly under these conditions it must be obvious that the broadcast licensee has a responsibility to see to it that radio shall be utilized in conformity with the desires of the public. This means that he should not violate ethics or otherwise abuse power or privilege. He should attempt to make his facilities available for a fair and impartial dissemination of information and opinion. On the other hand, it must be recognized that the broadcast licensee cannot exercise his responsibility to the full satisfaction of the entire public. It is unreasonable to expect a broadcaster to adjust to the satisfaction of the entire public the desires of good citizens who conform to good ethics and yet who apply for radio time to voice their views before the public. Some minorities are bound to be dissatisfied, in spite of the impossibility of attaining unlimited access to the microphone. Thus, the solution of radio problems does not reside solely in the hands of today's broadcast licensees.

"On the other hand, I realize that the Congress is trying to correct an alleged abuse of privilege on the part of some of the so-called radio commentators. However, confusing this issue is the fact that many persons hesitate to agree that millions of the public will listen to someone from whom they hear a little news, some biased editorials and even perhaps a little gossip. I also realize that there are complaints to the effect that some of the networks appear to have most of their commentators reflect indential philosophies with respect to controversial matters of a political character. There are many allegations to the effect that it does not appear to be mere coincidence that the majority of commentators on a certain network advocate the same philosophies.

"As to the solution of this problem, I suggest the difficulty of effecting a cure by legislation alone. Additional courses of action are necessary. Therefore, policies dealing with the matter, such as those recently announced by the Columbia Broadcasting System and by an independent broadcaster named Ed. Craney, are constructive. They indicate a movement on the part of broadcasters themselves to solve this question of fairness on the radio. However, there may be necessary legislation requiring broadcasters to see to it that the actual sponsors of commentators or other political speakers are made known. Likewise, it may be desirable that the broadcaster himself be not relieved of responsibility for slander where the evidence indicates that the broadcaster did not exercise due diligence in presenting such slander. On the other hand, I do not believe the broadcaster should be held responsible for slander uttered over his station when he can show that he did not know of the intent, and had used reasonable diligence in the premises to prevent slander.

"In the discussion of non-slanderous matters over the radio, we can well afford to take a different view. In this field, it appears entirely logical that the general public should be able to hear the various sides of controversial questions which affect the public interest. It is here likewise that I believe Mr. Craney and the Columbia Broadcasting System have indicated constructive thinking and a desire on the part of the industry to solve this difficult problem. Likewise I believe that the code of the National Association of Broadcasters, while not perfect, is a constructive step in this direction. Moreover, the political candidate section of S. 814 as well as Section 315 of the present Act is sound in principle in so far as it accords equality of treatment to candidates of public office.

"In this hearing there is advocated an extension of the right of political response on the radio. These advocates desire that an equal opportunity be accorded for response to radio addresses of a political, social and economic character. Now there is no great objection to this in principle. The objection is to the method suggested in S. 814 and in the discussions at this hearing as to precisely how broadcasters must accord fair treatment to all sides of controversial questions. In my opinion, the sum total of these legislative suggestions made heretofore will more likely turn radio into Utopia for the "crackpots" of the country than to put fairness into radio. The suggested legislation will merely make radio less valuable for the dissemination of facts and opinions where and when it counts.

"I feel certain that the public would prefer the combination of the radio push button and competition as a control of the composition of radio traffic. The public will resent having a Washington Bureau say who can or who cannot speak over the radio. Unless care is exercised, we will regulate radio so much that we will not have a radio worthy of the name to serve the public interest. And, lastly, if we do not safeguard a constitutional principle, we will be unable to recognize radio as a medium having rights similar to those accorded the press in the first Amendment to our Constitution.

"Now as to those broadcasters who present problems involving the abuse of privilege. They may not be considered good broadcasters. Therefore, there should be a method of penalizing those broadcasters who abuse privileges. In my opinion, however, the method should be somewhat different than it is now. At present I believe too much power rests with seven men in Washington to control the composition of radio traffic. We should not give the Commission such powerful control over every broadcaster merely to punish the few who abuse their privileges.

"I would suggest, therefore, that you could write into the law a prohibition against broadcasting misleading information, against malicious incitement to riot, against malicious stirring of religious passions or racial hatreds, or against any other abuse which you desire to correct. You could provide penalties for violation of these sections of the law. However, those who are charged with alleged violations of these penal sections of the law should be granted a trial by jury in the Courts of the land. Then, when and if they had been adjudged guilt- in competent courts, you could permit the Federal Communications Commission to take into consideration such evidence of guilt. If this evidence of guilt were for repeated offenses or for a very serious offense, the Commission could be empowered to revoke the radio license of the guilty person.

The hearings adjourned until Wednesday, December 1, at 10:00 a. m.

Senate hearings resumed on Dec. 1, 1943, with Senators Wheeler, Chairman, Tobey, White, Tunnell, Moore, Brooks, McFarland, Hawkes present.

Mr. Lewis G. Hines, Legislative Representative of the American Federation of Labor was the first witness. He introduced into the records the resolution adopted at the Boston Meeting, reading as follows:

> WHEREAS, In its 1942 report the Building and Trades Construction Dept. pointed out in detail the vast potential possibilities of post war building trades employment in the indicated development of the Television, Frequency Modulation and electronic industries, and
>
> WHEREAS, The expansion of radio broadcasting, television Frequency Modulation facsimilie and allied electronic services can best be furthered through the broadest possible application of the traditional American free enterprise principle, and
>
> WHEREAS, The U. S. Supreme Court in its decision of May, 1943, has so interpreted the present Federal Communications Act as to empower the commission to take practically any action it chooses with reference to radio program material and the business relationships of broadcasters with a resulting serious threat of Governmental domination of Broadcasting content.
>
> THEREFORE BE IT RESOLVED, That the American Federation of Labor urge that the Congress of the United States should at the earliest possible date assure the preservation of Freedom of Speech on the airways by enacting changes in the present Communications Act prescribing the limits of Government supervision of the radio and allied industries and definitely safeguarding broadcasting from any actual or implied government censorship authority over program content. By such reconsideration of the Act, we believe a secure foundation would be laid for the post war expansion of the radio, television and other new electronic industries upon a free and constructive competitive basis.

Mr. Hines then introduced Mr. Philip Pearl, Publicity Director for the A F of L who cited his experience during the six years he had served with the A F of L and said that the networks had complied with every reasonable request for time on the air. He said he wanted this system to remain in effect and indicated that the A F of L did not desire the privilege of buying time, but in general they desired to continue to receive the use of free facilities, on the present basis.

Mr. Pearl indicated the position of the A F of L as opposed to the Solicitation of Membership Section of the NAB Code, as in some localities during organization campaigns they felt it was necessary, and desired the right to buy time. He said he was quite pleased with the time which they and the CIO had received from the National Broadcasting Company, which arrangement had been made through the help of NAB and expressed the hope that next year this time might be increased over other networks.

Mr. T. A. M. Craven was called to the stand and continued his testimony, as follows:

CONTROL OF MONOPOLY

"While I would suggest a prohibition against Commission control of the economics of broadcast licensees, I do not believe anyone would condone monopoly in broadcasting. I advocate competition and I believe that all unreasonable restraints upon competition should be prohibited and when persistent, should be punished. There is no right which I believe should never be granted to any broadcaster. That is the right to be free of competition. The mere fact that there exist opportunities for competition is insurance to safeguard the interests of the public and to control abuses. It is only the most narrow-visioned broadcaster who would fail to be influenced by the powerful control which threat of competition impels. In my opinion the withholding of any right to be free from competition is a better guarantee of radio service in the public interest than any regulated monopoly could provide. I recognize, of course, that destructive competition can affect adversely the radio service the public is entitled to receive. In this connection, however, the decision of the Supreme Court in the Sanders case suggests the logical course of action to be pursued. I likewise recognize the persuasiveness of the arguments of those who would make certain that the principles of the anti-trust statutes are applied to broadcasting in all respects. Therefore, it may be desirable to include in the Communications Act some special provisions governing certain business aspects which are peculiar to broadcasting and are not encountered in other business enterprise.

"These suggestions are not inconsistent with my previous testimony on this subject before this Committee. In my last appearance before this Committee, I was opposed merely to the promulgation of chain broadcasting regulations by the Commission. In general, my opposition was based upon the premise that the Communications Act of 1934 did not empower the Commission to regulate the business aspects of broadcast licensees. I believed the Commission had exceeded its power and should have confined its action either to making recommendations to Congress or reference to the Department of Justice or the Federal Trade Commission. I likewise believed that the rules as then proposed were unsound from the standpoint of good broadcasting service to the public in that they tended to destroy the effectiveness of national networks as a service to the nation as a whole.

"Five of the seven Supreme Court Justices who participated in the decision on the chain broadcasting case did not uphold my viewpoint. A minority of two appear to have supported my premise. In view of the potentialities involved in the majority decision of the Supreme Court and in view of the logical reasons propounded in the minority opinion of that Court, I am more convinced than ever that it is best for this country to limit the Communications Commission to the scope of the Communications Act and to require the Commission to recommend to Congress from time to time what changes in the law are considered necessary. I cannot urge too strongly that Congress clarify the Communications Act of 1934 so that this may be the future procedure.

"Several new factors have entered into the chain broadcasting regulatory situation since my last appearance before this Committee. The Commission has eliminated some of the impractical provisions of the original regulations. Radio has been benefited by an abnormally peculiar situation arising out of the war, and lastly, recent scientific developments of the war appear to offer some alleviation of the inherent limitations caused by the dearth of radio frequency channels allocated to broadcasting.

"In view of all the developments of the recent past, I can now agree that it may be helpful for Congress to enact certain provisions which will serve as guideposts to the industry, but which do not, directly or indirectly, control its economic or program development. Therefore I suggest the enactment of provisions of law which would prohibit the licensee of any broadcast station from entering into any contract or any other arrangement with a network organization containing any or all of the following five restraints upon the ability of a licensee to exercise his responsibility: (1) where the station is prevented from broadcasting public service programs of any other network organization, (a public service program could be defined as any program broadcast under the provisions of Section 315 of the Act by candidates for public office; all programs broadcast by any public officer or on behalf of any government, either local, State or national; and all sustaining programs broadcast upon behalf of any religious, charitable, scientific, literary, educational, patriotic, or fraternal organization); (2) which prevents the station from rejecting or refusing network programs which the station reasonably believes to be unsatisfactory, unsuitable or contrary to the public interest, or from substituting therefor a program of outstanding local or national importance; (3) which prevents another station serving a substantially different area from broadcasting any network program or programs; (4) which provides by original term, provisions for renewal or otherwise that the station will broadcast the programs of the network organization for a period longer than three years; or (5) which gives the network organization an option upon periods of the station's time which are unspecified, or which can be exercised upon notice to the station within less than a reasonable time, such as 28 days.

"With these safeguards imposed by the law itself, I believe that the present good aspects of radio broadcasting service can be maintained or improved, that the bargaining position of both the network and the station will be preserved, that licensees will be free to exercise their responsibilities to the public, that the excellent public service facilities of radio will be improved, and that the overall result will be far superior to the adoption of any plan whereby both networks and licensees are subjected to the ever-changing views and philosophies of an everchanging licensing agency.

"If the Committee rejects this suggestion and in lieu thereof desires to incorporate the substance of the Commission's present rules and regulations, may I again emphasize that in spite of all the contentions to the contrary, the rule on time option will ultimately result in deterioration of the value of radio as a medium for the dissemination of facts and opinions to the nation as a whole. I also fear that in the long run, the effect of this rule will be to limit opportunities to use radio broadcast facilities to those who have adequate purse strings. If the Committee does not agree with my conclusions with respect to time option, I urge most strongly that you apply specific time option limitations only to situations in communities where there are a smaller number of radio stations than national networks. In any event, limit the power of the Commission to regulate the business aspects of broadcasting. The cease and desist method is perhaps preferable to the use of licensing power to enforce rules governing business practices and in this connection, why not let the Federal Trade Commission have jurisdiction. If diversification of radio licenses among many persons is a good principle of radio, it would appear that a diversification among Government agencies of power to control the different aspects of radio is not altogether unsound.

DUE PROCESS

"The proposed bill contains certain provisions modifying existing procedural processes governing the rights of applicants and licensees to a fair hearing. I am not a lawyer. Consequently, I should confine my remarks to generalities. In my opinion, the proposed provisions appear to afford applicants and licensees clearer rights for a fair hearing before the Commission and for appeal therefrom, than is the case today. However, I must confess that I would be for any procedure which could be agreed upon by a majority of unbiased lawyers, provided both a fair hearing and prompt dispatch of the business of the Commission were guaranteed.

"I do not believe that broadcast licensees should be immune from the application of other laws of the country. Neither do I believe that the Commission should be deprived of power to determine whether licensees are disqualified to operate radio broadcasting stations because of violations of laws not specifically within the jurisdiction of the Commission. However, I do believe that these licensees should be free from the necessity of having the Federal Communications Commission determine, directly or indirectly, whether licensees are guilty of alleged violations of law, other than those specifically placed within the jurisdiction of the Commission. Radio licensees should have the same rights as any other person to the judicial processes guaranteed in the Constitution.

"A procedure could be established whereby the Commission, in determining the qualifications of licensees, could consider violations of law not within its jurisdiction. For example, the legislation could provide that the Commission may consider such violations when there is evidence of guilt adjudicated by courts of competent jurisdiction. This procedure would afford both due process and at the same time protect the public interest. However, the Federal Communications Commission should not be permitted to revoke a license merely because an official of a licensee corporation violated some law and such violation had no relation to the operation of a broadcasting station. The proposals in S. 814 do not incorporate this suggestion and therefore, in my opinion, the proposed legislation does not go far enough in defining the Commission's powers. The same doubt which exists today appears to be carried forward in the new legislation. It seems that the Commission is still empowered, when considering the qualifications of licensees for renewal of licenses, to determine whether such licensees have violated laws other than those specifically under the jurisdiction of the Communications Commission. While it may be true that today the Commission is not empowered to determine directly whether a licensee is guilty of alleged violations of such laws, it is equally true, in my opinion, that the Commission can indirectly make such a determination and that, if the licensee is guilty in the mind of the Commission, the latter has power to refuse to renew the license. Sometimes punishment depriving the licensee of his investment can be more severe than the punishment which would be accorded in the courts after trial by jury. It is my belief that the Commission should not have this indirect power because it does not accord to licensees the due processes of law guaranteed to them in the Bill of Rights and it also amounts to an unfair concentration of judicial power in an administrative agency.

COMMISSION ORGANIZATION

"The bill provides for a reorganization of the Commission. In general, I believe these proposals are an improvement over those provided in the present law and likewise constitute a considerable improvement over the system now being utilized by the Commission. Some criticism has been leveled at the wording of the proposed legislation because it has been interpreted that the Chairman of the Commission is shorn of power. While I think it advisable that the powers of the Chairman be specified, I do not believe he should be deprived of having a voice in the formulation of policies and regulations governing any phase of communications. Consequently, I believe that the Commission as a whole should be empowered to formulate regulations and policies and, that in any hearings involving a change in policy or the establishment of a new policy, the entire Commission should be authorized to sit and decide the issues. While at this moment the relationship between broadcasting and common carriers may not be clear, it is entirely possible that policies affecting common carrier communications will have a direct effect upon broadcasting and vice versa. Therefore, I can visualize the desirability, when broad policies are being considered, of bringing together the two groups of men charged with the regulation of each of these phases of communications. This is particularly true when allocating radio frequencies to the various communication services. The number of channels assigned to broadcasting have a direct bearing upon broadcasting regulatory philosophies. Likewise, the type and character of communications systems in the common carrier field and the policies with respect to competition will affect the number of channels which can be assigned to these services. Thus, the various phases of communications must be considered as a whole when allocating frequencies to services. Therefore, it seems advisable that not only should all of the Commissioners understand the broader aspects of all the problems of communications, but also that the Chairman of the Commission be empowered to cast his influence and his vote as one of the seven members of the Commission on all matters of policy and regulation. While my interpretation of the proposed legislation indicates that the Chairman and the Commission are given such power, I desire to make certain that the claims of those who do not interpret the legislation as I do, are given due weight.

"It may be thought that advocacy of the requirement that all Commissioners understand the broader aspects of all the problems of communications nullifies arguments for the separation of the detailed functions of the Commission. This is not a valid criticism. The fact is that no person can exercise proper judgment in individual cases and at the same time provide the basis of an efficient dispatch of business if he has to act upon every case presented before the Commission. Moreover, if he is to be burdened with the details of all the individual cases, he has no time to consider properly broad matters of policy.

"It makes no difference, from the standpoint of efficiency, whether you have a seven or twenty-five-man Commission if all the members are required to pass judgment on all cases. Such circumstances are bound to result in ineffectiveness or else in a trend toward the policies of the man having the strongest political support.

On the other hand, if the work of the Commission is to be subdivided among the members, it seems clearly evident that the responsibilities of the Divisions as well as the Commission and its Chairman should be defined.

"Therefore, in my opinion, the organization provisions of S. 814 are sound in principle and should be adopted by the Congress.

JOINT OWNERSHIP OF RADIO AND NEWSPAPERS

"I am informed that the Committee has considered the question of newspaper ownership of radio stations. Again, may I call your attention to the radio developments arising out of the war. It seems to me that an allocation of a larger number of radio frequency channels to broadcasting would go far toward solving any questions arising out of the joint ownership of radio stations and newspapers. It likewise seems to me that legislation which prohibits newspapers from securing radio stations in the future is more likely to retard the application of new radio developments to the service of the public than to correct potential abuses. But beyond this, there are other phases of equal importance that should be considered by the Congress before enacting legislation prohibiting joint ownership of newspaper and radio stations. I know that some of us do not particularly enjoy editorials and commentaries which adversely criticise persons in public office. It seems unfair to use the power of the press to play up one viewpoint and play down others. On the other hand, many of us have benefited by criticism in the press. And we know that our forefathers thought enough of the benefits of criticism of public officials to insist upon the doctrine of a free press and free speech. Therefore, public officials have to proceed with caution when limiting the rights of citizens to engage in an enterprise utilizing a medium of free speech.

"I agree that there are differences between public and private communications and the stations engaged in such communications. I believe that the Congress might be justified in providing special or different qualifications for the licensees of those stations which engaged in public as distinguished from private communications. However, I do not believe that any such classification should be predicated upon the occupation of other business interests of the owner of such station as has been suggested in the newspaper field. I consider such action both unnecessary and dangerous. Moreover it constitutes an undesirable precedent. If similar prohibitions were applied to the acquisition by existing broadcasters of frequency modulation and television stations, it is likely that new radio developments would be so retarded that the public would be denied benefits of new inventions in radio.

I recognize that an important problem of public policy concerns diversification in the operation of the media for the dissemination of facts and opinions. Of course, diversification of control of these media is desirable. On the other hand, whether this objective should be obtained by legislation which discriminates against one class of persons or which prevents any one from owning stock in an organization operating a particular kind of medium for free speech, raises questions in a free democracy almost as serious as monopolistic control of the media for the dissemination of facts and opinions.

"Another problem is an economic one, particularly in small communities where radio competition with the newspapers may spell disaster to the latter. It is difficult to understand why combinations between the two should be prohibited, if such prohibition should result in poorer radio service and perhaps in destruction of either or both the newspaper and the radio service. Under such circumstances absolutely nothing would be accomplished except destruction of service to the people.

"In so far as I can ascertain, there is no evidence that newspaper owned radio stations have been operated as such contrary to public interest. In fact, they seem to operate very much like any other good radio station. However, if the Congress is to redefine and fix the qualifications of the licensee of any radio station which is intended to and does communicate with the public, I would suggest that it do so by providing that on and after a date to be fixed no license shall be granted for such a station except to a corporation whose charter and bylaws shall provide that the business of the corporation is limited to the business of broadcasting or chain broadcasting, together with such other business as may be incidental thereto. My reasons for this suggestion are not those advanced by the ones who advocate separation of the ownership of newspapers and radio stations; in fact, my reasons are not ones of ownership at all, but ones of convenience and the clarification of the status of certain existing licensees.

"Radio broadcasting, unlike most other industries, grew up in a large part as an adjunct of other businesses. Electrical manufacturing companies, newspapers, insurance companies, department stores, and others furnished the pioneer money for the establishment of many of our existing stations. They did so at a time when the ownership and operation of a station involved a considerable capital outlay and no revenue was in sight. As a result, even after broadcasting came to stand upon its own feet, we find it merged and sometimes confused with other businesses. Many organizations when confronted with this situation have formed subsidiary corporations for the conduct of the broadcasting business, while others have not. Under my suggestion all would be required to do so.

"Such action if taken would not deprive the present owners of their property in existing stations; nor would it prevent them from exercising an adequate and proper measure of control in the operation of such properties. It would, however, segregate the business of broadcasting from other and unrelated businesses, and to this end would facilitate both the work of the Commission and the duties of the licensee in making reports and supplying other information to the Commission. Moreover, it would end all confusion and speculation in any given case as to whether another business was supporting a broadcast station or whether the broadcast station was supporting another business. It would also disclose, through the books and records of the subsidiary company formed to operate the broadcasting business, any use which the other and unrelated business had made of the broadcast station for the purpose of advertising such other business.

"It goes without saying that if such a provision is enacted into law, it should be accompanied by a further provision which would direct the Commission to take such steps as are necessary to expedite the transfer of all outstanding construction permits and licenses for stations of this class to corporations which are qualified to hold the same. These corporations would of course be organized by and subject to the control of the present owners of the station properties. If further limitation of control is desired, the legislation could provide that the charter and bylaws of such radio corporations should prohibit interlocking directorates and duplication of officials in much the same manner as is done in public utility legislation.

CONCLUSION

"In my opinion, the Committee is confronted with the choice of two forms of administrative government. One choice is that where an agency of Congress has limited powers to regulate private enterprise within the scope of a law in which the rights of the regulated are defined and safeguarded.

"The other choice is that where an independent administrative agency has vast legislative and judicial powers to regulate private enterprise because the law does not either specify the limits of power of the agency or define the rights of the regulated.

"In my opinion the Congress should choose the first of these courses by enacting legislation similar to that suggested in S. 814. It is all the more important that Congress take this course when legislating in the field of communications, particularly in that phase which constitutes a medium for the dissemination of facts and opinions to the general public.

"The second course, in my opinion, is Bureaucracy in its extreme form, and constitutes a trend toward a change in the form of our Government, and, of equal significance, it seems to me, this course leads to regimentation of technological progress along the grooves charted by a centralized bureaucracy."

Senator Tobey asked whether Mr. Craven would be available at a later date in case the Committee desired to go further into his testimony. Mr. Craven indicated his willingness and the Chairman said if it appeared desirable later on he would be called back to the stand.

PIERSON OF PRESS WIRELESS SUPPORTS BILL

Mr. Joseph Pierson, President of Press-Wireless, Inc., appeared and after outlining Press-Wireless and its operations he stated that he supported the provisions of Section 5 (which requires the Commission to give notice and opportunity of hearing to persons adversely affected) as follows:

"With this background I proceed to discuss S. 814. Our principal interest centers on Section 5, which requires the Commission to give notice and opportunity of hearing to persons adversely affected, before granting someone else's application. It appears that the present law does not require this. In any event, the Commission seems to be construing it that way. It certainly is doing so in granting radio licenses to companies engaged in handling public correspondence as common carriers.

"I am not competent to speak on the detailed legal provisions of Section 5. I do not know the extent to which the desired result could be accomplished by various methods of intervention or protest or otherwise. The Section seems to have been drawn with an eye almost entirely to the problems of broadcasters, and it may be that it is too cumbersome to be applied literally to radio communications common carriers. I do feel certain that the underlying principle is sound."

* * * *

After outlining that Press Wireless has eight circuits, RCAC has nearly fifty and the Mackay companies about thirty circuits he said that Press-Wireless had applied for outlets, which had been rejected by the Commission, to include in their service Algiers, Oran-Algeria, Tunis, Palermo, Madagascar, Reunion, Tahiti, and that "the rejections had all occurred since last February 19th," and that RCAC or Mackay "is operating circuits to these points under authorization granted to them for the most part during the same period. Nearly all these actions have been taken without notice or hearing to persons adversely affected. They fall within two classes.

"The first class is illustrated by Santiago, Chile. We applied for a circuit with Santiago on June 18, 1943, and were turned down without hearing on July 27, 1943. We understand that the reason for the Commission's action was that there is already sufficient service between the United States and Santiago because of the fact that RCAC and Mackay have circuits to that point. This may be a legitimate principle of public utility regulation, although I would still insist that we are entitled to a hearing to determine whether the existing service is sufficient. I have not understood, however, that this principle stands in the way of a company that performs special services such as ours, and that introduces improved and more efficient methods of communication.

"The real point, however, is that when it comes to one of the other companies, the Commission goes on the opposite theory. If there are any two points in the world that have plentitude of communications facilities, they are New York and London, with the many cables operated by Western Union and Commercial Cable, the several circuits operated by RCAC, and the circuits operated by Press Wireless. The plentitude was so great that both Western Union and Commercial Cable were in the red before the war, had a tremendous idle plant, and were complaining to the Commission.

"Nevertheless, on February 3, 1942, without notice or hearing, the Commission authorized Mackay also to communicate with London on a temporary basis, to expire December 1, 1942. This emergency authorization was conditioned upon interruption of the North Atlantic submarine cable circuit between England and the United States, and was supposed to be founded on the interest of the United States, and was supposed to be founded on the interest of national defense and security. On April 21, 1942, again without notice or hearing, the Commission acted on the basis of a telegram from Mackay, and modified the special temporary authority so as to eliminate the emergency condition with respect to cable interruption. This modification was for a period of thirty days, but was renewed from time to time until February 25, 1943. Then it was converted into a regular license, again without notice or hearing, and London was thereafter included as a regular point of communication for Mackay. Thus Mackay's original emergency license, supposed to be founded on national security, was converted into a regular commercial license without a formal hearing and, so far as I know, without any information that could be properly characterized as evidence to support such a move.

"Somewhat the same process was followed in another case, with the result that Mackay now has authority to communicate with Moscow, which was already served by RCAC and Press Wireless. This, too, was done without notice or hearing. It may be that the Commission was right in its Santiago decision where we were concerned, but, if so, it was wrong in London and Moscow. If it was right in London and Moscow, it was wrong in Santiago. In all three cases it certainly was wrong in acting without hearing.

"Let me digress at this point to say that this experience serves to justify Section 1 of your bill. The Commission, apparently acting on the strength of a court decision in a broadcasting case, appears to believe that by calling a license something else, such as "emergency authorization" or "special temporary authorization," it can escape the requirements of the statute as to notice, hearing, and appeal. I trust that some way will be found to prevent this in the future, although I recognize there are certain emergency situations where prompt action is necessary, and the Commission should not be hamstrung by red tape.

* * * *

"Now I want to refer to the second class of case of action taken by the Commission without hearing. I am not sure that this is entirely the Commission's fault, but, in part, it must be. It is hard for me to keep straight in my mind just where the Commission ends and the Board of War Communications begins, since they both have the same very energetic chairman. It is also hard for me to know whether a decision of the Board of War Communications on policy really originates with the Army and Navy representatives who sit on that Board, or with this same chairman.

* * * *

"Mackay did not get the same idea for several weeks, but finally filed an application on February 8, 1943. In the meantime, RCAC also filed an application. Suddenly, on February 19, 1943, without notice or hearing, the Commission granted the Mackay application and turned down the Press Wireless and RCAC applications. As a result of insistence by RCAC and ourselves, we had a postmortem hearing early in May. The matter has not yet been decided, but Mackay has the circuit.

"This left to the Commission only to pick out which applicant should have the privilege. I say with confidence that Press Wireless had shown itself the company best qualified to do this job, and that even if you eliminate our company, RCAC was far better qualified than Mackay.

* * * *

"In rapid-fire order our applications for Tunis, Palermo, Brazzaville, Madagascar, Reunion and Tahiti have been turned down. I believe the next will be Naples and Rome, all without hearing. Mackay has been given some of these points; RCAC has been given others.

"In fairness I should add that we have at last had a hearing before a committee of three members of the Commission on November 18-19, 1943, to determine whether we are really an eligible company. No one else had had to go through such a hearing. The only facts brought out were of a simple nature, already available to the Commission and its staff.

* * * *

"We filed a motion with the Commission demanding that the other international carriers be made parties to the proceeding. So far, this motion has not been acted upon, but our hearing has been postponed until sometime in January. It is perfectly obvious that no intelligent appraisal of our rate structure can be made without comparing it with those of the other companies, and particularly in the radio communication field, without determining what principles shall be applied to all of them as against a small company such as ours, with a capital investment of only $532,000.

"I mention this because it leads me to support what I believe to be the principle involved in Section 16 of the bill. As I read it, it is intended to instruct the Commission not to penalize persons in a manner not authorized by statute. Perhaps I am wrong in my interpretation but I firmly believe that no rate investigation would have been ordered against us if our stockholders had maintained abject silence over the injustice that was done in Algiers.

* * * *

"There is a real gap in the present law. The Federal Communications Commission determines what frequencies are to be allocated to communications companies, broadcasting stations and all other private companies and persons. The President, however, has absolute say as to what frequencies go to the Government departments, including not only the Army and Navy but the OWI, the Department of Agriculture, the Department of Commerce and others. Both the Commission and private industry are helpless if Government Departments make excessive or unjust demands for frequencies and the President upholds them. Private industry is helpless if the Commission through its Chairman, sides with the Government Departments at secret sessions. There is no forum or machinery for presenting the just claims of private industry. The Chairman of the Commission cannot possibly be an adequate spokesman for those claims. There is no one who stands in the position of disinterested arbiter between those claims and the claims of Government. Government departments are like private companies and individuals; all of them are under a temptation to demand more than they really need, having no regard for the needs of others.

"I have no specific amendment to propose to cure this gap. I simply leave it with you as a problem worthy of serious thought. The solution becomes all the more vitally necessary as the end of the war approaches. It is not solely a problem of Press Wireless or of radio-communication common carriers. The future fate of FM broadcasting and television will be settled in the same way, that is whether these new radio services will have adequate bands of frequencies set aside for them and whether the frequencies will be those best suited for the purpose or will simply be those that the Government Department don't want.

"Press Wireless urges legislation in all parliaments and conventions between all nations, which affirm and strengthen the freedom of the press. We mean more than freedom of expression. We mean freedom of movement. In the modern world one is the corollary of the other. Such measures do not create a privileged class. They destroy ignorance and intolerance on which the privileged classes prey and in which wars are born.

"Public information is the life blood of representative government and of world peace. Every effort to protect it from official caprice, as in this bill, should be supported by all the people."

On Thursday, December 2, 1943 the hearings were resumed.

Present: Senators Wheeler, Chairman; White,
Tobey, Tunnell, Moore, McFarland.

Mr. Len De Caux, Publicity Director of the CIO was the first witness. Unlike the A. F. of L., which the previous day came out for an unfettered radio, the CIO, through Mr. DeCaux, proposed increased governmental control of programs and program content.

Chairman Wheeler at one point suggested that CIO might not want such broad powers vested in the FCC as Mr. DeCaux proposed. Labor might have a friendly FCC today, the Chairman said, but find itself confronted by an extremely unfriendly Commission some time in the future. Mr. DeCaux agreed that the exact degree of control the FCC should exercise was a problem, but he insisted that Labor should have some agency to which it might carry its complaints when refused time on the air.

The CIO submitted the following proposals, for legislation:

> "(1) That a larger proportion of free time should be made available to labor organizations than has been the case in the past, particularly in the form of regularly recurring sustaining programs.
>
> "(2) That labor organizations should suffer no blanket restriction on their right to purchase radio time.
>
> "(3) That labor organizations should suffer no blanket restrictions on their right to use the radio for the solicitations of membership or in organizing campaigns.
>
> "(4) That serious consideration should be given to the establishment of machinery for the relief of labor and other organizations in cases where there is a discriminatory denial of their right to buy or receive free time on the air."

Mr. A. Earl Cullum, Jr. Consulting Radio Engineer of Dallas, Texas now with Harvard Radio Research Laboratories was the next witness. He said he was appearing to present to the Committee his personal views based on his experience as an engineer practicing before the Federal Communications Commission. He limited his remarks primarily to Standard Broadcasting FM, television and various electronic developments coming out of the war. He stressed the fact that due to gains as a result of the war effort there would be a tremendous increase in frequencies available for use, and a tremendous increase in the number of trained technicians available for making use of these developments.

He said he thought that at the present time manufacturers needed to be planning for these developments so they could be in a position to make the models needed and so that their equipment will not be on a pre-war basis.

He said that the Standard Broadcasting now in use should and will be continued but it should be reorganized so that FM particularly in metropolitan areas will be immediately available through frequency station bands for use in rural areas.

Senator Wheeler asked Mr. Cullum whether he felt that FM and Standard should be coordinated or whether they should be separate to which Mr. Cullum replied that he felt the present-day broadcasters had the knowledge and experience necessary to a rapid development of FM and that they should not be barred from going into this new field. Mr. Cullum further said that manufacturers needed to know what type of sets to build and every effort should be made to secure a decision at the earliest possible date as to what Bands of frequencies are to be used for FM and television.

Senator Wheeler asked Mr. Cullum if it was feasible from an engineering standpoint to duplicate stations on clear channels assigned to Boston and New York. Mr. Cullum replied that it is feasible but pointed out that a determination of policy would involve as to what channels should be kept clear for greatly increased power and then extend that range to even greater rural areas. A determination should be made as to whether practically unlimited power should be authorized or whether duplication of the same channels should be authorized.

Senator Wheeler observed that from a local standpoint a local station had the most value and from a social standpoint the local station should be protected, and "we should stay away from super-power".

Mr. Cullum explained that with the proper use we will have adequate facilities for development of almost any patterns and urged speed in determining policy and said as a practicing engineer one of the greatest difficulties was the inevitable delay by the Commission, sometimes "months and months in setting an application for hearing and then another delay sometimes months and months after the hearings before a decision is reached."

The Chairman stated that N.B.C. Dr. C. M. Jansky, Com. Ray Whitfield were scheduled to appear and the Committee desired that both Mutual and Blue appear at the hearings.

House Select Committee Hearings

The Select Committee to Investigate the Federal Communications Commission, under the Chairmanship of Clarence F. Lea, of California, held hearings on November 23 and November 24, with Commissioner Craven on the stand.

The Hearings related primarily to the status of the Interdepartment Radio Advisory Committee (IRAC). In connecton with the request by the War Department in June of 1942, for the grant of frequencies for the use of the War Department in morale building in certain points in Alaska, IRAC granted the frequencies and Commander Craven voted in favor of the grant. Subsequently he received a memorandum from the Chairman of the Federal Communications Commission, stating in part:

> "Although it is understood that the Committee is authorized to handle day-by-day normal governmental frequency applications, on an interim basis, pending approval by the Board of War Communications, of the executive orders prepared by the Committee, it seems to me that whenever the Committee is requested to approve a new service, such as these low-power broadcast stations, operated by the War Department, or an appreciable expansion of any governmental communications facilities, it would be advisable for such matters to be brought to the attention of the Board —that is the Board of War Communications —and the Commission, before, rather than after, Committee approval."

In response to questions by Counsel Garey, Commander Craven said that he did not agree with the policy stated in the memorandum—that he felt: "First, that there was no real matter of basic policy involved. Second: I had considered that the only duty of IRAC was, not to question basic policies of other departments. Those would be settled in other ways—but that our job was to approve frequencies from a technical standpoint. Third: I was not aware that as a Committee or sub-Committee of the Board of War Communications we had to refer all those frequency allocations to the Board. I didn't see at that particular time anything wrong in the action of the IRAC. However, in discussing it with the Chairman, prior to the meeting, I was informed that my interpretation of the Executive Order forming the Board of War Communications was wrong "and that this involved a matter of policy and as a Committee of the Board of War Communications we (IRAC) should submit it to the Board for consideration. I didn't agree with that personally, but after consultation with Governor Case we felt that would be the view of the Commission and therefore in my representative capacity, rather than in any capacity as a Commissioner, I felt it my duty to carry forward the wishes and desires of the Chairman."

Commander Craven said that at a later meeting of IRAC in December he had withdrawn the approval which he had theretofore given to the granting of these applications. Reading from the minutes of the IRAC meeting, Mr. Garey quoted Commander Craven as follows: "At this point I feel I have a duty to perform on behalf of the Chairman of the BWC and FCC." Counsel Garey interpolated "I observe, Commissioner, with respect to that statement of yours, that it purports to be made on behalf of the Chairman of the BWC and the FCC, as such and not on behalf of the BWC and the FCC as such. Is that correct?" Commander Craven replied "Yes." Mr. Garey then repeated "That was because the instructions you received were not received from either of those organizations, but were received from a Chairman thereof." Commander Craven replied "That is correct but I felt that they would represent the views of the majority of the BWC and the FCC." Mr. Garey asked "That was based on your personal opinion and judgment?" and Mr. Craven replied "That is correct." Mr. Garey asked "But not on any views of those organizations as expressed by them?" Mr. Craven replied "That is correct."

Mr. Garey then continued reading the remarks of Commander Craven before the IRAC meeting, as follows: "I must confess that heretofore I had thought the status of the IRAC and all its actions were perfectly well understood and accepted by all departments including the Commission and BWC. However, when IRAC "approved certain applications of the War Department to use broadcasting stations, I received the letter which is presented here from the Chairman of the FCC, who is also Chairman of the BWC. As you realize, this particular letter does two things. First, it questions the present status of IRAC and second, I think it goes to the question of relationship between the BWC and the other government departments with respect to the use of frequencies. The last paragraph of the letter states as follows: 'I would appreciate receiving your suggestions as to how this procedural matter might best be accomplished.' I discussed the matter with the Chairman of the Board in great detail and informed him that in my opinion the matters which IRAC took up were primarily from the standpoint of interference; insofar as I was concerned I had hitherto felt that matters of policy were settled prior to presentation here, particularly during the War and such was the responsibility of the department concerned. He informed me that that was an erroneous conception. I suggest that while this might be a matter for the Board itself to determine it is much better first to bring the matter before IRAC so that the latter may have an opportunity to state its views."

Commander Craven presented to the IRAC meeting a memorandum which stated in part: "Support for the conclusion that IRAC no longer performed any function other than that of an advisory committee in a recent memorandum of the attorney general." The memorandum stated in part as follows: "The powers of the Board of War Communications would therefore appear to be very broad. In authority it has superseded the Interdepartment Radio Advisory Committee which is now made a subordinate committee of the Board of War Communications."

The memorandum continued as follows: "As a procedure for the Board's keeping control over the assignment of frequencies to Government Departments by IRAC, it is suggested that IRAC be required twice each month to report to the Board all assignments it has made. Under this plan the assignment would be effective immediately upon action by IRAC subject to ratification, change or merely comment by the Board." Commander Craven had said at the IRAC meeting "I would like to have this statement placed in the records as representing my own views as the representative of the FCC. I am particularly anxious that there be placed in the record the attitude of the other departments and that decisive action be taken by the Committee on this matter."

"Mr. Garey asked: 'Commissioner, who prepared that memorandum that you read in the IRAC?'

"Mr. Craven: The General Counsel of the Commission.

"Mr. Garey: Do you have anything to do with the preparation of it?

"Mr. Craven: No, I asked the General Counsel to prepare a memorandum.

"Mr. Garey: Was that memorandum approved by the Commission before you presented it to IRAC?

"Mr. Craven: No.

"Mr. Garey: Did it come before the Commission for action?

"Mr. Craven: No.

"Mr. Garey: As far as you know who dictated the policy laid down by the Chairman in his memorandum of November 21, 1942. The Chairman, only?

"Mr. Craven: As far as I know that is correct.

"Mr. Garey: Then the statement you had caused to be placed in the records presented your views as the representative of the FCC. Did you draw any distinction between your vews as the representative of the FCC and your personal views?

"Mr. Craven: Oh, yes.

"Mr. Garey: That memorandum embody your personal views?

"Mr. Craven: It did not.

"Mr. Garey: Were your personal views different from those embodied in that memorandum?

"Mr. Craven: Yes.

"Mr. Garey: And you presented these views at the direction of the Chairman of the Commission.

"Mr. Craven: That is correct.

"Mr. Garey: Now the Chairman of the Commission has no power as such, does he?

"Mr. Craven: No.

"Mr. Garey: He is one of seven Commissioners appointed by the President and his power is no greater as a member of the Commission than any other Commissioner?

"Mr. Craven: That is my interpretation of it.

"Mr. Garey: There is nothing in the 1934 Act or any amendment thereto that gives the Chairman any power separate and apart from the power given him as a member of the Commission.

"Mr. Craven: That is correct.

"Mr. Garey: So that in assuming to act as the Chairman did in this instance he acted without any authority in law?

"Mr. Craven: That is true.

"Mr. Hart (a member of the Select Committee): I think you have already stated that though the matter had not been taken up formally by the Commission it was your own view and judgment that the Chairman was acting in accordance with the view of the majority of the Commission?

"Mr. Craven: That is correct.

"Mr. Garey: Do you mean it that way 'in accordance with the views' or in accordance with the fact that you knew he could get the Commission to back him up. There is a fine distinction there.

"Mr. Craven: I won't go into details. I felt the majority of the Commission would support the Chairman.

"Mr. Garey: Support the Chairman, because it was their policy to support the Chairman irrespective of their own views?

"Mr. Craven: On the matter of policy, yes. But on 'irrespective of their own views' some of them, I think undoubtedly, are of the same school of thought as the Chairman.

"Mr. Garey: And follow the same pattern.

"Mr. Craven: Yes.

"Mr. Garey—after reading further from the minutes of the meeting—asked Commander Craven as follows: 'Commander, prior to the time this question arose in this manner, what was the policy or procedure in IRAC with respect to whether a particular department should or should not engage in radio or have certain further facilities granted to it by IRAC?'

"Mr. Craven replied: 'We took the position that a department making an application for a particular frequency had the right to determine their policy. We didn't question that except where it involved a use of radio which we considered a waste of frequency, and where frequencies were so scarce and those matters we referred to the Board of War Communications during the war.'

"Mr. Garey: You considered the matter of whether a government department should engage in radio service was something for that department to determine on its own responsibility and judgment and that the policy of IRAC should be and was to grant to that department a frequency for that purpose if a frequency was available or could be found?

"Mr. Craven: Yes, as I mentioned we had one hesitancy in that respect. When the application was for a service that paralleled land lines and land lines were available and we couldn't find frequencies for radio services that paralleled land lines.

"Mr. Garey: Is there anything you can tell the Committee briefly about just how you handled those applications for frequencies from Government Departments, on the matter of policy?

"Mr. Craven: Ordinarily when an application is placed before IRAC we only give it consideration from the standpoint of interference with existing service and from the standpoint of good engineering practice. We don't question it except when the application is for a service that parallels land lines, and in those cases, well knowing that frequencies, especially for transoceanic services are scarce, we have referred it to the Board of War Communications for its consideration.

* * * *

"Mr. Magnuson (a member of the Select Committee): Suppose several Government Departments decided among themselves they wanted to make application for a radio station, and it was obvious on the face of the application that they would have very little use for a radio station, would you question their policy?

"Mr. Craven: I certainly would not.

"Mr. Magnuson: Who would pass on whether their basic premise was good or bad?

"Mr. Craven: The President of the United States; and also Congress.

"Mr. Magnuson: And would IRAC have nothing to do with it?

"Mr. Craven: I don't think it should.

"Mr. Garey: I think the Act itself gives to the President the power to allocate frequencies to Government agencies. That power is given directly to the President.

"Mr. Magnuson: I appreciate that.

"Mr. Garey: The President has the power of allocating frequencies to Government Departments.

"Mr. Magnuson: Do you know if the President at any time asked IRAC for advice as to the advisability of making certain allocations.

"Mr. Craven: Not that I know of in the past.

"Mr. Magnuson: Were there any applications submitted to IRAC by Government Departments that on their face indicated the need for radio by those Departments to be remote, at least?

"Mr. Craven: Not that I know of.

"Mr. Magnuson: All of the applications were from Government Departments who could use radio very effectively?

"Mr. Craven: You are not confusing the broader use of radio with broadcasting, are you? Most of these services are services other than broadcasting. The one exception was the application of the War Department for the use of radio for morale purposes.

"Mr. Magnuson: Naturally, any governmental set-up wanting to enhance their power would want a radio frequency, and perhaps on the face of the application the Government Department would not be entitled to it. Who would pass on that? Only the President?

"Mr. Craven: I believe it has been the view of this Administration, and of Administrations in the past, both Democratic and Republican, that Government Departments should not engage in broadcasting services unless absolutely necessary. In the early days the Navy Department had a broadcasting station here in Washington. That was one of the first in the country. Subsequently the Navy ceased operating that station.

"I think it has been the view of the Administration and of Cabinet members, as well as the attitude of the Congress, that the Government should not engage in broadcasting to the general public. However, there have been certain groups in the Government in the past who have advocated that radio broadcasting should not be a private enterprise, but should be a Government service, such as we have in other countries of the world; but I am pretty sure the people in this country don't want that, and I am pretty sure the Administration and the Congress recognize that.

"Mr. Magnuson: Also, we wouldn't want Government Departments to have radio privileges where they were not needed.

"Mr. Craven: That is true, but that arises from the shortage of frequencies. I don't know if you were here the other day. I have given considerable thought to this subject. I suggested that IRAC be legalized in law as a radio frequency coordinating agency having very much the same functions and powers as it has today. The Federal Communications Commission now has jurisdiction, under the law, over the licensing of radio stations to private enterprise. I visualize in the future that there are bound to be certain conflicts between two services of great public interest, private enterprise on the one hand and Government departments on the other. Both are cloaked with public interest, one from the standpoint of communication and broadcasting, and the other from the standpoint of safety and national defense.

"The Commission, in a sense, is required to hold hearings and base its decisions on the evidence submitted by applicants. Therefore, if it does its duty properly, it will have a complex in favor of private enterprise, which I think it should have.

"On the other hand, the Government Departments, through the medium of IRAC are dependent on radio from the standpoint of very substantial factors of national interest, such as national defense.

"Inasmuch as the Interdepartment Radio Advisory Committee and the Federal Communications Commission cannot agree on certain basic questions, I suggested that the President be empowered to appoint a special advisory committee composed of men of very broad calibre, such as Cabinet Members, and such as men from the Interstate and Foreign Commerce Committee of the House and the Interstate Committee of the Senate; that they be as non-partisan as possible; and also that the President be authorized to appoint on this Committee outstanding scientific leaders of the country.

"As I visualize what may occur in the future, the War Department and the Navy Department have expended billions in radio equipment. I suppose we will have to have national defense for years to come after the war. We have in the offing a great development in the form of television. It is possible that both services will need the same part of the radio spectrum for scientific reasons. Suppose both of them can't go forward. Who will make that decision?

"Mr. Magnuson: Suppose the Bureau of Internal Revenue made application to IRAC or any such committee, would you proceed to pass on whether or not they had justification to make that application?

"Mr. Craven: I think we would take that into consideration, yes.

"Mr. Magnuson: That is an extreme case, but if that did occur, would IRAC pass on whether or not the Bureau of Internal Revenue had justification to make such application?

"Mr. Craven: If the Bureau of Internal Revenue had a good sound policy, that would be their business.

"Mr. Magnuson: What would IRAC do?

"Mr. Craven: Pass on the frequency.

"Mr. Magnuson: What men on IRAC are qualified to pass on frequencies except such a man as yourself?

"Mr. Craven: Except for the man from the State Department, every man on IRAC is an engineer, and the State Department representative is there by reason of possible inroads on international treaties. He is a technical man in that respect. So, most of these men are technical men —engineers; they are not policy men.

"Mr. Magnuson: To get in one sentence what we are talking about here, IRAC does nothing but pass on frequencies, and the final decision on whether a Government department shall be granted a frequency is up to the President?

"Mr. Craven: Yes.

"Mr. Magnuson: And under the law, if the President wants to grant a frequency, he can do so?

"Mr. Craven: Yes.

"Mr. Magnuson: And if he wants to deny it, he can?

"Mr. Craven: Yes. All IRAC is is a technical advisory board.

The Select Committee Hearings were resumed on November 24th. It was disclosed that in subsequent IRAC meetings the proposal of the FCC representative on IRAC, that the proposals of allocations be put up to the Board of War Communications was defeated.

Commander Craven then in his capacity as a Commissioner wrote a memorandum to the Chairman of the Commission outlining the action taken, stating that if the Chairman desired to pursue the matter to its conclusion he would recommend that he present it to the Board of War Communications. Later the Board of War Communications adopted a resolution directing IRAC Committee 5 to submit for approval of the Board of War Communications, allocation of frequencies to Government Departments. Subsequently, on May 1, 1943, in a Memorandum to the President, Secretary of War Stimson recommended "that military personnel be authorized to establish and continue to operate low-power radio broadcasting stations wherever required by military necessity outside the Continental limits of the United States."

On June 8, in a letter addressed to the President, Secretary of War Stimson, said: "I am transmitting to you the joint report which I understand from Mr. Fly you have requested on the operation of local radio broadcasting stations in Alaska by military personnel.

The Administrative procedures involved in the planning of these stations have been agreed upon by the War Department and the Federal Communications Commission." The enclosure which was referred to bears the heading "Joint Report to the President on Military Operation of local Radio Broadcast Stations for Army Personnel in Alaska." After outlining the operation of the stations and the difficulties of operation which would result if an attempt were made to operate them by civilian personnel, the joint memorandum concluded: "It is accordingly requested that the approval of the President be given to the continued operation of the low-power limited range broadcasting stations within or near Army installations in Alaska by Army personnel. The memorandum was signed jointly by the Secretary of War and the Chairman of the Federal Communications Commission.

Mr. Garey said later: "Now, Commissioner, there are a few questions I would like to put to you on this subject so that the Committee may see what effect some of the matters that they have been considering have had among the Government Departments.

"Would you say that as a result of the policy of the Federal Communications Commission or its Chairman, as embodied in the minutes which I have been reading to this Committee, or for any other reason, there exists among Government Departments a spirit of antagonism or distrust against the FCC and its Chairman?

"Mr. Craven: I think that is a fact that all Government Departments recognize.

"Mr. Garey: And that is due very largely to the activities of the Commission, is it not?

"Mr. Craven: It is due to an unsatisfactory situation which I mentioned earlier in my testimony, and for which I suggested legislative remedies.

"Mr. Garey: From your long experience in the field of radio and with the Commission, have you been able to discern in the continuing activities of the Commission a trend or an intent for it to reach out and control all forms of communications, both private and governmental?

"Mr. Craven: It has been my opinion that the Commission has always exerted as much power as it thought it could exert under the terms of the Communications Act of 1934. I have appeared before the Interstate and Foreign Commerce Committee of the House in support of a bill designed to limit the Commission's powers. Unfortunately, I have been in the minority on the Commission with respect to this matter, and have rendered several dissenting opinions. I feel that in my experience, ever since 1930 there has been an increasing trend on the part of the Commission to have a preponderant voice in communications matters, particularly with reference to radio matters.

"The Chairman: I might ask a question there. How long has this particular controversy been continuing?

"Mr. Craven: You mean between the Commission and the Government Departments?

"The Chairman: Yes.

"Mr. Craven: I think ever since 1935 it has been going on.

"The Chairman: And is it settled today?

"Mr. Craven: It is not settled today, and that is why I have advocated before your Committee, Mr. Chairman, the Interstate and Foreign Commerce Committee, that the Congress settle it; and that it why I shall advocate before the Senate Committee that the Congress settle it. I think it is highly desirable that the Congress take charge and settle it by clarifying the law.

"The Chairman: It is the underlying theory that you advance that these Government Departments feel they should have the right to present their views to the President?

"Mr. Craven: I think it is necessary for the Congress to set forth a procedure under the various jurisdictions. I have recommended that you legalize the Interdepartment Radio Advisory Committee and give it a status so that it has some stand in making recommendations to the President. I have also recommended that when there are differences between the FCC and IRAC, both the Chairman of the Committee and the Chairman of the Commission should appear before the President on an equal footing, and that in the event of disagreements which could not be reconciled between the two, that the President to go deeper and call upon men of higher caliber, such as of Cabinet stature and of the stature you find on your Committee, who would be able to advise the President on broad questions of policy.

Some of these things in the future will be extremely difficult to settle because they will affect the status of the public as a whole. I think the best brains in the country should be called upon in order to guide the nation, and I think in that way, and that way only, can we secure an adequate application of radio to the service of the public.

"The Chairman: What is your observation as to the delays that have occurred by reason of these interdepartment controversies?

"Mr. Craven: I think the situation that now exists and has existed has had a very bad effect in the past. I think it is unfortunate that such a condition and such confusion should exist, and I feel that the confusion goes right straight back to the Communications Act of 1934; that is the fount of all the confusion.

"The Chairman: I understand from what you said that the difficulty is not only because of confusion, but because of the uncertainty as to who has authority.

"Mr. Craven: Yes.

"Mr. Magnuson: Would you say that this alleged antagonism that you suggest exists is caused by the personalities involved, by deficiences in the law, or both?

"Mr. Craven: I don't think it is caused by personalities; it is more the law, and the fact that the FCC has taken advantage of the law to exert more and more control.

"Mr. Magnuson: Taken advantage of the fact that portions of the law are not clear enough to clearly define authority?

"Mr. Craven: That is partly true.

"Mr. Magnuson: Along the same lines, you have made suggestions for changes in the law?

Mr. Craven: Yes, sir.

"Mr. Magnuson: And you will make those suggestions to the Senate Committee who are considering possible changes in the law?

"Mr. Craven: Yes.

* * * *

Mr. Magnuson: We set up in Congress regulatory bodies. No Government Departments want to run an airline or a radio station, and you feel, then, that much of this difficulty can be cleared up by proper amendments to the present Act?

"Mr. Craven: Yes, sir. And I am also asking for clarification.

"Mr. Magnuson: Do the rest of the Commissioners feel the way you do?

"Mr. Craven: The majority do not.

"Mr. Magnuson: They want the Act as it is?

"Mr. Craven: I don't know what their position is.

"Mr. Magnuson: And as far as you know they may want some clarification too?

"Mr. Craven: You will have to take the testimony of the Chairman before the House Committee to see what his position is.

"Mr. Magnuson: There are other Commissioners too?

"Mr. Craven: That is true. A recent decision of the Supreme Court in the so-called networks case has interpreted the law in such a way that I think the Commission has almost unlimited power. I felt that the Commission had exerted too much power, but the Supreme Court, in a five-to-two decision—two not participating—has handed down an interpretation of law that has caused confusion greater than before, and I think the time has come for Congress to clarify the matter.

"Mr. Garey: Much of the confusion arises, does it not, Commissioner, by reason of the use of the words, "public convenience, interest or necessity" in granting power to the Commission?

"Mr. Craven: That is right.

"Mr. Garey: That was an unfortunate phrase to use in granting power, was it not?

"Mr. Craven: I don't want to criticize the Congress for its choice of words.

"Mr. Magnuson: That is a phrase that has been used from time immemorial. That is a common phrase.

"Mr. Craven: Yes, but I think the Commission has gone beyond the Act under those terms "public convenience, interest or necessity". I believe when the Congress enacted the Communications Act of 1934, it didn't dream the Commission would go as far as it has gone.

"Mr. Magnuson: Suppose the Commission, under those broad terms, had failed to go to the extremes you say it has gone, and suppose they had been derelict in their duty, wouldn't the wrath of Congress fall on them just as hard?

"Mr. Craven: Yes, but I have been down there many times trying to get clarification of the Act.

"Mr. Garey: Commissioner, do you know what the phrase "public convenience, interest or necessity" means?

"Mr. Craven: That to my mind is like defining "due process."

"Mr. Magnuson: A lot of lawyers make a living trying to define it.

"Mr. Craven: It is about as broad as it is long, and covers every situation you can imagine.

"Mr. Garey: Do you know what the phrase "public convenience, interest or necessity" means?

"Mr. Craven: Not by itself, no.

"Mr. Garey: So you, therefore, as one of the Federal Communications Commissioners, are operating under a delegation of power you, yourself, don't know the meaning of?

"Mr. Craven: I can't define it.

"Mr. Garey: Have you found that any of the members of the Commission have any accurate knowledge of just what that grant of power to them means?

"Mr. Craven: Not in my opinion. They may think they have.

"Mr. Garey: As a practical proposition, it is used as a tent to authorize the Commission to engage in any field of activity which at the particular moment it wishes to engage in, and for which no other language in the statute creating the Commission can be pointed to for authority. Is that correct?

"Mr. Craven: That is true to a certain extent. I wish you would get the decision of the Supreme Court in the networks case. The Supreme Court, in lay language, says we have vast powers under that term; that we have not niggardly powers, but vast powers. I believe the dissenting opinion of Mr. Justice Murphy in that case expresses my view about as well as any as to what should be done.

"Mr. Miller: Mr. Commissioner, I was going to ask you at the conclusion of this hearing, if you have not already done so, that you reread the decision in the case of the National Broadcasting Co. et al. versus United States et al., because I want to ask you several questions on that.

"Mr. Craven: Yes, sir, I will be very glad to.

"Mr. Miller: Do you have a copy of the decision? If not, I have one and can supply it to you.

"Mr. Craven: I have none with me. I can get it in the office.

"Mr. Miller: Speaking of this nebulous thing known as 'public interest, convenience or necessity,' to me it suggests nothing more than a twilight zone of uncertainty, the length of which cannot be defined. Have you ever heard any definition given by any member of the Commission at any time that would give it definiteness.

"Mr. Craven: No, I have not. I have tried, as a part of my duty as a Commissioner, to get a conception in definite terms of what that phrase meant. I found myself unable to get a precise definition.

"Mr. Miller: Have you ever found an appropriate definition in any decision as to what is meant by 'public interest'?

"Mr. Craven: The nearest thing I have found was what it was not, that it was not public welfare. I know that much.

"Mr. Miller: Do you believe you would be able, with some thought, to come before this Committee and make some positive definition as to the limits of the jurisdiction of the Commission in matters that properly come before it

"Mr. Craven: I think the Congress already has before it, both in the House and in the Senate, a bill that goes very far in the right direction, in my opinion—

"Mr. Miller (interposing): The White-Wheeler bill?

"Mr. Craven: That is one. There is one in the House too. I think I testified before your Committee on Interstate and Foreign Commerce last Spring or winter, did I not, Mr. Chairman?

"The Chairman: Yes.

"Mr. Craven: That was on H.R. 5497, which has some of the provisions of the Holmes Bill or the White-Wheeler Bill. I felt it was a step in the right direction in defining the duties and responsibilities and rights of licensees.

"Mr. Garey: Mr. Commissioner, the real purpose of the Chairman of the FCC in opposing, as these IRAC minutes reflect, the desire of the Army to get frequencies for miniature broadcasting stations in Alaska, was his desire to have that broadcasting done by OWI rather than by the Army, was it not?

"Mr. Craven: I did not know that until yesterday, but I was informed yesterday by a member of the staff of the Commission that that was the purpose.

"Mr. Garey: You are referring now to Mr. Jett, the Chief Engineer of the Federal Communications Commission?

"Mr. Craven: Yes.

"Mr. Garey: Who is also on IRAC?

"Mr. Craven: He was on IRAC. He is not now.

"Mr. Garey: And he stated to you yesterday that the real purpose of the Chairman was to have this broadcasting done by the OWI and not have it done by the Army at all?

"Mr. Craven: That it what I understand.

"Mr. Garey: Are you familiar with the communistic technique known as 'cessation of gradualism'?

"Mr. Craven: I have heard of it.

"Mr. Garey: You have some familiarity with that communistic technique?

"Mr. Craven: Yes.

"Mr. Garey: Have you observed, in connection with your experiences with the Commission, that many of the activities of the Commission bear all the earmarks of that doctrine, which has been described as the cessation of gradualism?

"Mr. Craven: That is a matter of opinion. I have held the opinion that the Commission has erred in not coming to Congress to seek power.

"The Chairman: I didn't understand what you said.

"Mr. Craven: I say I have felt that the Commission has erred in not coming to Congress to seek added powers.

"Mr. Garey: Was that because the Commission feared Congress might deny it the powers it desired to exercise?

"Mr. Craven: I won't go that far. Let me finish my answer to your first question.

"Mr. Garey: All right. I will withdraw that last question, but I will put it to you again.

"Mr. Craven: The Commission, instead of pursuing the course of coming to Congress to see added powers, has, under the broad phrase, 'public interest convenience and necessity,' taken upon itself legislative powers. For instance, I felt that in the chain broadcasting case the Commission should have come to Congress. And in the newspaper ownership of radio stations investigation undertaken by the Commission, I opposed that, not because it should not perhaps have been investigated, but because the Commission seemed to limit itself to promulgating its own regulations, rather than coming to Congress and seeking added authority. I feel that such an attitude on the part of the Commission constitutes in a sense a trend toward the doctrine of cessation of gradualism, which I interpret as follows:

"First, it is a method by which you impose social reforms of your own conception without resort to the representatives of the people. I felt that the Commission, in refusing or in failing to come to the Congress in matters of broad policy, was playing into the field of those who practice cessation of gradualism.

"Mr. Garey: As a matter of fact, the adoption of many of these policies without express congressional authority is cessation of gradualism, is it not?

"Mr. Craven: That is my opinion. In fairness to the Commission, in the chain broadcasting regulations, the majority of the Supreme Court sustained the majority of the Commission.

"The Chairman: May I have a further explanation of that communistic technique?

"Mr. Craven: The modern way followed by communists is to impose social reforms on the people without going to the representatives of the people to get sanction for it.

"Mr. Garey: Putting it another way, it is seizing power and exercising that power without an express grant from the people, through their representatives, of such power?

"Mr. Craven: That is right; imposing social reforms on the public.

"Mr. Garey: Getting at it in another way, there is nothing in the Communications Act of 1934, that gives the Commission power to deny a license to a newspaper owner, or to a man with a newspaper connection?

"Mr. Craven: Nothing in my opinion.

"Mr. Garey: And the grasping of power by the Commission, or the usurping of power by the Commission, in that respect, is in effect adopting the technique of cessation of gradualism?

"Mr. Craven: In my opinion, yes, but the Chairman of the FCC, in testifying at the hearings before the Senate Committee, said he felt the Congress should take cognizance of the matter, and further, upon being questioned as to whether the Commission had the power, he said he thought he could put up a good argument in the courts that it did have the power.

"Mr. Garey: The Commission has been prone to usurp powers on questions of national policy that more properly, under our system of Government, is a function of the Congress rather than of the Commission as a creature of the Congress; is that true?

"Mr. Craven: That is my opinion. I have felt that the Commission, in such broad matters, should come to the Congress, and that in not coming to the Congress, and in usurping power under the phrase 'public interest, convenience or necessity,' it has erred. That is a matter of opinion, but it is my opinion.

"The Supreme Court, in this same network's decision, made a statement to which I think—

"The Chairman (interposing): If there is no objection, that Supreme Court opinion will go in the record.

"Mr. Garey: Very well. Suppose we put it in as an exhibit of this date.

"The Chairman: Very well. (Exhibit No. 62.)

"Mr. Craven: The Supreme Court says in that opinion: 'But the Act does not restrict the Commission merely to supervision of the traffic. It puts upon the Commission the burden of determining the composition of that traffic.'

"Then in another part of the opinion the Court says:

"True enough, the Act does not explicitly say the Commission shall have the power to deal with network practices found inimical to the public interest. But Congress was acting in a field of regulation which was both new and dynamic. 'Congress moved under the spur of a widespread fear that in the absence of governmental control the public interest might be subordinated to monopolistic domination in the broadcasting field.' In the contest of the developing problems to which it was directed, the Act gave the Commission not niggardly but expansive powers. It was given a comprehensive mandate to 'encourage the larger and more effective use of radio in the public interest,' if need be, by making 'special regulations applicable to radio stations engaged in chain broadcasting.' That was part of the opinion of the majority of the Supreme Court participating in that decision. I want to call your attention at the same time, however, to the dissenting opinion of Mr. Justice Murphy, which opinion was concurred in by Mr. Justice Roberts. In his dissenting opinion, Mr. Justice Murphy points out:

> "But we exceed our competence when we gratuitously bestow upon an agency power which the Congress has not granted. Since that is what the Court in substance does today, I dissent."

"My purpose in reading these short extracts from the opinion at this particular time is to illustrate that there is a difference of opinion with respect to the Commission's powers. While they hold the opinion—and very strongly—that the Commission's practice in the recent past constitutes something in the way of cessation of gradualism, nevertheless, in fairness to the Commission, they have the support of the majority of the Supreme Court.

"Mr. Garey: The demands of the various Government Departments quite often encroach upon the demands of private industry, do they not? I have in mind aviation, ships, amateurs, common carrier operations, and so forth.

"Mr. Craven: Yes.

"Mr. Garey: And quite obviously, everyone can't be satisfied as to their demands?

"Mr. Craven: That is true.

"Mr. Garey: The FCC representative on the Interdepartment Radio Advisory Committee usually approaches the propositions submitted to that body from the regulatory standpoint of private industry, does he not?

"Mr. Craven: The Commission is a regulatory agency charged with the duty of regulating private industry, and it is supposed to be guided by the evidence submitted to it by private industry.

"Later Mr. Garey asked: 'Congressman Miller, did you have any questions you wanted to ask Commissioner Craven about that Supreme Court decision?'

"Mr. Miller: If the Commissioner has had sufficient opportunity to review the opinion I would like to; if not, I will defer this until some later date, dependent entirely upon Commissioner Craven's wishes in the matter.

"Mr. Craven: I have only had an opportunity to refresh my recollection on that part of the decision in which I was particularly interested, from the standpoint of legislation. If you are going to ask me questions on all the aspects of that decision, I am not prepared today.

"Mr. Miller: For the purposes of the record, I believe on April 6, 1939, a Committee of three Commissioners was designated to hold hearings and make recommendations to the full Commission, and that such hearings were held over a period of several months and numerous witnesses were heard, and at the conclusion of those hearings a report was submitted and various recommendations were made.

"Is that correct, in a broad, general way?

"Mr. Craven: That is correct.

"Mr. Miller: Now, then are you familiar with the precise recommendations that were made by that Committee to the Commission.

"Mr. Craven: Not at this moment. I was at one time.

"Mr. Miller: If you are not, I would be glad, if it is agreeable to the Chairman and to counsel, for you to discuss whatever aspects of that opinion appealed to you, or which in any way affects the radio industry.

"Mr. Craven: At this time I would like to call your attention first to a few words in the dissenting opinion of Mr. Justice Murphy of the Supreme Court, concurred in by Mr. Justice Roberts:

> "But we exceed our competence when we gratuitously bestow upon an agency power which the Congress has not granted. Since that is what the Court, in substance does today, I dissent."
>
> "The Communications Act of 1934 does not in terms give the Commission power to regulate the contractual relations between the Stations and the networks, it is only as an incident of the power to grant or withhold licenses to individual stations under Sections 307, 308, 309, 310 that this authority is claimed, except as it may have been provided by subdivisions (g) (i) and (r) of Section 303, and by Sections 311 and 313. But nowhere in these sections, taken singly or collectively, is there to be found by reasonable construction or necessary inference, authority to regulate the Broadcasting industry as such, or to control the complex operations of the national networks."

"Inasmuch as this opinion is going to go into the record, I can take some liberties in not reading all of the context here, in the interest of saving time.

"Mr. Miller: I am going to ask later that the entire opinion, including the dissenting opinion, be made a part of the record in this case.

"The Chairman: Yes, that has been done. The dissenting opinion was not mentioned, but let us assume the dissenting opinion goes in with the main opinion.

"Mr. Craven: It goes on to say:

> "The power to control network contracts and affiliations by means of the Commission's licensing powers cannot be derived from implication out of the standard of 'public convenience, interest or necessity.' "

"Mr. Miller: May I call your attention to another portion of the dissenting opinion, which reads as follows, and ask if you are in agreement with it:

> "It is evident that a correction of these conditions in the manner proposed by the regulations will involve drastic changes in the business of radio broadcasting which the Congress has not clearly and definitely empowered the Commission to undertake."

"Mr. Craven: I agree with that.

"Mr. Garey: I think Commissioner, you had started to read something further?

"Mr. Miller: And may I call your attention to this further observation by Mr. Justice Murphy:

> "Its real objective is to regulate the business practices of the major networks, thus bringing within the range of its regulatory power the chain broadcasting industry as a whole."

"Are you in agreement with that conclusion reached by Mr. Justice Murphy as to the effect of these regulations promulgated by the Commission?

"Mr. Craven: I am.

"Mr. Miller: Go ahead.

"Mr. Craven: Mr. Justice Murphy goes on to say:

> "The criterion of 'public convenience, interest or necessity' is not an indefinite standard, but one to be 'interpreted by its context, by the nature of radio transmission and reception, by the scope, character and quality of services. . . .'

"And he cites Federal Radio Comm'n v. Nelson Bros. Co. (continuing reading)

> "Nothing in the context of which the standard is a part refers to network contracts. It is evident from the record that the Commission is making its determination of whether the public interest would be served by renewal of an existing license or licenses, not upon an examination of written applications presented to it, as required by Sections 308 and 309, but upon an investigation of the broadcasting industry as a whole, and general findings made in pursuance thereof which relate to the business methods of the network companies rather than the characteristics of the individual stations and the peculiar needs of the areas served by them."

"I will skip a little and quote this:

> "By means of these regulations and the enforcement program, the Commission would not only extend its authority over business activities which represent interests and investments of a very substantial character, which have not been put under its jurisdiction by the Act, but would greatly enlarge its control over an institution that has now become a rival of the press and pulpit as a purveyor of news and entertainment and a medium of public discussion."

"That is the end of the part I want to quote here, because I want to contrast that with certain things in the majority opinion.

"Mr. Miller: Do you agree with the observation that this decision goes so far as to impair the obligations and contracts that were honestly and sincerely entered into, and to affect vested interest in the parties to those contracts?

"Mr. Craven: Yes, I believe that is exactly the effect of the chain broadcasting decision. I want to make it clear that I had no objection to some of the objects of the chain broadcasting regulations; some of them I felt were in the public interest if the Congress wanted to give certain powers to do it or if the "Congress wanted to write it in the law. Some of the regulations I felt were impractical. But I do think they affected contractual relationships and the obligations to certain parties to the contracts.

"Mr. Miller: And I take it there would be no way of reimbursing parties to the contracts for losses suffered as a result of these rules and regulations?

"Mr. Craven: It says in the majority opinion—in which opinion Mr. Justice Black and Mr. Justice Rutledge did not participate; Mr. Justice Rutledge had just been nominated and had not been confirmed at that time:

> "But the Act does not restrict the Commission merely to supervision of the traffic. It puts upon the Commission the burden of determining the composition of that traffic. The facilities of radio are not large enough to accommodate all who wish to use them."

It goes further and says:

> "True enough, the Act does not explicitly say that the Commission shall have the power to deal with network practices found inimical to the public interest. But Congress was acting in a field of regulation which was both new and dynamic. 'Congress moved under the spur of a widespread fear that in the absence of governmental control the public interest might be subordinated to monopolistic domination in the broadcasting field.' "

"The case of Federal Communications Commission v. Pottsville Broadcasting Company is there cited, and then the opinion goes on to say:

> "In the context of the developing problems to which it was directed, the Act gave the Commission not niggardly but expansive powers. It was given a comprehensive mandate to 'encourage the larger and more effective use of radio in the public interest', if need be, by making 'special regulations applicable to radio stations engaged in chain broadcasting'. Sec. 303 (g) (i)."

"The majority opinion of the Supreme Court, when it states that the Commission has such broad powers under the 'public convenience, interest or necessity' provision, including the power to regulate the composition of the radio traffic of the licensees, strikes at the very core of a free radio in this country.

"I also feel that the members of the Supreme Court have been influenced by the present-day radio facilities, and I think that this is natural, but, nevertheless, it may be a handicap when thinking of the future.

"May I suggest to the Committee that it weigh the potential effect of the radio progress arising out of the war. It is my firm belief that if the

Government so desires, we can allocate sufficient radio channels to provide broadcasting with such opportunities for competition that the effect of natural laws can be more of a controlling factor in radio in the future than has been possible in the past.

"Therefore, even though the potential expansion of competitive opportunities cannot itself provide free access to the microphone, and in spite of the fact that in some places the demand may exceed the supply, it would appear to me to be good statesmanship to rely upon natural laws to secure progressive improvements in radio as an instrumentality of free speech.

"Some persons do not agree with the philosophy and, because of the inability of broadcast licensees to achieve idealistic perfection, these persons are prone to advocate more stringent regulation of the composition of the traffic of broadcast licensees. They believe that such regulation would eliminate potential abuses and make radio broadcasting an ideal medium for the dissemination of facts and opinions. Proponents of this doctrine advocate that controversies involving access to the microphone as well as other elements involving the composition of radio traffic, be regulated by the Federal Communications Commission.

"And I might add that I think under the interpretation of the Supreme Court, it looks like we have the power to do that.

"This regulatory function would be combined with the duty of licensing radio stations. In my opinion this proposal 'jumps from the frying pan into the fire' and nullifies all freedoms, including whatever rights may be transmitted to radio from the 'freedom of the press.'

"Everyone familiar with the reasons underlying the Bill of Rights knows that freedom of speech and freedom of the press are, in simple terms, merely freedom from fear of Government reprisals for what is said or printed, or for what is not said or printed. In other words, the real freedom of the press guaranteed by the Bill of Rights is freedom in the true sense to criticize Government without fear of reprisal. Thus, if this Bill of Rights is to mean anything for radio, it should mean, first of all freedom from fear of Government reprisals or pressures administered by the radio licensing authority, namely, the Federal Communications Commission.

"Likewise, anyone familiar with the history of the development of a free press knows that the public has always rejected a press which was merely the voice of Government. Therefore, freedom of the press likewise means freedom from the necessity of becoming in any way the Voice of Government. This includes freedom from compulsion, pressure or influence to print what Government officials want printed. If the radio of today is to become as free as the press, a prerequisite condition is that radio should have freedoms such as the press enjoys under the Bill of Rights.

"Therefore, regardless of whether the judgment of the Federal Communications Commission would be correct as to the composition of radio traffic, it must be remembered that if this regulatory power is combined with the radio licensing power, the Communications Commission could exert startling influence upon radio licensees. It is inevitable that radio licensees would recognize this power and consequently interpret mere opinions of members of the Commission as edicts and possibly would curry favor by presenting views which conformed to the desires of Government officials. Such a condition means that radio inevitably would become merely the Voice of Government. This is not a free radio.

"I realize that one of the most controversial radio subjects of today arises because access to the microphone is limited. We hear much about freedom of access to the microphone. In my opinion it is impossible to achieve the ideal of free access to the microphone and still have a medium which is valuable to the public for the dissemination of facts and opinions. I realize, however, that there are logical demands to require licensees to make their facilities available on a fair basis to the varying schools of political, social and economic thoughts, as well as for other controversial questions of a national character. Therefore, a necessary corollary to freedom of speech in radio, it seems to me, is fairness to opposing schools of thought, and refraining on the part of licensees to abuse power by making stations solely the mouthpiece of their own viewpoints.

"Now, I hope that this Committee, if it finds that radio as operated by private enterprise is not conforming to the Congress' concept of what it should be, will place in the law such limitations as it thinks necessary. I am confident the Congress will not place in the law limitations that are in violation of the Constitution. There are too many statesmen in Congress for that. But I ask that you place limitations on some powers of the Commission, one being the power to regulate the composition of radio traffic. I think as the Supreme Court has interpreted the law, the Commission now has that power, and I think it is wrong for us to have it.

"Mr. Garey: Mr. Commissioner, the Commission never took the position, did it, that it had any direct jurisdiction over network?

"Mr. Craven: No, I don't think they did. Their decision was to control the networks through their control of licensees and the contracts of licensees.

"Mr. Garey: The Commission therefore proceeded by indirection to do what it had no direct, statutory power to do?

"Mr. Craven: That is right.

"Mr. Garey: It sought to regulate the networks by regulating the stations that it had licensed?

"Mr. Craven: That is right.

"Mr. Garey: And, in regulating the stations that go to make up the networks it in fact regulated the networks?

"Mr. Craven: That is right.

"Mr. Garey: Has the Committee any further questions to put to the Commissioner?

"Mr. Miller: Yes, in connection with the Commander's recommendation here that the power to regulate the composition of radio traffic be taken from the Commission, I desire to ask him whether, since the rendition of this opinion in National Broadcasting Co. et. al., v. U. S. et. al., and as a result of that decision, the Commission has attempted to regulate the composition of radio traffic; or if it has not, whether in your opinion and in the opinion of the Commission, if it has been discussed, it now has the power to regulate the composition of radio traffic.

"Mr. Craven: In the first instance, that particular subject has not "yet been discussed formally in the Commission. In the second instance, I can only call your attention to certain addresses made by various members of the Commission, which speak for themselves.

"Furthermore, I call your attention to Chairman Fly's testimony, heretofore given before the House Interstate and Foreign Commerce Committee, that there was a Committee formed on the recommendation of Censorship. One member was from the staff of the FCC.

"It was stated as a part of the report of that Committee that the Federal Communications Commission, through its licensing power, could control the dissemination of facts and opinion. I can get the exact words.

"Mr. Garey: It is already in the record. I read that. Do you recall that, Mr. Chairman?

"Mr. Craven: And I believe the Chairman of the Commission, in answer to a question by a member of the Interstate and Foreign Commerce Committee, agreed to that concept. I think that concept in itself is a recognition of the power to regulate the composition of radio traffic.

"I still maintain that the Supreme Court decision in a sense gives us such broad powers as to even outlaw Section 326 of the Act, which forbids the Commission from censoring and interfering with the right of free speech.

"There are other instances I could call to your attention which I believe indicate regulation of the composition of radio traffic. In the recent Blue Network matter, where stock was transferred from Radio Corporation of America to E. J. Noble, I think the record of that hearing indicates clearly the power exercised by the Commission and how it exercises that power. The decision rested—and I participated in the decision and agreed with the decision on the exercise of responsibility on the part of a licensee. We maintained that in a sense the licensee could not delegate his responsibility and adopt blindly a Code such as the National Association of Broadcasters had sponsored.

"That was the decision, but the atmosphere of the hearing was, in my opinion, a good example of regulation of composition of radio traffic.

"There were other instances I can't recall offhand. I can recall one instance in the past history of the Commission where the Commission set for hearing a station's application for renewal. It was charged by the Commission that the station had broadcast profane language, in violation of that section of the Act which forbids the utterance of profane language over radio. After the hearings were over we found the only thing they had done was broadcast a Pulitzer prize play, 'Beyond the Horizon', by Eugene O'Neill, and that it had been used as an education project throughout the country. The license had to be renewed.

"We have a procedure for setting applications for renewals for hearing. All this indicates there have been instances in the past when the Commission has regulated the composition of radio traffic.

"The Shuler case and the Dr. Brinkley case involved, in a sense, regulation of the composition of radio traffic, but the courts sustained the Commission in these cases.

"I think the time has arrived when the Congress should say that the Commission cannot regulate the composition of radio traffic. I think that is the most dangerous power we have today.

"Mr. Garey: Aside from the power to regulate the composition of radio traffic, are there any other powers, which in your opinion, exceed the authority granted in the 1934 Communications Act?

"Mr. Craven: I am in the minority on this network case, in which the Supreme Court sustained the majority of the Commission.

"I feel that in the regulation of the business aspects of broadcasting, with the unlimited power which this Supreme Court decision seems to give to the Commission, we have an indirect control of the composition of the traffic. If you want us in the Commission to regulate certain business aspects, or enforce certain phases of the antitrust law, you should spell it out so that we will know what our duties and powers are, and the licensees will know what their rights are.

"The only thing I can recall at the moment is the Commission's previous attitude on radio-newspaper joint ownership. Recently I had the impression the Commission thought it had the power to say certain classes of people, such as newspaper owners, could not have a radio station. I think it should be made certain that the Commission has no such power of its own to discriminate against any classes of people in the country on account of business connection.

"Mr. Miller: How many stations are now on temporary licenses, if you know?

"Mr. Craven: I know that sometime ago it was more than 100.

"Mr. Miller: I was under the impression there were 400 stations or more operating on a temporary license. Mr. Garey, are you able to supply that information?

"Mr. Garey: I wrote a letter to the Commission requesting information as to the stations that were on temporary license in the two-year period prior to May 1, 1943. They made a reply setting forth the names of the stations that had been on temporary license during that period at any time or from time to time, and they were 457 in number.

"Mr. Miller: How does that compare with the number of stations actually engaged in broadcasting?

"Mr. Craven: There are 900 stations engaged in broadcasting.

"Mr. Miller: So that about half have been on temporary license within the past two years?

"Mr. Craven: Yes, but not all 400 at one time.

"Mr. Garey: My statement should not be construed or interpreted to mean that 457 stations were on temporary license at any one time. In the two-year period, prior to May 1, 1943, there were from time to time, or at sometime within that period, 457 different stations on temporary license for some period or periods of time within that two year period.

"Mr. Miller: In reference to the subject of the power to regulate composition of radio traffic, what is your view on the placing of radio stations on temporary license? What effect does that have on the control of the composition of radio traffic?

"Mr. Craven: In the past, and particularly from 1935 down through about 1938, the Commission used to place stations on temporary license and set down their applications for renewal for hearing on program complaint. In my opinion that was a direct abuse of power and had a marked effect on the rights of licensees to enjoy any freedom such as given them in the Bill of Rights, and it constituted censorship by surveillance, and in my opinion it was the most direct club that any Government Department could hold over freedom of speech that I have ever heard of in Democratic countries. I feel that the action of the Commission, even at the present time, in certain of its investigations concerning programs, constitutes a club, and while the Commission has not revoked any licenses in recent years by reason of composition of the radio traffic, it is my opinion that the sword utilized in the past is responsible for the fear that the broadcasters hold for the Commission.

"Mr. Miller: Do you know if the radio industry as a whole holds any fear of the Federal Communications Commission at the present time?

"Mr. Graven: I think it is a well known fact that they fear us.

"Mr. Garey: They are terrorized, are they not?

"Mr. Craven: No. I wouldn't say that, they are red-blooded men, but they fear the power of the Commission.

"Mr. Miller: I believe I asked you about an instance where there had been a grant of license and that grant had been taken away?

"Mr. Craven: Yes.

"Mr. Miller: Do you recall any particular case or cases where that happened?

"Mr. Craven: You referred to the Watertown case. That wasn't a revocation of license. That, as I recall it, was rescinding a construction permit which was granted. The Commission acted upon the application of a rival applicant in that instance, and rescinded its action in granting the construction permit to the first applicant.

"Mr. Miller: Is the granting of a construction permit tantamount to the granting of a radio frequency?

"Mr. Craven: Yes, I think when you get a construction permit you have a pretty good ticket and can count on it. The only thing you must do is construct your station according to the terms of the construction permit. If you do that, you then get a license to operate.

"Mr. Miller: Mr. Garey, was it your plan to present the Watertown case at a later time?

"Mr. Garey: Yes.

"In view of the fact you put several questions to Commissioner Craven about the number of temporary licenses, I would like to say this: There is not, so far as I know or am advised, anything in the 1934 Act authorizing the issuance of temporary licenses. I made inquiry of the Commission when I could find no authority in law for such action on the Commission's part, and I was advised that the authority they had arose out of administrative interpretation of the Communications Act of 1934. There is no such grant under the law, and there is no such thing as granting power to an administrative agency through the technique of so-called administrative interpretation. Either the power is to be found in the law, or it isn't.

"Now, it may be there should be conferred upon the Commission, for certain statutory purposes, authority to issue temporary licenses. My point is that the Commission, without authority to do so, has been putting stations on temporary licenses. It has no such power, under the law, as it exists.

"Mr. Craven: I am not a lawyer, but doesn't the law state that licenses shall not be for a term of longer than two years, and under that provision, could not the Commission issue a license for three or six months?

"Mr. Garey: If all licenses were for a period of six months, you would be correct, but under the Act of 1934, the period is fixed as two years, and there is no power in the law to issue a temporary permit or license.

* * * *

"Mr. Chairman: What were the reasons ordinarily assigned for granting licenses for these limited periods?

"Mr. Craven: Generally speaking, it was to give the Commission an opportunity to examine past performance of the station with reference to program complaints or other types of complaints.

* * * *

"The Chairman. You expressed the opinion that the radio industry feared the Commission. What did you mean by that?

"Mr. Craven: To give one concrete example, a complaint was made to me by a radio man who represented a group of radio stations. He said that unless the Commission stopped its interference with the conduct of those radio stations, they could not stay in business. I asked him to make that charge openly, but he was afraid of reprisals.

I know that the one thing paramount in everybody's mind is, 'What will the Commission do in respect to reprisals?' The Commission has not revoked any licenses, other than stated.

"Mr. Garey: You did revoke the licenses of some six or more stations in Texas, and then reconsider?

"Mr. Craven: I feel that the temporary licensing procedure of the Commission is unsound, but I am not saying that we have violated the law in this respect. I asked Mr. Garey the question whether the Commission did not derive some of its powers from the section that provides that licenses shall not be granted for more than two years.

"The Chairman: Offhand, Mr. Garey, I was wondering why, if the Commission is given the right to grant licenses for less than two years, it could not grant them for any period less than two years.

"Mr. Garey: I think, first, the power Congress gave the FCC was to be uniformly exercised. It meant a standard license, and once having fixed the period, that is the only license that the Commission would have power to issue. That is what is known as a permanent license. These permanent licenses are for two years. The statute does not authorize the issuance of temporary licenses.

"The Chairman: Is there any provision in the law that requires the action to be uniform?

* * * *

"Mr. Craven: Any temporary license impairs the ability of the licensee to conduct his business. His competitors take advantage of that situation, and it is used in trying to get business away from him, on the ground he may not be able to carry forward a contract if it is made. I know that the temporary licensing procedure is unsound for the broadcasting industry.

"I made some recommendations to Mr. Lea's Interstate and Foreign Commerce Committee before on this subject, and I suggested that any type of authorization that the Commission issues should be specified by the Congress, rather than the Commission finding all sorts of ways and means of doing things the Congress did not originally intend. I don't say that temporary licensing by the Commission is a violation of the law. I don't think it is.

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"Mr. Miller: From the commercial standpoint, wouldn't it have the same effect as if the Federal Government had control over the Steel Corporation and placed it on a temporary 90-day arrangement, and continued its competitor on a permanent basis?

"Mr. Craven: It has some of those aspects.

"Mr. Miller: Wouldn't the effect be as disastrous in one case as in the other?

"Mr. Craven: No, because the licensees have been issued these short-term licenses. I think it would be a constructive thing if licenses were extended to five or ten years, in order to get stability, particularly in the future, and I think you should prohibit the Commission from issuing temporary licenses because they discourage private enterprise from entering into the business of radio. I know that a temporary license impairs the ability of a licensee, for example, to get funds when he needs it. It would impair his right to go to the bank and get some credit. If we are going to be broad-minded in this country we ought to encourage private enterprise.

"Mr. Miller: You believe the abolition of all temporary licenses would be conducive to the growth of the radio industry?

"Mr. Craven: Yes, I want to give encouragement to new industry for a better radio service to the public.

"Mr. Miller: In short, you believe in taking off the wraps?

"Mr. Craven: I do not believe in going to the opposite extreme, but I would remove arbitrary restraints.

(The hearings adjourned to Tuesday)

The Select Committee reconvened on Tuesday, November 30, 1943 with Commander Craven continuing his testimony:

"Mr. Garey: Commissioner, in reading over a transcript of your testimony on the subject of this Executive Order proposed by IRAC, I am of opinion that you have not been quite frank with respect to all of the reasons that caused you to change your mind about the advisability of having the Executive Order, as desired by IRAC, executed by the President.

"You will recall that you advised the Committee, during the course of your testimony that in the first instance you supported the views of Chairman Fly respecting the inadvisability of the procedure outlined in the proposed Executive Order being adopted, and that subsequently you changed your position and favored the course desired by IRAC. Do you recall that testimony?

"Mr. Craven: Yes, sir.

"Mr. Miller: I would like to ask you why it was, Commissioner, that you happened to change your mind.

"Mr. Craven: Mr. Congressman, I felt, as a result of experience and after securing further information, that in the interest of public interest, both from the standpoint of Government use of radio and from the standpoint of private enterprises, and in the interest of fairness, that the Government Departments' views had merit.

"Mr. Miller: Let me ask you also, in that same connection, as to whether or not you are protecting the identity of any person or persons?

"Mr. Craven: Of course part of my information comes from persons in Government Departments in whom I have every confidence and I would hesitate to disclose their names in this public hearing.

"Mr. Miller: Will you state whether you fear the disclosure of the names of such person or persons might subject them to the visitation of reprisals by the Chairman of the Federal Communications Commission?

"Mr. Craven: That is what I fear.

* * * *

"Mr. Miller: Notwithstanding the fact that you entertain the opinion that reprisals may be visited upon the two or more gentlemen in question, do you feel disposed to disclose their names today?

"Mr. Craven: No, sir, I would rather not disclose their names if I may be excused from doing so.

"Mr. Miller: I won't press the question if you fear reprisals may be visited upon the men involved.

"Mr. Garey: Has the Chairman of the Federal Communications Commission ever visited reprisals on members of the armed forces who opposed his will?

"Mr. Craven: I think he has had influence in cases where reprisals were visited.

"Mr. Garey: Reprisals have been visited upon certain members of the armed forces who has opposed the Chairman of the Commission's policies; isn't that true?

"Mr. Craven: That is a well known fact among the armed services.

"Mr. Garey: Let me refresh your recollection just a little on the subject I had started to direct your attention to when Congressman Miller put certain questions to you.

"Isn't it true that two members of the armed forces, one from the Army, and one from the Navy, went to see Chairman Fly and urged him to take the Executive Order that was being proposed by IRAC to the President and lay the matter before him with their views, and suggested to him that if he had, as he did have, views in opposition to theirs, that he could present them at that time.

"Mr. Craven: I am so informed.

"Mr. Garey: And aren't you also informed that the Chairman of the Commission said to these two members of the armed forces: 'Do you think I am sufficiently naive to take this over there and let this get out of my hands and into your hands?'

"Mr. Craven: Not in those exact words.

"Mr. Garey: In substance?

"Mr. Craven: In substance, yes.

"Mr. Hart: What is the source of that information?

"Mr. Craven: The gentleman who visited Chairman Fly with that request.

"Mr. Magnuson: I didn't hear that.

"Mr. Craven: The members of the armed services who visited Chairman Fly with that request.

"Mr. Magnuson: Were they members of IRAC?

"Mr. Craven: I think they were; they were representatives of IRAC.

"Mr. Magnuson: They are under the control of the War and Navy Departments, aren't they?

"Mr. Craven: That is right.

"Mr. Magnuson: What does Mr. Fly have to do with the personnel problems of the War and Navy Departments?

"Mr. Craven: I don't see any reason he should have anything to do with them, but he did.

"Mr. Magnuson: How do you know he did?

"Mr. Magnuson: What happened?

"Mr. Craven: One of the leading men in radio in the Navy was practically cashiered and placed on the retired list.

"Mr. Magnuson: That would be the action of the Secretary of the Navy.

"Mr. Craven: Yes, but at the instigation and insistence of the Chairman of the Federal Communications Commission.

"Mr. Magnuson: How do you know that?

"Mr. Craven: I know what has been told me.

"Mr. Magnuson: It would be hearsay.

"Mr. Craven: It would be hearsay, but the man involved told me.

"Mr. Garey: I think it would be fair to advise the Congressman that we have testimony that we are not permitted to use that confirms what the Commissioner has testified to, given by one of the men involved.

"Mr. Magnuson: What do you mean, you are not permitted to use it? Who said you couldn't use it?

"Mr. Garey: The testimony was taken under a certain understanding had with the head of one of the Departments involved, and considerations of good faith, and subsequent denial to the staff of leave to use such testimony, have prevented our using it in public hearings. Such testimony is of course available to members of the Committee and their staff, but I think the considerations of good faith prohibit its use in public hearings.

"Mr. Magnuson: What testimony do we have of any connection between an individual, Mr. A and an alleged reprisal that might be visited upon a man under the control of Mr. B?

"Mr. Garey: We have such testimony from a man involved himself, and I will be glad to make that testimony available to you and the other members of the Committee.

"Mr. Magnuson: That may be his opinion.

"Mr. Garey: I can go further and say I have had talks with parties involved.

"Mr. Magnuson: Did anybody talk with the Secretary of the Navy?

"Mr. Garey: I did.

"Mr. Magnuson: And he said he visited reprisals on a man?

"Mr. Garey: Yes.

"Mr. Magnuson: We should have him testify.

"Mr. Garey: I think it is advisable that this matter be taken up by the Committee in executive session, I don't think it is particularly appropriate for all the details to be made public.

"Mr. Magnuson: I don't see why. I have great admiration for the Secretary of the Navy, and I have some duties to perform under him.

"Mr. Garey: I think we all share that respect. I share it to such an extent that I don't want to be a party to breaking faith with him.

"Mr. Magnuson: I don't want it to go out to the public that he would visit reprisals on anybody without having the basic facts.

"Mr. Garey: The facts are available to the Committee in executive session.

"Mr. Magnuson: Well, what happened? Can you tell that?

"Mr. Garey: Yes, I can tell it. I just don't think it advisable to do so. I know the whole story.

"Mr. Magnuson: If that is the case, why did we bring up the innuendo here?

"Mr. Garey: We bring it up in order to show that the Commissioner's reluctance to give the names of these men was well justified in view of other circumstances or events.

"Mr. Magnuson: I think it is obviously unfair to the Secretary of the Navy and to the Chairman of the Commission for us as a Committee to bring to light certain innuendoes that there is something sinister about reprisals, unless we can bring out the facts.

"Mr. Garey: I think the Congressman has in mind we have been prohibited by Executive Order from bringing these men here and having them testify.

"Mr. Magnuson: Then I think the hinting should not be brought up at this time.

"Mr. Garey: I don't think we hinted at anything. We tried to make it as definite as we could under all the circumstances.

"Mr. Magnuson: It is hearsay testimony and innuendoes that something happened that could not be divulged.

"Mr. Garey: I will be glad to discuss it with the Committee in executive session, and the Committee can take as it deems advisable.

* * * *

(At this point an executive session was held, following which proceedings were had:)

"Mr. Miller: I would like to suggest at this time that the record show that Commander Craven was examined further and that his testimony was given in executive session, and no record has been made of the testimony given, except perhaps some notes by members of the Committee.

"The Chairman: That accords with the facts. I think it might be added that the Committee possibly will further confer on the matter in executive session.

Select Committee Hearings resumed on December 1, and resolved primarily around the activities of the Radio Intelligence Division and the Foreign Broadcast Information Service of the F.C.C. and was more or less of an attempt to show that the R I D had been cloaked with a defense aspect in order to secure funds during the war.

The high point of the hearing, however, was a disclosure of the fact that the Commission has allowed Drs. Goodman Watson and William Dodds to remain at their desks for a week after November 15 (when they were required by law either to be dropped from the payroll by the Commission or their names submitted by the President to the Senate for confirmation) without salary, in order to establish their right to a suit against the Government for that week's pay. It was disclosed that the General Counsel had at the request of the Commission written an opinion to the effect that such practice would not violate the law against the Government's acceptance of "gratuitous" services.

Congressman Hart ask Mr. Denny whether he was familiar with the theory "of the presumption of the law" (that is to say that a law passed by Congress is considered constitutional until declared by the Supreme Court to be unconstitutional) and Mr. Denny replied that he was.

Mr. Hart asked whether the Commission recognized "presumption of the law" and Mr. Denny replied that the Commission did make such recognition but that the method employed had been for the purpose of determining constitutionality and it was his opinion the procedure outlined did not violate the law against gratuitous services.

The hearings adjourned until Thursday, Dec. 2.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

December 10, 1943 **SPECIAL LEGISLATIVE BULLETIN** No. 26

Jansky, Wakefield, Armstrong, Trammell, Weber, Hogan Testify

The hearings continued on December 3, with Dr. C. M. Jansky, Jr., as the first witness. Present were Senators Wheeler, Chairman; White, McFarland, Clark, Moore, Hawkes, Brooks and Tunnell. Dr. Jansky's testimony related primarily to development of FM. He pointed out the advantages from an engineering standpoint to licensing problems and economic situations in which the limitation of the number of stations would be an economic one instead of an engineering limitation. He drew comparisons between the possibilities of duplication of FM stations on the same channels in FM Band and duplication of AM stations on channels in the Standard Band, pointing out the possibility of thousands of stations from an engineering standpoint.

He outlined the practicability of network hookups without the use of wire lines and stated that he felt that wire lines in connection with FM stations would be the most feasible method in certain cases. He said the fact that FM stations could be hooked up without wire lines was simply to show the possibilities.

He recommended the extension of the present FM Band in order to accommodate the licensing of a greater number of stations in densely populated areas. Asked by the Chairman whether he felt this should be by statute he said that FM could not be retarded and that, based on historical experience he believed it would not be necessary for the provision that additional channels be assigned by statute.

Commissioner Ray C. Wakefield was the next witness, and he spoke first in connection with Section 3 of the Bill (which section has to do with the setting up of Divisions of the Commission) and said that he favored the smaller divisions for the consideration of certain problems, and that during the past two years the Commission had been moving in that direction, citing as an example the three member committee that has considered such matters as the Merger question, and certain discussions in connection with the 'phone rate reductions, and said he was in accord with the development and trend.

He pointed out that the present Act now allows such division, and was opposed to its being set by law. He said the Commission needed flexibility in the handling of various problems, but if division is to be required by statute he was opposed to the provision making the Chairman spokesman for the division as he felt that all members of the division should be in a position where they could be contacted by the interests involved.

With reference to chain regulations, he said it was not his contention that they are "letter perfect" but that they enhanced rather than endangered free speech. He said that in spite of Mr. Paley's statement that the network regulations are bad and unsound, CBS was still making money, and said that in a Brochure to advertisers they maintained to the advertisers that the network rules would not adversely affect them. He placed in the record the CBS Brochure.

Mr. Wakefield said he could not understand the consistency of Mr. Paley's position in being opposed to the rules—and then to say if they were to be adhered to they should be put in the law—to which the Chairman observed "They are afraid of what you'll do with them." Senator Hawkes asked Commissioner Wakefield whether he did not feel that these were poor times to be comparing revenues, since these are "abnormal times and many companies are now making larger profits than ever before." Commissioner Wakefield agreed that these are "abnormal times" but the fact is that CBS is still making a profit.

Commissioner Wakefield indicated in his testimony that an effort was being made to reach a decision in the newspaper cases while the Bill is still under consideration and he was supporting an immediate decision.

Senator Brooks went into the Press Wireless case and Commissioner Wakefield pointed out that a fundamental determination of policy was involved as to whether additional commercial carriers should be allowed to enter the field at this time in view of the impending decisions regarding the international communications merger.

He did not complete his testimony, and the hearings were adjourned until Saturday, December 4.

* * * *

Commissioner Ray C. Wakefield resumed the stand on Saturday, December 4, 1943, with Senators Wheeler, Chairman; Tunnell, McFarland, Hawkes, and Moore present. Mr. Wakefield continued the discussion of the Press Wireless denials for circuits and stated that the recommendation that only one company be authorized to operate from a point came from the joint Chiefs of Staff and that the Commission was not aware that Press Wireless had a working arrangement with the French company at the time they granted the Mackay license. Asked by the Chairman why the Commission did not find out about it, Mr. Wakefield replied that it was a matter that had to be acted on fairly expeditiously. Senator Hawkes observed that he understood from Mr. Wakefield's previous testimony that the application had been pending from December 18 to February 8.

Mr. Wakefield read from his prepared statement as follows: "So far as I know, no one at the FCC, and certainly no member of the Commission itself, wants, or thinks the Commission should have, the power to censor radio programs. In fact, more than one member of the Commission, including myself, has expressed considerable concern that there is any censoring by anyone at all. . . . It would be unwise to give a government department power to decide what the people should or should not hear. It would be just as unwise to permit a business to have that power without any restrictions. It occurs to me that the happy solution is to permit the government agency to lay down general rules which permit and require the widest possible freedom of speech and freedom of access in distributing that speech, and then permit the licensee freedom of operation within the confines of those rules. It is my belief that this is what we are doing.

"The Chairman: I think the industry would feel much better about the situation if we wrote it into the law.

"Mr. Wakefield: Well, I agree that if there is any confusion as to what the Commission is doing, or should do, it should be written into the law. . . .

"The Chairman: Well it is probably a fact that not one of these commissions wants to have its powers limited in any way. While it is a difficult thing to always put in a law specific details of what is desired, yet I think as far as we can, Congress should write into the law pretty definitely what is intended and not leave it up to the whims of the Commission, that be the Communications Commission or any other commission—I mean, not leave up to a commission the broadest kind of leeway for interpretation. There has been entirely too much of it, and the reason there is so much concern at the present time is because some of these commissions have gone far beyond the powers granted to them by the Congress of the United States." . . .

Mr. Wakefield said that the contentions of the proponents of the bill is "really nothing more or less than a smoke screen raised to confuse the issue and to conceal their really significant activities—activities designed to secure the repeal of the regulations if possible, and, if that is not possible, to get them diluted . . . I discussed somewhat yesterday, in answer to questions, the fear of the Commission which exists among broadcasters. I stated then, and I repeat that I think this thing is a real thing and something greatly to be regretted. I am not sure to what extent it has been exaggerated, but to the extent that it exists at all, it is unfortunate for the Commission and for the industry. I don't want to pass this subject without commenting on the fact, however, that a great part of this fear is manufactured and possibly manufactured for a purpose." . . . Mr. Wakefield attributed this fear to the distance between Washington and other parts of the country—the lack of acquaintance between the Commission and the licensee and the fact that hearings were not "held in the field" due to limited appropriations. He said that the distrust between the Commission and the industry should be eliminated through the "public utility" parallel and cited the independent telephone industry's previous distrust of the Commission which "today have come to realize that the Commission can be, and in some instances is, one of its best friends. Many of the people in this industry are coming to the Commission voluntarily with their problems. This is as it should be. Such mutual confidence will be in the interest of the Broadcasting industry." He defined Freedom of speech as having three important aspects: "Freedom on the part of the speaker to express his views, freedom of access to the vehicles that will carry those views to an audience, and freedom on the part of the audience to listen to all of those who desire to express themselves."

He said the network regulations "particularly enhanced and broadened" freedom of access, and that they had encouraged the wider distribution of both chain and local programs by making it possible for people in a one station area to hear programs emanating from more than one network.

He said the rules did not completely satisfy him; with particular reference to the option rule he thought it inadequate but thought that it may need revision as time goes on and that he was not completely satisfied that the application of the rule to regional networks did not require further consideration. In view of this fluidity he said it would be a mistake to attempt to write the regulations into the statute itself. He said, "I deplore the rule that no time shall be sold for the discussion of controversial questions. Every question worth discussing is controversial."

Chairman Wheeler then said, "Let me ask you this: I have given quite a lot of thought to this matter of the sale of time for the discussion of controversial questions. If you have the sale of time for controversial issues, aren't you then going to limit free speech? Supposing some big corporation or some big labor union goes on and buys up a lot of time for controversial issues. Then the man with the biggest purse string is able to get on the air where the fellow with the little purse string who cannot afford to buy the time cannot get on.

"Mr. Wakefield: I think not. I think the time sold will be sold to such persons as you indicate but if a station is going to operate in the public interest it will see that the other side of the question has a chance to be heard. It still has the obligation to operate in the public interest and give balanced programs.

"The Chairman: Well, if you sell the time for controversial issues everybody who wants to get on the air with some controversial issue with government money to pay for it can get on.

"Mr. Wakefield: I think not. I discuss that in some detail here.

"The Chairman: All right.

"Senator McFarland: Don't you think the increase in the number of stations will help solve that problem? If you are able to have several more stations in every community, a station may become unpopular if it allows one side to monopolize all the time. People will tune in on other stations, and public opinion will help regulate it.

"Mr. Wakefield: I think it will be some help in answering the problem. On the other hand an unlimited number of stations is not going to help any if they all say, 'We are not going to let anything controversial be discussed on the program.' Ideas are a valuable thing to me, and I just cannot understand not allowing one of the best mediums that has been devised by man or nature to be used for that purpose.

"Senator McFarland: I do not understand that the chairman was directing his question as to not allowing controversial issues to go on. What I understood he was speaking about was allowing them to charge for that. I think everyone wants to go on, but they want both sides represented.

"Mr. Wakefield: Well, I fully agree that both sides should be represented. . . . I would like to see people on the air continuously discussing issues and ideas. Some of them may be highly controversial, some of them less so. I think the ideal program from this standpoint, the one that would have great public interest and great audience appeal, would be to get two men whom you would hear year in and year out who would be on opposite sides of questions and put them on every night or three nights a week and let them debate those issues for a half hour. . . .

"The Chairman: You mean you would pick out two men of opposite views and have them discuss them?

"Mr. Wakefield: I think so. Take Fulton Lewis, Jr., and Leon Henderson, for example.

"The Chairman: I think the people would get awfully sick of them in a very short time.

"Mr. Wakefield: I think it would have audience appeal.

"The Chairman: I don't think it would have much audience appeal for a very long time."

Mr. Wakefield continued and then said, "Many people have in the same breath praised the Columbia Broadcasting System's announced policy and that which Mr. Ed. Craney of Station KGIR advanced without apparently realizing there is a fundamental difference in their solutions. Columbia would bar all discussion of controversial subjects except on occasional sustaining programs. Mr. Craney on the other hand would have an editorial 'box' on his programs where he could bring together a variety of commentators to discuss all sides of public question. They apparently agree in that they would separate what is offered as straight news broadcasting from comment, and I can agree with both of them on that, but Mr. Craney's solution of wide and free discussion seems to me widely different from and vastly preferable to Columbia's policy of very limited discussion.

"There are two other points I wish to cover and then I am finished unless there are further questions.

"The Chairman: I don't understand the Columbia Broadcasting Company's policy is that they want to cut out discussion. What I understand, if I understand it correctly, is that they want to confine their news commentators to news rather than to have the commentators, under the heading of news, inject into the news the opinions and interpretations of what that news means.

"Mr. Wakefield: I think it goes somewhat further, Senator. I think they will not sell time for the discussion of controversial subjects.

"The Chairman: I think all the radio companies have done that, that is, they won't sell time for controversial subjects.

"Mr. Wakefield: I think not all radio. There are large segments—

"The Chairman: Well, I mean all the chains. As I understand it—I may be wrong about it—Mutual, Columbia, Blue and the Red networks, none of them sell time for controversial subjects.

"Mr. Wakefield: I think Blue is departing from that. That is my understanding.

"The Chairman: I see. Well, if they have, in my judgment they are wrong."

In connection with the KOA case Mr. Wakefield said, "While the Commission intends to abide by the letter and the spirit of the decision, I for one would hate to see any extension of this doctrine which will give parties with no substantial interest a legal right to intervene in Commission cases. . . ." He said that "radio is now in its adolescent years, but it will soon reach its majority and I am satisfied its leaders will then recognize the value of constructive regulations and there will be no longer this state of unrest and uncertainty. . . ."

Senator McFarland asked, "Why do you think these notices of appearance will make for undue delay?

"Mr. Wakefield: I think that section could be interpreted to mean that anybody with a competitive interest is entitled to a hearing.

"Senator McFarland: Well why wouldn't they be?

"Mr. Wakefield: Possibly so. But if you have a station in a town and someone comes in and wants another station in that town and the frequency is available and everything set up for it and it seems important that there should be another station, I don't feel that the man with the existing station should hold up the granting of that for an indefinite time, just to give him an opportunity to say, 'My business will suffer if you grant another license in this town.'

"Senator McFarland: Let us assume a situation like this: We have a town of 5,000 people. They have a little radio station now. Two radio stations probably would not be able to exist in that kind of a town. A man comes along or maybe an industry comes along and says: Well we want that station. They go and try to buy it and they cannot buy it so they come in and ask permission to put up another one. Why shouldn't that other station have the right to come in and say there is only room for one station.

"Mr. Wakefield: I would rather leave it Senator just as you do with the newspapers in that regard, that anybody that can get the money to do it can go ahead, that is, where there is a frequency available and the man has reasonable qualifications, that he should have an opportunity to start out and let them see which one survives.

"Senator Moore: Isn't the public interest liable to suffer in that connection if you make it economically unsound for a station to exist. Doesn't that affect the public's rights in not having a properly conducted and economically sound existing station?

"Mr. Wakefield: I think there are considerations of public interest on both sides. The public interest may suffer if there is a newspaper in town and another newspaper comes in and creates a competitive situation, but on the whole I think the public interest is served better by having two newspapers in a town instead of one.

* * * *

"The Chairman: In considering applications for radio stations, to what extent does the Commission go into the program service the applicants intends to render?

"Mr. Wakefield: In a general way, Senator, in the application form there is a question as to—I cannot give it to you verbatim—as to what is your proposed program structure. That is broken down into how much time for music, how much time for news, how much for discussion of public matters. It is not broken down into what kind of news are you going to put out, what kind of music are you going to offer, or what public men are you going to allow on the air. It is just the general categories of program content—structure, rather than content—that are inquired about?

"The Chairman: In considering applicants for renewal of license, does the Commission consider the program service the applicant has rendered?

"Mr. Wakefield: In renewal proceedings?

"The Chairman: Yes.

"Mr. Wakefield: In a very general way.

"Senator Moore: That gives the Commission almost supreme power over the character of programs to impress their notions of the character of programs by either granting or withholding the license."

* * * *

"Senator McFarland: If you are going to have a hearing why shouldn't it be a complete hearing?

"Mr. Wakefield: It should be a complete hearing.

"Senator Hawkes: You spoke a moment ago about the thing being open, just the same as it is open for a newspaper to come in there there is another newspaper in a town. A newspaper doesn't have to go to a government agency to ask for the privilege of coming into that community. As I understand it, they can go in there and start another newspaper any time they want to and it is just competitive free enterprise. But here you have got something that is entirely different. You have got something which is under government control, because you say it is a quasi-public affair and it is in the public interest to control it and the Government is granting this channel and so forth. It is conceivable to me that you don't give this man who is in that community a chance to be heard from you are considering the granting of an application for a new station. That man might be in disrepute with the Commission. He might have done something you did not like or that your Commission did not like. You are human just like all the rest of us. Your action in granting a new station the right to go in there and compete with him might be governed by something that he should have a right to defend himself on. That is a point I had in mind.

"Mr. Wakefield: I think the basis on which grants are made of new stations is whether or not the frequency is available, whether or not the man is properly qualified and financed, and other considerations, rather than the competitive situation. I think this is free enterprise.

"The Chairman: No you are mistaken about that. You don't put another station in a community just because there is a frequency available.

"Mr. Wakefield: We do not initiate the proceedings.

"The Chairman: No, but I mean you don't permit it to go in under certain circumstances.

"Mr. Wakefield: If there is a frequency available and there is no other request for the frequency and the man is qualified—

"The Chairman: Don't you take into consideration—I am sure in fact you have taken into consideration whether or not in a certain community the other station could live, from an economic standpoint, if you put them in there.

"Mr. Wakefield: We have not. That is exactly the holding in the Sanders case. The material from the Sanders case has been used here and is incorporated to a certain extent in the proposed bill—the dictum in that case.

* * * *

"Senator McFarland: Don't you take into consideration the future need for channels and determine whether in a community there is any need for that station, and determine whether there might be a future need for that particular channel from any other community close by?

"Mr. Wakefield: Not to a great extent. Those questions, of course, are posed if there are two applications, one for Community A and the other for Community B. Then certainly we would say, A has enough service already and B has not, so we will give it to B or vice-versa. But we are not trying to look forward and say we will hold this for a long time because somebody may come along later and ask for a license there. There are qualifications to that, of course. I would not say that as a categorical fact, but by and large applications are granted on the basis of present conditions."

* * * *

In connection with the question raised by Senator Wheeler as to whether, when a person is slandered he shall have the right to reply to the slander on the same program, Senator Moore said: "well if there is a slander of someone, or an alleged slander, that is this radio station who is responsible for his program going to be permitted to put on the air another alleged slander of somebody else?

"The Chairman: No, in the first place I don't think these radio stations should have permitted it in the first place. But if they do permit it, certainly they ought to permit the person attacked to go on."

* * * *

"Mr. Wakefield: I wish the problem could be approached from the source, instead of making necessary an opportunity to answer. I think that opportunity should exist, but I think better care should be taken in the selection of broadcasters and then let them go on and say what they please, instead of some office using a blue pencil and saying you cannot say this and you cannot say that.

"The Chairman: Well, I certainly think a station ought to have the opportunity to use a blue pencil if these men are going to make slanderous statements because they are responsible.

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"Mr. Wakefield: Much of that can be cured by the type of commentator and broadcaster they select.

"Senator Hawkes: Mr. Chairman, you have in mind, I take it, that the radio stations ought to have the same right to blue pencil and cut out things that commentators are saying that they exercise with you and me.

"The Chairman: Why, of course.

"Senator Hawkes: They certainly exercise it with me every time and whenever I have seen anybody else that was going to make a speech over the radio they have to have a manuscript and they have to send it out to the station 24 hours beforehand, and the radio stations have said "this has got to come out and that has got to come out."

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"Senator Hawkes: You don't believe the competitive situation should be given any consideration at all by the Commission in the building up of an industry which is being pioneered.

"Mr. Wakefield: I am not sure radio is being pioneered. It is pretty well established.

"Senator Hawkes: You have mentioned a lot of things that are going to be pioneered in radio when the war is over.

"Mr. Wakefield: That is right, but I would rather keep the avenue of approach free for the granting of as many licenses as possible, just as I would like to see as many newspapers as possible.

"Senator Moore: They are entirely different situations, newspapers and radio stations.

"Mr. Wakefield: I think in this regard there is a similarity. I wouldn't want the authority to say that in this community there are enough stations and in that one there are not. I would rather leave it to competitive operation and let the public decide between the two stations if there is not room for both.

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"The Chairman: What has the Commission done to see that on network broadcasts when public questions are discussed, both sides are heard over identical networks?

"Mr. Wakefield: We have taken no decisive or definitive action in that matter. I think it is a matter that should have wide public discussion. I am hopeful it is something that the industry can work out. I think it does get into that question of too much government operation in the field of controlling programs and that we should not have to do. I think there are brains enough in the radio industry to settle that problem itself if it will do it and I hope it will.

"The Chairman: Do you believe networks can be made responsible for fair division of their time on public questions without licensing the networks.

"Mr. Wakefield: I think so. I am hopeful of it and I am willing to take a chance on that if they will assume the responsibility.

"The Chairman: Would it simplify FCC procedure for the networks to be licensed?

"Mr. Wakefield: I have no strong feeling on the question of licensing networks, if the only thing to be done is to say that the Commission can license networks but after it has licensed them it cannot do anything about it. Certainly we are no better off than we are now. But if we are going into the supervision of their programs, then we are getting into a field that the Commission should stay out of as much as it can. If the Commission can duck that problem, as I am hopeful it will, I prefer it be left there. Licensing networks would naturally give the Commission some supervision over them and if Congress wants us to, I think we should try to exercise it fairly.

"Senator Hawkes: If you are going to license networks then you are getting into the field of licensing of business, because networks are nothing more than a business. If they own a particular station or stations, they have had to take their license for those stations. The business of the networks does not come in the field of licensing of their stations, and I think when you step into the field of licensing networks I personally would be strongly opposed to it, unless we are going to license everyone in business in the United States. I am opposed to that."

"The Chairman: What is the situation with respect to ownership of radio stations by attorneys or engineers practicing before the FCC?

"Mr. Wakefield: I don't believe I can answer that in detail or very intelligently. I know of instances. I could not make an intelligent guess as to how many instances of that kind exist but they do exist.

"The Chairman: Would you furnish the committee with the stations that are owned by engineers practicing before the Commission and by attorneys practicing before the Commission?

"Mr. Wakefield: I shall be glad to.

"The Chairman: Now since we have been holding these hearings, the FCC promulgated an order limiting ownership to but a single station in a city. What is your thought in this matter? Do you believe any greater monopoly of thought is expressed in the ownership of two radio stations in an area than by the ownership of a radio station and a newspaper in the same area?

"Mr. Wakefield: I don't know. I think you have an analogy there. I do think that in the case of two radio stations you do have something where the grant in both cases is from the Government—the right to do business in both cases is being given by the Government. I think you might make the distinction there that the Government would not give one person the right to have two radio stations so the Government is only concerned with one operation, even through the other man owns a newspaper.

"The Chairman: In other words, where there is multiple ownership there might be a question because of your limited number of wave lengths which could be furnished to the city that you feel that it would not be fair for them to monopolize the air? If they could own more than one they could own three or four, unless there was some limitation; is that your idea?

"Mr. Wakefield: That is right, yes, sir.

"The Chairman: What proportion of the Commission's time and personnel is devoted to station broadcast regulations—that is the regulations of broadcasting—what portion of the Commission's time is taken up with that?

"Mr. Wakefield: I think probably before the war something more than 50 per cent. . . ."

The hearings were adjourned until Monday, Dec. 6.

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The hearings continued on Monday, December 6, 1943, with Major Edwin H. Armstrong, inventor of FM, as the witness for the day. Senators Wheeler, Chairman, White, Moore, McFarland, and Hawkes were present.

After going into the historical background of FM and the RCA tests, Major Armstrong was asked by Senator Wheeler why it was that FM was not adopted at the time of the tests, to which Major Armstrong replied that he believed there were two reasons—first—the advantages of FM were underestimated—and second there might have been the thought that there would be too many news stations or new networks, "but as to which factor was controlling I do not know at the present time."

With reference to the June 1936 (the Crossroads) Hearings, Major Armstrong said they resulted in an allocation being made on a sound basis, but it had an unfortunate effect as it led the industry to believe there was no room left for FM on a national basis. Since then an effort had been made to establish a great number of television receivers in the hands of the public which could be tuned in on the first Television Band. The hearings of January 1940 were called for the purpose of establishing television channels, and he said if these hearings had resulted in the establishment of number one channel on a permanent basis FM would have been effectively stopped.

He pointed out that a hearing by the Commission was set for March 1940 to consider the possibilities of FM.

He said he had heard that the Commission was holding up FM but that he wanted to say that Chairman Fly had given FM its greatest impetus at that time, but since that time through failure to make available FM relay channels development of FM had been retarded.

He said in a new invention the only man who is right is the inventor himself—everybody else is wrong. Senator Hawkes asked whether that wasn't true of all types of inventions and Major Armstrong agreed but pointed out that radio is an instance where, if the Commission makes a mistake in granting authority for experimental purposes development might be forever stopped.

He gave as his opinion that due to expansion and prospects for expansion of FM too few channels are at present available and recommended that Television No. 1 be allocated to FM. He said such reallocation would not adversely affect television since in order for television to be available on a national basis it should operate on higher frequencies in order to accommodate sufficient licensees.

In answer to a question he said he thought that FM would be the major development in radio after the war.

In recessing the hearings until Tuesday, December 7, Chairman Wheeler said we will have Mr. Trammell on for "cross-examination."

* * * *

December 7, 1943

Present: Senators Wheeler, Chairman; White, Gurney, Tunnell, Tobey, Moore, Smith, Hawkes, Clark, McFarland, Bone, Shipstead, Truman, Austin.

Niles Trammell, President of the National Broadcasting Company, was the only witness. He endorsed generally the objectives of the Wheeler-White Bill and urged Congessional consideration of the need for new radio legislation.

He said there were two primary legislative objectives, namely:

"First, to guarantee broadcasting in all its forms as a free and unfettered medium of mass communications, secure from government censorship and bureaucratic domination.

"Second, to guarantee a sound economic system of broadcasting so that private enterprise may give to the American public, television, frequency modulation, facsimile, and all the other developments which science and the war research have made available, and thus continue to provide the radio audience with the world's finest radio service.

He said, "I shall support any change in the present Radio Act which accomplishes these objectives. I urge, however, that you guard against writing into the law restrictions which may seem expedient at the moment but which may prove to be a strait-jacket for this fast developing industry. . . . Only free private enterprise can obtain from these achievements the largest dividend in public service. . . . I consider it of prime importance that your Committee and the Congress write a clear and definite declaration that the Commission has no such power to control the 'composition of the traffic' directly or indirectly, either by the regulation of program policies or business practices. If American radio is to remain the greatest radio service in the world, it must be given a new freedom from fear, the fear of the blight of government control. . . . In radio the need for government regulation resulted from the physical characteristics of the transmission and reception of radio energy."

There was considerable discussion as to fundamentals of radio legislation, as follows:

Mr. Trammell: No, sir; go ahead, Senator Wheeler.

The Chairman: You have just stated that "the need for government regulation resulted from the physical characteristics of the transmission and reception of radio energy." Do you think that was the only reason why Congress enacted legislation?

Mr. Trammell: Yes, sir.

The Chairman: Why did we write into the law "public interest, convenience or necessity"? Why did we provide that radio should be regulated in the public interest?

Mr. Trammell: Because in order to get a wave length a man has to assure the Commission he is going to operate his station in the public interest.

The Chairman: Exactly.

Mr. Trammell: In other words, he must be qualified to operate his station in the public interest. His character must be such as to give assurance he will not misuse that facility. He must have financial stability. He must have a proper technical setup, a proper organization to run the station. In my opinion that was the primary reason for that provision of the law.

If you will recall, back in 1926—

The Chairman: So that it was not just simply for technical reasons, as you mentioned a moment ago.

Mr. Trammell: Yes, sir; that was the thing that prompted the original legislation, in 1926.

The Chairman: That was one of the reasons, yes; and I was on this committee at the time when that legislation was considered and recommended. I think I know some of the reasons that actuated the committee in recommending legislation, and I know some of the reasons given in the discussion in the Senate when the committee made its recommendation. It was not simply to cover the technical situation. That was one of the controlling reasons, yes, but that was not the only reason. We wrote into the law the public interest provision, and while that, among other things, would cover the prevention of interference of one station with another, or one wave length with another, that "in the public interest" covers a number of things. We also wrote into the law a provision —and this comes down to a later time and is in the present law—that the Commission shall not have anything to say with reference to program content. That is in the law now.

Mr. Trammell: That is quite true, Mr. Chairman, but the decision of the Supreme Court—

The Chairman: The Supreme Court's decision could not possibly be interpreted as writing out of the statute that provision.

Mr. Trammell: Well, Senator Wheeler, what is composition of traffic, if it is not your program?

The Chairman: I do not know what the Supreme Court meant by that reference, to be perfectly frank with you.

Mr. Trammell: Neither do we, and that is the reason we think we have to have it clarified.

The Chairman: It could not be within the province of the United States Supreme Court to say that the Commission had the right to regulate program content when there was a specific provision in the law saying the Commission could not do that.

Mr. Trammell: The point I am making here is that composition of traffic to broadcasters, at least to us, means regulation of programs.

Now, I think that is one of the prime reasons why we are having these hearings. I think the members of your committee are very much concerned as to what the term "composition of traffic" means. I do not believe it is your intention that the Commission shall have a censorship over programs, but I do think in view of the Supreme Court's decision it has got to be clarified.

The Chairman: I think it is quite clear that so far as program content is concerned, the Commission has no right to regulate that.

Mr. Trammell: I was not here last Saturday, but as I read the statement of Commissioner Wakefield, and I admit that I read it rather hurriedly, that statement it seemed to me indicates his belief that the Commission does have certain controls over program schedules of stations. In other words, that they have authority to say you cannot have all commentators on your station, or you cannot have all speakers on your station, or cannot have all symphony music, or all jazz music.

As I say, I was not here on last Saturday and did not listen to Commissioner Wakefield's statement, but from reading his statement I think he indicated the Commission did have a certain amount of control over broadcasting so far as program scheduling is concerned.

The Chairman: Well, he advocated several things with which I do not agree myself. I was not very much impressed with some of the suggestions he made. But let me ask you this question: Let us say that here is a station and it goes on the air and simply puts on very bad programs; or they simply put out their own advertising; or put on the air their own ideas to the exclusion of everybody else, would that be in the public interest?

Mr. Trammell: I think it depends largely upon the number of wave lengths in that particular community. If you have an ample supply of wave lengths in that particular community and, let us say, the Methodists want to have a radio station, and the Catholics want to have a radio station, and agriculture wants to have a radio station, and labor wants to have a radio station, just as there are class publications or newspapers, it is perfectly all right to have such radio stations, and they can go on the air and express their views.

But under our present setup, and as the head of the National Broadcasting Company, I will say that is not our idea of operating according to public convenience, interest or necessity, so far as general over-all service is concerned.

The Chairman: When you come to the question of a local station, that is one thing.

Mr. Trammell: Yes, sir.

The Chairman: And then, when you come to a network, that is quite a different thing.

Mr. Trammell: That is true.

The Chairman: Because after all, networks are limited.

Mr. Trammell: They are at the present time.

The Chairman: They are limited because there is a limitation on the number of stations.

Mr. Trammell: That is right.

The Chairman: And there is a limitation in the matter of wave lengths.

Mr. Trammell: That is right.

The Chairman: Let us say that a network—and I know the networks are not doing it, but let us say here is a network operating throughout the country, and it just puts on the ideas—oh, well, it doesn't make any difference, but as an illustration we will say, the ideas of the Radio Corporation of America, which owns the National Broadcasting Company; or that they just want to put on their own philosophy of government, or their own theories on economics, or their own theories with reference to taxation. Now, let us suppose that that is done, to the exclusion of everybody else, would that be operating in the public interest?

Mr. Trammell: Senator Wheeler, I cover that a little bit further along in my statement, but since we have started on it we might as well discuss it now, if you so desire.

The Chairman: All right.

Mr. Trammell: Under the present setup, with the limitation of networks, that would not be in the public interest. That is quite true, but—

The Chairman: When the Commission comes to pass upon the question of renewal of license—and I am not talking now about whether they should have any authority over each individual program, but in considering the over-all picture, shouldn't the Commission say whether or not it is in the public interest for a network to just put on their own theories and philosophies?

Mr. Trammell: I think as I develop this statement of mine you will see that you might have ten or twelve networks in this country, or there might be an ample number of networks—

The Chairman: Let us say there are eight or ten networks. And then let us suppose that all networks were to be left free as you suggest, with no one to determine what was in the public interest; everything left free to advocate their particular theories. Let us say that the Radio Corporation of America were left free to advocate its theories; or that the Blue Network owned by Mr. Noble, or the Mutual Network owned by certain large interests, or that Columbia owned by certain large financial interests, all went on the air and voiced the political theories of government, economics, and taxation that they favored. That would not be in the public interest, would it?

Mr. Trammell: No, sir. But there are two things that would preclude that from happening. First, you would lose your audience; and, secondly, you would lose your advertisers, which are the life blood of the broadcasting networks. In other words, you would not have any circulation if you advocated only one theory.

The Chairman: Let us see whether or not that is true. We know that in certain communities in this country there are newspapers owned by corporations, and that those newspapers express only the views or political philosophy of the owners.

Mr. Trammell: In their editorial columns, yes. But in the news columns they give a complete coverage of news.

The Chairman: Yes, they give a complete coverage of the news.

Mr. Trammell: Yes, sir.

The Chairman: But let us suppose that a radio station goes on the air, and even though it does give a complete coverage of the news, yet it puts on a commentator or commentators—and a commentator, after all, is merely an editor, expressing editorial views, not only upon the news but giving voice to his own particular views—let us say that they all went on and did that identical thing. You realize that a network is far different from a local newspaper because it reaches into the homes throughout the country, whereas the newspaper is confined to a certain locality. If one wants to hear radio programs then he has to listen to some of the stations.

Mr. Trammell: I do not want to——

The Chairman: Suppose they all went on the air and expressed identical views, political, economic, social, and moral, and everything else, that would not be in the public interest, would it?

Mr. Trammell: No, sir. But please do not misunderstand me. I am not arguing that we should not operate according to public convenience, interest or necessity. We have always so operated, and I think we should. The point I think you want me to bring out is whether the Commission should have jurisdiction over determining whether we are operating according to the public interest, convenience or necessity; is that right?

The Chairman: Yes, sir.

Mr. Trammell: Of course, someone must determine that. I bring out later in my statement that the Commission has the right under certain procedure to bring about revocation proceedings, revocation of license, and I cover that later in my statement. But if you want me to go into it now I will do so.

The Chairman: I do not care about going into it now, but do want your views. I do not disagree with you in some ways, but do say that you cannot leave it up to an industry which has such tremendous power over public opinion; you cannot let them say that they will give expression to the views of only one side of a question. If that happened in this country we might very easily have what they have in Germany, because that is what Germany does, and that is what Russia does, and that is what Italy does.

Mr. Trammell: That is true; but let me say to you——

The Chairman: Or let us say a station, or a group of stations, are owned by an individual or a group of individuals, and they go on the air and say constantly what their theories are, or the theories set out by the President of the United States, or by a Republican Administration, or by a Democratic Administration, that would be a very bad thing because democracy is based upon discussion.

Mr. Trammell: Yes, sir. But I was going on to say——

The Chairman: And you cannot have in the true sense a democracy without giving opportunity for both sides to express their views.

Mr. Trammell: That is true.

Senator Smith: But who is to be the judge of public convenience, interest or necessity?

The Chairman: As I say, they are the representatives of the public, the Congress. But after all, they have to delegate that duty to some commission, and it is an arm of the legislative branch of the Government.

Mr. Trammell: That is true.

The Chairman: I am trying to bring out the situation as I see it.

Senator Moore: Mr. Chairman, isn't the question here largely governed by this, that in so far as the radio industry needs to be regulated, the question is as to what extent there shall be a delegation by Congress of its power to regulate, or what guarantees should be set up by the Congress against arbitrary regulation by a commission?

The Chairman: I think that is exactly correct.

Senator Hawkes: Isn't Mr. Trammell presenting a very important fact in connection with the public, which is the most rigid censor after all?

Mr. Trammell: That is right.

Senator Hawkes: In other words, if you run your radio broadcasting so that the American public—who I believe still are in favor of free enterprise, in favor of freedom of thought and of speech—I say, if you run your broadcasting so that the American public do not like it, all they have to do is to turn a button and you are through, and then you have lost your position with your advertisers, and that is the whole business.

Mr. Trammell: That is quite true.

Senator Hawkes: Isn't that the point you really have in mind?

Mr. Trammell: That is quite true.

The Chairman: But I do not think that answers the question I have in mind. You have a different factor when you consider radio, and it is my contention that the public is entitled to have an opportunity to hear both sides of every question.

Mr. Trammell: That is our policy.

The Chairman: And I am not suggesting that that is not your policy. But I say there is a difference between saying a man who is not interested or who is disgusted or whatnot, may turn off his radio, and giving the public both sides of questions. The theory is not that a man can give whatever program he wants to give. A radio broadcaster must give the public an opportunity to hear both sides, and that is a vastly different question from giving the radio listener an opportunity to turn off his radio.

Senator Hawkes: But that opportunity on the part of the listener certainly does have a tremendous effect upon radio.

Mr. Trammell: That is true. Of course, it all comes back to one thing, and that is: What do you mean by public interest, convenience or necessity? Just think of the interpretation that can be placed upon that very broad general term and you will see where it affects——

The Chairman: You might say that with reference to a railroad.

Mr. Trammell: Mr. Chairman, might I finish this thought?

The Chairman: Certainly.

Mr. Trammell: We have 900 radio stations in this country, and we have 4 networks, and we are all operating in the public interest, convenience or necessity. Now, the checks and balances and competition between those four networks and the 900 radio stations for the listening audience, which is indirectly reflected in the advertising dollar; and I go back again and say that the checks and balances of these various things, one against another, is much safer than to leave control in determining public interest, convenience or necessity in the hands of a bureau of the Government. I mean, that has the final say-so. I think they have to be the real check, and you certainly have to have appeals to the courts before you have revocation of license.

The Chairman: I agree with you entirely that you have to have appeals to the courts, and that pending any such appeal you ought to have a stay of proceedings so the court can review the matter. I am inclined to believe that we ought to write into the law and not leave up to the whims of a bureau, certain directions as nearly as we can. I do not agree with Commissioner Wakefield, who said the other day he thought we ought to leave it entirely up to the Commission, and let them decide anything they want to decide. I think we have to lay down certain definite authority, the same as in the case of the Interstate Commerce Commission, but we do have to leave a certain leeway to the Commission.

Mr. Trammell: As I said a few moments ago, the one thing I hope this committee and the Congress will do is to relieve the broadcaster of the fear he is now subjected to—revocation of license. And, perhaps, because of some minor infraction of the rules and regulations.

The Chairman: I am thoroughly in favor of that position.

Senator Smith: Just leave it up to the United States Supreme Court and they will fix it. They have fixed the other law, and doubtless they will fix this one.

Senator White: Mr. Chairman, might I say a word about the situation?

The Chairman: Certainly.

Senator White: I am not so much in doubt about what we had in mind when we enacted the 1927 Act as I am as to what we should do now. I agree with the witness that the basic thought, both when the 1912 Act was passed and when the 1927 Act was passed, was that we were trying to regulate the transmission service so that interference would be reduced to a very minimum. The 1927 Act superseded the 1912 Act, and of course in 1912 broadcasting was in its swaddling clothes even if it had been born, and I take it then it only extended as far as communication to ships was concerned. If you will look at section 4 of 1912 Act this is what you will find:

> "That for the purpose of preventing or minimizing interference with communication between stations in which such apparatus is operated, to facilitate radio communication, and to further the prompt receipt of distress signals, said private and commercial stations shall be subject to the regulations of this section."

There the regulations were limited to specific purposes, and were authorized for the specific purpose of reducing to a minimum interferences.

Now, when you come to the 1927 Act, as you will doubtless recall the passage of that Act was preceded by what we know as the breakdown of 1926.

Mr. Trammell: Yes, sir; when we had interference all over the country.

Senator White: It was asserted that anyone was entitled to a license who wanted one, in which the courts seemed to agree, and there was no effective control whatsoever of the physical aspects of radio communication, no effective control over transmissions, nor elimination or minimizing of interferences.

When we came to the 1927 Act we wrote section 303, which provides:

> "Except as otherwise provided in this Act, the Commission from time to time, as public convenience, interest, or necessity requires, shall—"

And then it goes on to enumerate a number of powers, all of which have reference to physical things, a wave length a station may have, the power upon which it may operate, the time during which it may operate, the location of the station, and a number of other proscriptions, which make perfectly clear to me that at that time this reference to public convenience, interest, or necessity, first appearing in section 303, we were thinking again in terms of freeing the ether, of freeing communications from all unnecessary and avoidable interferences.

And so it is that I feel perfectly satisfied in my own mind that in 1927 as in 1912 we were undertaking to provide authority with respect to physical things in connection with communications. We are referred to public convenience, interest, or necessity in that connection. It unquestionably being the thought that as you reduced interference, as you minimized interference, you were making a contribution to public interest, convenience, or necessity.

It does not mean from what I have just said that expression "public convenience, interest, or necessity" should not have a larger meaning and a larger significance than that in which it was originally used. I am in pretty close accord with you, Mr. Chairman, on that. But I do not see how one can read the legislation of the past and be familiar with the circumstances existing 1926, without agreeing with the witness that we were primarily endeavoring to work out a system by which interferences should be kept at a minimum. And I repeat again, Mr. Chairman, that that does not mean that that definition or that thought is a static one. We may have to move on.

The Chairman: There isn't any question but what that was one of the prime considerations. But as a member of this committee I know we discussed, both in the committee and during the hearings, various other subjects with reference to public interest, convenience, or necessity. I do not know what was in the mind of the Senator from Maine with reference to it, but certainly the Committee on Interstate Commerce of the Senate, while it had that thought in mind, and that was one thing that prompted it to take up the subject, yet it was done because the industry was here crying for it.

Senator Wheeler then expressed his opinion regarding controversial issues, licensing of networks, and so on, and on the hypothetical question as to monopoly of control of expression over the air by small groups of people, drew from Mr. Trammell the statement that "the checks and balances between four networks and 900 stations is safer in the hands of the public who have the alternative of listening to control the circulation and thereby the advertising dollar than it would be in the hands of a politically appointed bureau."

Mr. Trammell pointed to the fact that the entire broadcasting industry of the United States "has been built on the use of less than 100 roads or wave-lengths. We know now that we have available for future use many thousands and possibly millions of new roadways through the ether."

He said "Traffic regulations must always control the use of these radio roadways but the argument of limitation of radio wave lengths makes government control of the business or program aspects of broadcasting necessary is no longer true. Even in the present state of the art, there is no more reason for such controls than there is for similar control and regulation of the press.

"Contrary to general opinion, more radio stations are now licensed to operate in the leading cities of the country than there are daily newspapers in those cities. * * * In cities where there are NBC outlets there are 386 radio stations compared with 280 newspapers or 106 more radio stations than newspapers.

"In New York City, for instance, there are 17 stations compared with a total of 11 Metropolitan newspapers. In Chicago there are 14 stations and 5 newspapers. In Denver 6 stations and 2 newspapers. In Washington 6 radio stations and 4 newspapers; in Cleveland, 4 radio stations and 3 newspapers; in San Francisco 8 stations and 4 newspapers.

"It is easier to acquire an existing radio station or to establish a new one in any city of the country than it is to acquire or establish a daily newspaper there."

"As to the future there should be no concern about the possible monopoly by the single ownership of a newspaper and a radio station in any community. Wave lengths are now available for the establishment of additional radio stations in any city, town or country village. Economic conditions and government restrictions may prevent their establishment, but not the scientist."

He said that electronics is shaping a new world in the air—referring to television, facsimile, and so forth.

He said "The burden of transforming present day sound broadcasting into a national service of television, will fall in the first instance on the present day network companies, with newcomers adding to the competition for public favor and approval. Ownership and operation of key stations by networks will be as important in this new service as they are now in standard broadcasting. These key stations will be needed to create the network program service and to provide the economic basis to meet the tremendous development costs. It is clear that such an enterprise can not be self-sustaining until millions of television receivers have been sold.

"The questions that arise in these respects bear upon the fundamental philosophy of radio legislation in determining whether radio will be made to creep or will be allowed to walk in postwar development. For example present FCC regulations have already imposed a strait-jacket on the creation of television networks by prohibiting the ownership of more than three television stations by any one company."

He said "the entire broadcasting plant of this country will need to be remodeled—hundreds of new stations erected—new studio facilities constructed, new networks established and thousands of miles of new telephone lines and coaxial cables provided. All this means more jobs. * * * Broadcasting began at the end of the first world war and in the intervening years a great industry has been established, as I have said before, on the use of less than one hundred wave lengths. I firmly believe that at the close of this war our potentialities are perhaps a hundred-fold-greater. It is our American system of network broadcasting that has attracted strong financial support, so that without subsidy by government, or tax on receiving sets—the only alternatives—American business and American business methods have provided the broadcasting service now a vital part of our national economy and culture."

Pointing to the need for financial support he cited the fact that "in the NBC network system the ownership of the affiliated stations, in addition to the six NBC itself owns and operates is as follows: other broadcasting concerns own 46, newspapers, 49, manufacturers 11, insurance firms 7, automotive dealers, 6, department stores and retailers 5, hotels and theaters, 4, and miscellaneous, 3."

He said that "if private enterprise is to develop the new services now potentially available, it must be given the opportunity to do so free from fear either of confiscation of investment or bureaucratic control of operations. Either would result in discouraging the risk, the initiative and the necessary enterprise."

With reference to the social and program aspects of broadcasting, he said "In the beginning, and it will always prevail, the radio audience must first be induced to purchase receiving equipment and then to use the receiving set. With all the radio facilities in the world at our command we still cannot gather together a radio audience except on their own volition and because they desire to listen to what we broadcast."

The hearings recessed until Wednesday, with Mr. Trammell to resume the stand.

* * * *

December 8, 1943

Present: Senators Tunnell, Acting Chairman, White, Tobey, Moore, McFarland, Hawkes, Clark, Gurney, and Reed.

Niles Trammell continued his testimony. The full text of this testimony will be reproduced below. During the course of the hearing Senator Reed asked Mr. Trammell whether NAB was a "stooge" of the large networks. Mr. Trammell said that he thought Mr. Fly had been facetious in that remark but that certainly with the Board of Directors set up such as it is, with only two network members on it the NAB is not a "stooge" and the statement "just isn't true."

Mr. Trammell referred to the "dead mackerel in the moonlight" mentioned by Mr. Fly at the St. Louis Convention and said that whenever Mr. Fly gets in the spotlight he drags in one of these "red herrings."

Senator Clark, before leaving to attend another Committee assignment asked Mr. Trammell about the Petrillo situation in view of the fact that he and another member of that Sub-Committee were present. Mr. Trammell explained the situation and said that the funds requested by Mr. Petrillo would be uncontrolled and that it had been their policy not to go into any such arrangement. Senator Moore observed that it looked to him like it was "more or less of a legalized blackmail." Senator Clark asked whether the fact that Decca had signed had put the other record and transcription companies at a competitive disadvantage. Mr. Trammell agreed that this was so—extremely so. Senator Clark said that the Committee had racked its brains for a legislative solution but that they had been advised by the Department of Justice that they couldn't do anything about it under the Constitution and asked what consideration or what solution Mr. Trammell had to suggest. Mr. Trammell replied that while he did not advocate it as a policy that there might be a possible solution through amendment of the copyright law to provide for royalty payments.

During the course of the hearings in connection with free speech and government control, Senator Hawkes observed: "When you get to the place where the government tells the people and the people can't tell the government then we are through."

Mr. Trammell's statement is as follows:

"With the advent of war, the entire program structure of broadcasting was turned to aid the war effort. In the case of the National Broadcasting Company alone, we now average three hours a day of broadcasts to promote the cause of victory. Of these programs 44% are in sponsored time and 56% in sustaining time. It is significant that the most effective war effort has been carried on the commercial programs, which have by far the largest audiences. For example, "Information Please" was used by its sponsors to sell $678,000,000 worth of war bonds. The "Truth or Consequences" program has sold $198,000,000 worth. All together the NBC has accounted for nearly a billion dollars worth of war bond sales.

"According to the OWI Domestic Radio Bureau, the broadcasting industry is contributing free of charge to the government approximately $103,000,000 worth of time and talents a year.

"The National Broadcasting Company and the broadcasting industry acknowledge their social obligations. That does not mean that the broadcaster wants these social obligations imposed upon him as a matter of licensed authority. He wants them as a free citizen in a democracy, and I submit that there is a vast distinction between the two. The entire concept of broadcasting since the beginning has been one of public service. It is at once a policy of high standards and high ideals, and a policy of enlightened business methods. As the broadcaster satisfies his audience so he obtains and satisfies his clients, the advertisers.

"Broadcast advertisers, too, acknowledge the same social responsibilities and provide, day in and day out, the finest program service in the world.

"Last week, in celebrating fifteen years of fine musical programs on NBC, Harvey S. Firestone told the radio audience:

> 'The Voice of Firestone has endured the test of time in depression and war; because it is founded on the fundamental principle that whatever the sorrows or joys of life may be, the influence of good music is always inspiring and helpful. This is particularly true in these critical times when the pressure of work and the sorrow of war weigh so heavily upon us.'

"The National Broadcasting Company's concept of broadcasting from the start has been one of maintaining the highest possible standards in all fields of program service.

"It was the National Broadcasting Company that broadcast the first radio performances of the Metropolitan Opera Company and of the Chicago Civic Opera. At first, operatic broadcasts attracted but a handful of listeners; today they command the weekly attention of millions. It was the National Broadcasting Company that organized the first symphony orchestra exclusively for radio; today it is one of the finest symphony orchestras in this country, again, with an audience of millions. It was the National Broadcasting Company that organized the first national service in the interests of agriculture; the first music appreciation hour for the nation's schools; the first presentation of the masterpieces of dramatic literature; and the first forum for public discussion.

"By throwing a switch and turning a dial, there are available to the American home commercial or sustaining programs to meet the interests of all. Every night $75,000 worth of talent performs on the American network radio stage. Every day an additional $25,000 worth of talent works to attract and interest the daytime listeners. A total of $100,000 daily for talent alone!

"In order to maintain the soundest concept of public service, the National Broadcasting Company at its inception announced a code of principles and practices which it has developed and expanded through the years, as a guide to its daily operations.

"We adopted principles to insure the reverent treatment of religious subjects, and a respectful presentation of creed and sacrament; we adopted principles to deal wholesomely with subjects of marriage and the home, of sex and crime. We have strict standards against morbidity and against dramatizations that would encourage insobriety and narcotic addiction. We broadcast no lotteries or gambling ads.

"We recognize that radio is a universal medium, that it appeals to men, women and children. Programs for children receive the closest scrutiny to encourage respect for law and order, parental authority, good morals and to avoid suggestions of horror and other undesirable features.

"Equally strict are the advertising policies governing the sale of broadcast time that have been adopted by the Company. We do not accept advertising of products which contain dangerous or habit-forming drugs. The Company will not accept for commercial sponsorship speculative enterprises, alleged cures, fortune telling services, racing organizations or of professions or services whose advertising is generally regarded as unethical.

"These are some of the principles and practices that we have established under our own Code of self-regulation of program content. As we gain in experience, we revise or add new rules to guide us in our daily operations. Broadcasting should not be bound by inflexible restrictions.

NEWS POLICIES

"Freedom of the air is a freedom which must be preserved for the American public. Those who exercise a stewardship over the broadcast facilities of this nation have the duty to bring to radio listeners a full and impartial presentation of news and public affairs and of men and events which affect the American way of life. The fundamental purpose of news dissemination in a democracy is to enable people to know what is happening and to understand the events so that they may form their own conclusions. That purpose can be accomplished only if radio is kept free from government and bureaucratic control.

"In the field of news broadcasting, now such an important part of our program structure, we have developed principles and practices in the public interest governing all of our news broadcasts both sponsored and sustaining.

"The company broadcasts no editorial opinion on its own account and will not allow newscaster or commentator to reflect an opinion on the company's behalf.

"The editorial responsibility of the National Broadcasting Company in its service of news, commentary and public discussion is to maintain freedom of expression, but to guard against inaccuracy, unfairness and partiality; to see that all phases of opinion are reflected in its broadcasting services; to cooperate in every way with public authority and government in the interests of national defense and civilian morale; and finally, to eliminate from the current flow of day-by-day news and commentary, the trivial, the harmful, the slanderous or the malicious.

"The National Broadcasting Company, in addition, labels and identifies "opinion" or "editorial" broadcasts by commentators and other speakers as distinguished from news reports.

"We apply common sense based on experienced judgment to the consideration of every program of news, commentary, and public discussion. We cannot avoid occasional mistakes and we cannot avoid occasional criticism. We employ the best qualified people we can engage, and day in and day out there is a continuous check on what goes out over the air.

"I would like to introduce for the record as an Exhibit C the names and the qualifications of the 36 members of our reporting staff who produce our news broadcasts.

PUBLIC SERVICE

"I believe I have indicated sufficiently that as one of the four national network services of the country, the National Broadcasting Company is alive to the problems of public service discussed at these hearings. No medium is more directly in contact with the public which it serves. None is more immediately aware of public acceptance or public rejection. The broadcaster knows by telephone, by letters and by frequent measurement of listening what the public thinks of his service.

"In the educational activities of National Broadcasting Company headed by Dr. James Rowland Angell, the distinguished President Emeritus of Yale University, the company has a solid record of achievement. Each year the National Broadcasting Company has been awarded honors for outstanding service by the various educational groups of the country. At this point I would like to introduce for the record as our Exhibit D, a report of our Public Service Department for the first eleven months of this year.

"In the field of religious education, in which National Broadcasting programs have been outstanding, I quote Monsignor Fulton J. Sheen, representing the Catholic Church, who said "There is no corporation in the entire United States which has made such a contribution to religion as the National Broadcasting Co."

"For the Protestant Church the Rev. Harry Emerson Fosdick said "No religious opportunity comparable with that furnished by the National Broadcasting Company to reach every conceivable kind of human being in the country ever existed before."

"For the Jewish faith, Rabbi Jonah B. Wise stated, and again I quote: "It is difficult to put a value on the kind of service rendered by this means—we find that this communication means a spiritual rebirth and a spiritual companionship."

DAYTIME SERIALS

"Referring to daytime serials for a moment I should like to say first that the criticism of these programs, referred to as "soap operas" by those who wish to disparage them, is almost entirely without foundation. They are a form of Americana, listened to by millions, who find in them both relaxation and inspiration. Today these daytime serials are also making a substantial contribution to the war effort, many of them with war and patriotic themes, and all of them carrying the various message of information helpful to the American public and the armed services.

"We have excellent daytime serials, some better than others. Those that do not attract audiences are always displaced. There is continuous improvement in this field as in every other field of radio programs.

"Some months ago the National Broadcasting Company asked a committee to conduct a preliminary study of the daytime serial. The committee consisted of Dr. Henry R. Viets, noted Boston neurologist and lecturer on neurology at the Harvard Medical School, Dr. Winifred Overholser, widely known psychiatrist and professor of psychiatry at George Washington University School of Medicine, and Dr. Morris Fishbein, Editor of the Journal of the American Medical Association. Let me quote some findings from their report:

" 'The psychological problems which are featured in the daytime serial dramas studied are essentially the problems of daily life: love, marriage, divorce, ambition, adoption, illness, parent-child adjustments, occasionally greed, envy, deceit, misappropriation of money, but altogether in no undue proportions. The listeners identify themselves and their own major and minor crises with the characters of these dramas. Since, however, the tendency of all the dramas is toward the solutions that are generally accepted as ethical in our 'social existence, the effects of the dramas tend towards helpfulness rather than harm.'

"The report points out that 'The radio serial drama is the principal attraction of the daytime program schedule. They seem to fill a real demand for a public of considerable size and their shortcomings are heavily overweighed by their virtues.'

"If daytime serials presents a 'problem,' government regulation is certainly not the answer.

"I have here a quotation from the "New York Times" of November 28, which indicates that our contemporaries, the British Broadcasting Corporation of England, have their program troubles too. I quote:

'BBC ITEMIZES SUBJECTS ON WHICH JESTS ARE TABOO

'London, Nov. 28—A stringent code of taboos adopted by the British Broadcasting Corporation, according to a report in the Sunday Chronicle today, forbids jokes about the Home Guard, black market, police, American soldiers, any of the feminine branches of the armed services, Army officers (although not enlisted men) intoxicating drinks or the bombing of Germany. The Chronicle's list also included in the ban the American Southern accent, except in minstrel show programs; the impersonation of persons on the "Brain Trust" program—the British version of "Information Please"—the jazzing of classical music and the singing of nostalgic tunes, lest the latter make soldiers homesick.'

"In summing up this entire program matter, and the social aspects of broadcasting, it is my belief that self-regulation and not bureaucratic edict should control the 'composition of the traffic.' Public pressure exerted by the listener and the economic self-interest of the broadcaster argue that the responsibility for program service in the public interest belongs to the licensee.

"Let me remind you that the technical developments in broadcasting, whereby we will be transmitting news as it occurs, with sight as well as sound, printed news; newsreels; and motion pictures; will bring new problems multiplying the responsibilities of the broadcasters, yet making it impossible to formulate new laws or regulations to control public discussion, balanced discussion opinions, news or other type of information. Obviously any such controls must apply automatically to newspapers, magazines, books, pictures, newsreels and motion pictures. Personally, I do not think it can be done and at the same time preserve the American doctrine of free speech or free press.

REGULATION OF BROADCASTING

"This brings me to the subject of regulation. I have tried to indicate some of the technical aspects of broadcasting, some of the economic aspects and some of the social and program aspects. All of these present serious problems for your consideration in the drafting of new radio legislation.

"Government control of radio has only recently become a serious threat. Though the present Communications Act has many defects the industry grew and flourished under it for years. What has happened to us lately is the result of excessive zeal on the part of bureaucracy to apply new social concepts to American industry. It hit radio a little late but when it did, broadcasting got into trouble.

"The more successful broadcasting became, the more it attracted the attention of the bureaucrats, and the more opportunities it presented for exploitation by those in government who saw in broadcasting a powerful instrument to be used in remaking America. The infiltration of government control in broadcasting has been devious and gradual. Every pretext and excuse for extending these controls has been utilized.

"The argument is now advanced that business control of broadcasting operations has nothing to do with program control. This is to forget that "he who controls the pocketbook controls the man." Business control means complete control and there is no use arguing to the contrary. I believe that neither the nation nor the broadcasting industry can exist, as was said many years ago "half slave and half free."

"Nor do I believe that you can have a government controlled radio in this country and preserve democracy. You cannot have government controlled radio and maintain either free speech or free press. We have too many an example of what has happened in other lands. I call your attention to the fact that in every land where democracy is dead there is government control of radio, the press and the church.

"One other difficulty in respect to the new concept of radio regulation is the tendency to consider broadcasting as a sort of public utility, despite the fact that the present Act itself specifically declares that broadcasting shall not be considered a common carrier.

"To illustrate: the present Federal Communications Commission has four members who have been engaged in public utility operation or regulation. While the Commission does regulate common carrier in the radio field, these same four members, constituting a majority of the Commission, also regulate broadcasting. Nearly every regulation enacted by the Commission in recent years with the force of the law has been of a kind and character that has come to be associated with public utility regulation.

"Broadcasting wants no immunity from laws that apply to all industry. It asks no favoritism from government. It requires no subsidy. It does not ask to be exempt from the operations of the Sherman Anti-Trust law or the Clayton Act. But I submit that restriction which would goosestep an industry, penalize leadership, discriminate against station owners, delay the introduction of new services and make it impossible for initiative and enterprise to undertake the post-war task of upbuilding and rebuilding which will face the American broadcasting industry, is to destroy the business, shackle the freedom and arrest the progress of the broadcasting art.

"With radio in the United States under bureaucratic control of research, of enterprise, of business and of program policies, I say broadcasting can become a federal monopoly without Government owning a single share of stock in a radio station or having a single representative in corporate management. Such power is a gun aimed at the heart of all our democratic freedom. If the people's stake in radio is to be protected, it is for Congress to say, in the language of that popular ditty: 'Lay that pistol down, Babe.'"

Following this appearance of Mr. Trammell, Mr. Fred Weber of Station WDSU, New Orleans, testified and stated that his appearance was due to a request by the Clerk of the Committee. He read a brief statement in which he said that in a definition of "public interest, convenience and necessity" there were three elements. One: physical powers—Two: economic powers and three: program powers. He said that the Commission must have complete control in physical powers and sufficient control in economic powers to insure competition and that it should have absolutely no program powers. He said that if the Supreme Court decision meant by "composition of the traffic" interference in programs that a statute should be written clearly to negate any such power.

He said if the decision meant that the Commission had broad power over all business practices then that power should be limited by statute. He said that the Commission should not have any authority to make any determination regarding the quality of the program, the nature of legitimate business, the kind of businesses to be advertised or the kind of equipment to be used, nor of the specific type nor proportion of type of program to be broadcast.

He said so long as there is legitimate competition, free speech will take care of itself. If competition is not free then the government needs to control. He recommended also that for violation of statute that the violation should be tried in court and not before the Commission.

In answer to a question by Senator Tunnell he said that he believed in equal opportunity for all sides of controversial subjects but that you should try to express it by statute because it might lead to an intolerable situation.

The hearings were adjourned until December 9, 1943.

* * * *

Senate Hearings—December 9, 1943

The hearings opened on December 9 with Mr. Bernard Smith of New York, as the first witness. Present were Senators Tunnell, Acting Chairman, White, Tobey, Moore, McFarland, Hawkes and Bone. Mr. Smith advocated that more sustaining "public interest" programs be broadcast in choice evening hours. Briefly his recommendation was that half-hour sustaining "public interest" programs be required, but he was not clear as to whether this should be done by Statute or the Commission.

Mr. John V. L. Hogan, Consulting Engineer, and part owner of Station WQXR, New York, appeared responsive to the Committee's request, and in answer to questions said that FM stands at present as a proven practical operation, and that while Television is practical from an engineering standpoint he was not qualified to answer regarding the economic feasibility. Responsive to a question from Senator Bone he said that electrical transcribed programs are better than live programs produced over long distance wire lines which are presently in use. He pointed out however that wire line quality can be and has on short hauls been increased to 16000 cycles—the question is one of economic feasibility.

With reference to the effect of the allocation of FM on the Standard Broadcasting, he pointed out that high power clear channels are at present located near talent centers and render during the day good primary service to areas surrounding talent centers and in the night the secondary services render tremendous rural coverage. He said in the case of his own station WQXR 25% of his night time audience was in secondary areas.

He said that the next step, after the FM industry has built an audience, it seems reasonable to expect, that all regional and local stations will be converted to FM and then as a result it is reasonable to expect that clear channel service will continue for rural areas, allowing more clear channels and thus relieving congestion.

He said it might be practical to separate the clear channels in the United States by 20 kilocycles instead of 10, and the intervening channels be assigned to Canada, Mexico, etc., thereby rendering a solution of the whole international problem of broadcasting.

He pointed to the progress that has been made in facsimile and objected to the Commission's restrictions against designating facsimile alone—the requirement that an FM channel would not be assigned exclusively for facsimile but must be assigned in conjunction with an FM Broadcasting station.

In response to questions by Senator Bone and Senator Tunnell, he said, "I may be radical with respect to the view I have that decent people do a decent job. I think our broadcasting industry has done a really excellent job. It started with no regulation whatever and it has been doing a good job since then. The only time it went haywire was—(during the breakdown of the law when the government was precluded from withholding licenses, assigning frequencies, designating time of operating power of stations). At that time some men ran amuck—no doubt about it—proving the necessity of type of regulation we are talking about, but I have not seen any improvement in the effectiveness of broadcasting as a public service that is consequent upon any attempt to regulate programs externally by the Commission or by law, or any attempt to regulate the business by the Commission or by law. I have never seen a useful result come out of that. . . . I trust you will include a really strong injunction that all proper consideration be given to the development of new service in radio service—the maximum encouragement you can for these things because without these things there is no progress."

Hearings recessed until Friday, December 10.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

December 17, 1943 SPECIAL LEGISLATIVE BULLETIN No. 27

White-Wheeler Bill Hearings End

House Committee Shelves Newspaper Subsidy Bill

The House Committee on Ways & Means last week voted, 11 to 10, to table the newspaper subsidy bill introduced in the House of Representatives by Mr. Cannon of Missouri. This was the companion Bill to that introduced in the Senate by Senator Bankhead of Alabama, which passed the Senate last month.

Lt. E. K. Jett, Chief Engineer of the Federal Communications Commission, was the first witness before the committee on Friday, December 10, 1943. Present were Senators Tunnell, Acting Chairman, White, Moore and McFarland. Mr. Jett summarized the breadth of the problem of allocation involved and pointed out that there are at least 50 distinct branches of communications. He discussed the interrelationship between national regulation and international assignment of bands to the various services, stressing the fact that as frequencies have been developed for further exploration and use so had need for frequencies expanded and pointed to the terrific demand for frequencies which would be occasioned by the expansion of the aviation industry; he brought out the importance of extending regulation to devices, citing the effect of devices used primarily in other fields, such as medicine and manufacture, in order to eliminate in so far as possible interference from these devices to communications. He said that there would be many problems facing the Communications Commission which would perhaps require fundamental determination of policy by Congress as a result of development in relaying by high frequency transmitters and such matters as whether the transmitter system should be competitive or monopolistic, and whether it should be done by the telephone company, the telegraph company, or by some new organization.

He said he believed it would be fair for the industry to request double the present FM assignment and also pointed to the definite limit on the number of television services which could operate on the presently available 18 channels.

He said that the Commission is faced with many unsolved problems: "For example, we are not sure that the frequencies now assigned to FM, facsimile and television broadcasting will prove to be entirely satisfactory. Preliminary observations made at the Commission's monitoring stations in the present FM and television bands indicate that 'bursts' of relatively strong signals from distant stations may prove to be a source of strong interference. The duration of each 'burst' is usually only a fraction of a second but at times the signal strength is sufficiently strong to obliterate the desired signal. It is generally agreed that these 'bursts' are skywave reflections from the troposphere and inosphere. There is also an entirely different interference problem to deal with in primary service areas where the transmitted signal is reflected from high buildings, hills, etc. These so-called multi-path signals when observed on a television screen appear as 'ghosts' and the multiple pattern created thereby destroys the quality of the picture." He pointed out that the interference results in only the fringe of an area where a momentary signal from a distant station will take control of the receiver. He said the problem was being worked on and he anticipated a solution in time for application immediately after the war.

Mr. O. B. Hanson, vice-president and chief engineer of the National Broadcasting Company, testified and made the following recommendations:

> "That the powers of the Federal Communications Commission be confined to:
>
> "1. Granting of licenses. The principles upon which these grants of license must be made should be defined clearly in the basic law passed by Congress.
>
> "2. Establishment of technical standard of transmission in cooperation with the practical engineers of the radio industry.
>
> "3. Policing of the external, technical effects of radio emanations."

"If the committee accepted these three principles as basic, the drafting of a new radio law would be greatly simplified, Mr. Hanson said.

There follows, in full, the NBC press release on Mr. Hanson's testimony.

"At least 1,000 television stations and 25,000,000 receivers can be placed in operation within the next ten years if present wavelength allocations are left undisturbed by the Federal Communications Commission, O. B. Hanson, National Broadcasting Co. vice-president and chief engineer, told the Senate Interstate Commerce Committee today. The committee is conducting hearings on a proposed new radio law.

"Mr. Hanson declared that it is 'probable' that within two years after the cessation of hostilities a television network will be in operation between Washington and Boston. Similar regional networks will probably develop around other metropolitan centers such as Chicago, Los Angeles and San Francisco, Mr. Hanson continued, predicting that within a decade, a coast-to-coast television network should be in operation.

"Mr. Hanson warned against waiting for full development of color television before proceeding with the already perfected black and white medium. He pointed out that sound was not added to the silent motion picture until 1927 and asked whether the public should have been deprived of the enjoyment of movies for 27 years while engineers perfected sound movies. Although color television by a mechanical method of transmission has been demonstrated, all-electronic color television, Mr. Hanson estimated, will not be out of the laboratory until the latter part of the next decade.

"I urge that you gentlemen," he told the committee, "in contemplating radio legislation, write it to provide encouragement and cooperation by the regulatory body so that these things may quickly become a reality through sound technical standards and economics."

"Although he foresaw huge employment possibilities in the television industry immediately after the war, Mr. Hanson pointed out that James Lawrence Fly, FCC chairman, has indicated that frequencies now assigned to television may be changed. Mr. Hanson explained that it would be wasteful for manufacturers to design actual pre-production models for television or any of the other newer radio services such as frequency modulation (FM) or facsimile because such models would be made virtually useless by subsequent changes in wavelength assignments.

"Mr. Hanson hailed FM as a technical improvement which permits 'the reception of sound programs in the home with greater fidelity and with considerably less interfering noises.' Eventually, he said, 'the majority of listeners will be equipped with FM receivers' and later it will be possible to discontinue most transmission by the present standard broadcast methods. Television, however, will be the 'dominant service', he said, because 'the public is not going to be satisfied just to listen when there is available to them a service which permits them to see also.'

"With most sound stations going over to FM, the present standard wavelengths will be available for superpower stations which will serve rural areas that cannot be reached by FM, Mr. Hanson declared. He called for clear channel stations of 1,000,000 watts to serve rural areas instead of stations limited to the present maximum of 50 kilowatts.

"Considering facsimile broadcasting, the NBC chief engineer termed it a 'likely service in the post-war period.' He defined facsimile as 'a method of transmitting the printed page, with pictures and diagrams, reproducing them by radio in the home.'

"If all these services are realized within the next decade, the home receiver will be a combination providing reception from standard band, FM broadcasting, television broadcasting and facsimile broadcasting. It will be the instrument around which will revolve the social and cultural life of the American family.

"Television, Mr. Hanson pointed out, has been in practical operation in New York City for four years. During 1942 and 1943 NBC has trained 146,000 air raid wardens by television. Receivers were placed in all police precincts and approximately 30 students simultaneously observed the demonstrations over each receiver, he related. At present in New York, there are about 5,000 receivers in operation in homes and public places with an audience of about 50,000.

"Pointing out that the vast expanse of television programs makes networks essential, Mr. Hanson said there were two methods of linking stations. Existing telephone lines are not adequate, he said, but co-axial cables can be built which will carry both the image and the sound, and such an experimental cable is in existence between Philadelphia and New York, and has been used by NBC for the transmission of television. The second method, he said, requires the use of radio relay stations. Unattended receiving and retransmitting stations can be erected which will carry the programs from station to station, he added."

SENATE HEARINGS WHITE-WHEELER BILL

Tuesday, December 14, 1943

Present: Senators Tunnell, Acting Chairman, White, Brooks, Moore, Clark and Gurney.

Mr. Luigi Antonini, President of the Italian American Labor Council and General Secretary of the Italian Dressmakers Union, Local #89 ILGWU, was the first witness. He told of the difficulties he was having in maintaining a "network program" in the Italian language and said he "had been much disturbed by the trend to suppress such Americanization programs (as his) in the Italian language." He said the same condition existed throughout the country—everywhere local stations are dropping their foreign language programs—not only Italian, but also Polish, Yiddish, Spanish, etc.

He pointed to the importance of maintaining foreign language programs to lessen the desire of those who spoke only foreign languages to tune in on foreign stations. He did not make any specific proposals for change in legislation but indicated that he wanted some type of anti-discriminatory clause written into the law.

Edgar G. Brown, Director of the National Negro Council and President of the United Government Employees appeared requesting that they "would like to have that language (referring to the broadcasting of obscenity, indecent language, etc.) specifically indicate that terms of opprobrium and epithets such as are often used in referring to foreign and other racial groups, such as the negro, specifically prohibited in the new law. We have had a great many complaints on that score." He also requested that the proposed controversial section be extended by adding "racial or political question whether local, state or national in its scope and application."

Wednesday, December 15, 1943

Present: Senators Wheeler, Chairman, White, Tunnell, Moore, Brooks, McFarland and Reed.

Mr. James Lawrence Fly appeared and gave rebuttal testimony to that presented by Mr. Pierson of Press Wireless in a prepared statement covering the high points of the international carrier situation—again calling on Congress to pass legislation granting the Commission additional authority covering the merger of international carriers stating that this is "the only country in the world which will tolerate this intolerable situation" of a jumbled international set up.

He outlined the policy which the Commission has followed, stating:

"Prior to 1937 any qualified American radio company was granted authorization to communicate with any point without taking into consideration whether the point was already adequately served by other American companies. Beginning in 1937 the Commission announced as its policy that it would not authorize the establishment of new facilities to serve points already adequately served by other facilities. This policy was followed until 1940 when because of service delays and interruptions on existing routes the Commission modified its policy and authorized service to several points which were already served by other American carrier. For example, Mackay Radio was authorized to communicate with Rome and Moscow and Press Wireless to communicate with Berne and Shanghai, although all these points were already served by one or more American carriers. In January 1942 the Board of War Communications advised the Commission that the policy of permitting the establishment of duplicate facilities was desirable for security purposes and recommended that parallel circuits should be extended between the United States and all parts of the world. This policy remained in effect until January 1943."

Senator Brooks asked Mr. Fly who the Board of War Communications was composed of and Mr. Fly replied that it was composed of the Chairman of the Federal Communications Commission as Chairman, and as members the Chief Signal Officer of the Army, the Director of Naval Communications and the Assistant Secretary of State and the Assistant Secretary of the Treasury.

"During the period from 1940 to 1943 the Commission granted many applications to points already served by existing United States Companies. For example, RCA was granted authority to communicate with 39 additional points of which 18 are active; Mackay was granted authority for 56 additional points of which 15 points were active; and Press Wireless was granted authority for 20 additional points of which 6 were active.

"In January 1943, the Board of War Communications reversed its policy and requested the Commission not to authorize any new commercial, international radio circuits without the express approval of the Board. Pursuant to this request, it has been the policy of the Commission before acting on any applications for new international circuits, to refer the matter to the Board for its recommendations."

Senator White asked whether the reversal of policy on single circuits was a reaffirmation of the "Oslo case" and Mr. Fly replied that the reversal was due somewhat to equipment shortage and the feasibility of single carrier operating in any given area and that it was a recommendation of the joint chiefs of staff. He said that Press Wireless had not heretofore equipped itself for public communications and that he had suggested to Press Wireless representatives that they "come down for a little hearing and make a showing that they were equipped for handling public communications as well as press service" and said that "so far as I know they haven't availed themselves of the opportunity." (He was advised by Lt. Jett, however, that a hearing had been held and report is pending.)

In answer to a question from Senator Brooks Mr. Fly said that he could see no reason why the current Commission could not come to a prompt decision on the matter.

Senator Wheeler inquired regarding the position of the Commission in taking away frequencies from the carriers and not guaranteeing the return of same after the war and asked Mr. Fly whether "the Army and Navy will want to keep the frequencies after the war." Mr. Fly replied that it certainly is a problem to get anything away once it is granted and he was "fearful there would be serious need on the part of the Departments for facilities after the war." Senator wheeler said that his personal view was that "granting frequencies to Government Departments should be under the Commission; they should have to come to it for a hearing before the grant."

Senator White observed that this was an extremely controversial problem and it was thoroughly considered during the 1927 Act and the only compromise that was acceptable was that of giving the President power to assign frequencies. Mr. Fly replied that actually the President never assigned a single frequency—that the I R A C assigned frequencies.

Senator Brooks inquired regarding post-war operation by the Army and Navy and inquired what plans had been made and Mr. Fly replied that no formal plans had as yet been presented—that he had done all he could to press for a unified carrier system.

Senator Wheeler said that after the present hearings are over "We want to get down to the study of this international situation." Mr. Fly said:

"At the outset, I want to address myself to five words which have been ripped from their context and adopted as the battle cry of the two big networks and the NAB in their war on the Commission's anti-monopoly regulations. These five words (you have heard them repeated again and again at these hearings) are "the composition of that traffic." Before I finish I am going to tell you what they mean—and there is no doubt about their meaning when they are read in context. However, I am first going to review what the networks have tried to make you think these words mean.

"When, on May 10 of this year, the Supreme Court upheld the Commission's chain broadcasting regulations, the big networks were much concerned. This was not surprising because on that date the monopolistic shackles which RCA and CBS had imposed upon the radio broadcast industry were finally broken. Now that the highest Court had spoke there was no way that they could hope to recapture the monopoly which they had previously enjoyed—unless they could prevail upon Congress to amend the law. It must have been obvious to them that if they were to succeed an extensive legislative campaign would be necessary. And this campaign had to be pitched on a high plane. It would not do to come before this Committee crying "We want our monopoly back."

"To plan this campaign Neville Miller called the NAB Board of Directors to a special meeting June 3, 1943. Broadcasting Magazine reported that the 26 members of the Board made a "paragrap by paragraph analysis of the Supreme Court opinion." (June 7, 1943, p. 54) Finally, the slogan for the campaign was chosen. A resolution was adopted and a "Special Legislative Bulletin" was issued containing the following:

> "The Supreme Court decision says 'It (the law) puts upon the Commission the burden of determining the composition of that traffic.' Thus the determination of the character and content of the programs is transferred to a single federal appointed agency, remote from the people."

"These words, yanked from their context, made a fine battle cry. It was much better to talk in terms of abridgment of free speech than in terms of restoration of monopoly. Here also was a cause which the press could logically be expected to champion.

"The new slogan worked fine. Almost immediately there was a flood of editorials, all making reference to "the composition of that traffic."

"I have here a dozen samples of these editorials, all published within 20 days of the meeting of the NAB Board and all proclaiming that "the composition of that traffic" means that "the Commission has power to control completely everything that goes out over the air."

"The NAB made certain that these editorials did not go to waste. They reprinted them and distributed them widely. I have here copies of some of the reprints. Neville Miller even went to the length of writing to Mary Haworth, the bleeding hearts editor for the Washington Post:

> "Recently you have published letters from your readers which criticize the content and character of daytime radio programs. . . .
>
> "I am wondering . . . if your readers realize the effect of the Supreme Court decision of May 10 which places in the hands of the Federal Communications Commission, a body of seven men located in Washington, D. C. supreme authority to determine, whenever they wish, what shall and shall not be broadcast to the American people. They may say, at their discretion, what the people shall hear over the radio, whether it be news, drama, music comedy or politics.
>
> "Under the law, as now interpreted by the Court your effort to carry to radio management the genuine criticisms of American citizens through the columns of your newspaper is in a fair way to become an empty gesture, a relic of bygone days. . . ."

"In other words Neville Miller is blaming the soap operas on the Commission. If he can put that one over he is a better man than P. T. Barnum.

"Now before I go further, let me stop for a moment and ask two questions. First, isn't it extraordinary that in a case where a question was not presented for decision, the Supreme Court should have strayed off the reservation and gone out of its way to pass on the Commission's powers with respect to programs. It is well known that it has been the settled practice of the Court to confine its decisions to the questions before it. It is hard to believe that the Chief Justice Stone, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas and Mr. Justice Jackson would have deviated from that policy or that those jurists would have endeavored to exact a new provision of law of such significant character running counter to the whole tenor of the Communications Act. This brings me to my second question which is this.

"Isn't it extraordinary that it is contended that the Court reached and went out of its way to declare the conclusion that the Commission has the power to control "what shall and shall not be broadcast to the American people "in the face of

Section 326 of the Communications Act which specifically provides:

> "Nothing in this Act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication."

"The answer to these questions is that the Court neither decided anything nor uttered any dicta with respect to the Commission's powers over programs. This will be clear in a minute when I put the phrase "the composition of that traffic" back into the context from which the NAB tore it. Neither the words, program control, or programs, or anything comparable to either occurs in the pages preceding or surrounding the one phrase so carefully culled out of its meaningful environment.

"You have before you mimeographed copies of the Supreme Court's decision. Let's take a look at the entire document, and please feel free to challenge me on any line you may think raises any question on program control. The first page summarizes the history of the court litigation. Pages 2-4 are devoted to a summary of the Commission's investigation of chain broadcasting. Beginning at the bottom of page 4 and continuing to page 10 the Court takes up, one after another, the Commission's eight chain broadcasting regulations and describes the network abuses which each of these regulations was designed to correct. At the bottom of page 10 and at the top of page 11, the Court sets forth the various grounds upon which the networks were challenging the regulations. Pages 11 through 13 are devoted to a summary of the history of radio-legislation culminating in the 1934 Act. The pertinent provisions of the 1934 Act are quoted on page 14.

"It's important to note that all of the opinion beginning at the bottom of page 10 through page 15 is of interest in clearly demonstrating what the Court was discussing in the significant paragraph of page 15. It first discusses the licensing of stations under the Wireless Ship Act of June 24, 1910. Then came the licensing provisions of the Radio Act of August 13, 1912, which forbade the operation of radio apparatus without a license from the Secretary of Commerce and Labor. Then follows a discussion of the development of the art and of the interferences between the various stations, including broadcast stations. There follows a reference to the national radio conferences and to the difficulties of the Secretary of Commerce in attempting to find frequencies for every station that wanted to go on the air. Following that at the bottom of page 12 is a reference to the breakdown due to the fact that the Secretary of Commerce did not actually have authority to license the stations and control their frequencies, power and hours of operations.

"Then at the middle of page 13, the Court draws attention to the bedlam of 1927 and to the natural limitations which require a selective process in determining the stations that should be permitted to operate. There follows at the bottom of page 13 a discussion of the Radio Act of 1927 setting up a valid licensing and regulatory system for the industry. There ensues a discussion of the licensing and regulatory provisions of the FCC Act of 1934. Various of the pertinent statutory provisions are set forth on page 14. Then immediately preceding the paragraph in question is a specific discussion of the Commission's licensing power in the public interest and a reminder of the provision and need for the distribution of licenses, power etc., so as to provide a fair, efficient and equitable distribution of radio service. Now it is significant that in the paragraphs which I have outlined no reference whatsoever is made to program control, program material or programs in any form or manner.

"Now we come right down to the paragraph on page 15 which contains the much quoted words, it should be borne in mind also that the Court had before it the question of the validity of eight regulations, each of which provided *"no license shall be granted"* to *a licensee engaged in specified monopolistic practice.* The first question presented for the Court's decision was whether, under the Communications Act of 1934, the Commission had power to promulgate such regulations. The Court commenced its discussion of this question by saying:

> "The Act itself establishes that the Commission's powers are not limited to the engineering and technical aspects of regulation of radio communications. Yet we are asked to regard the Commission as *a kind of traffic officer, policing the wave lengths to prevent stations from interfering with each other.* But the Act does not restrict the Commission merely to supervision of the traffic. It puts upon the Commission the burden of determining the composition of that traffic. The facilities of radio are not large enough to *accommodate* all who wish to use them. *Methods must be devised for choosing from among the many who apply.* And since Congress itself could not do this, it committed the task to the Commission."

"I would ask you to observe the language of that paragraph very carefully set forth at the top of page 15 of the mimeographed copy. First the Court says the Commission is not simply a traffic officer, policing the wave lengths to prevent stations from interfering with each other. Obviously, the traffic there referred to is the stations themselves, or the radio emissions from those stations. Then the Court goes on to say that the Commission does something more than supervise "the traffic." Again the traffic refers to the stations."

Senator McFarland: "I think a different interpretation can be put on—

Mr. Fly: "If you will let me finish my statement—

"Then follows the sentence which the two big networks and their associate NAB choose to miscontrue. "It puts upon the Commission the burden of determining the composition of that traffic." Permit me to underscore *"that traffic"*, because, again, it refers to the same traffic in the preceding lines and can refer to no other traffic."

Senator Wheeler. "I have never felt that the Supreme Court had in mind about this traffic anything except radio stations themselves and I can't see how that decision repeals Section 326."

Mr. Fly said that he did not want laid at his doorstep the responsibility for the "soap operas and these awful programs" that we hear from 10 to 6 in the daytime.

Senator Brooks asked whether the Commission exercised program control in any manner, such as holding up applications and asking the lawyer of a licensee to come in and talk to the Commission's lawyers and Mr. Fly replied "we certainly do not want to deal with programs and no member of the staff has authority to do such a thing."

Ask by Senator Wheeler about the foreign language situation Mr. Fly replied that the Commission "has rendered a line of cooperation with other government departments."

Senator McFarland asked whether the Commission exercised any consideration of program in the case of two applicants where only one facility is available, Mr. Fly replied "Yes sir—in cases of that kind, if the applicants are equal in financial and legal qualifications then the type of program to be rendered might be a determining factor."

Continuing from his prepared statement Mr. Fly said:

"The composition of that traffic is again the composition of the electrical traffic, that is, the stations that are on the air. In other words, the Court is saying that far from simply policing the existing traffic, the Commission shall by licensing choose the stations which shall operate on the ether highways. To put it another way, the traffic officer simply guides and controls the traffic which comes along on the highway, but the licensing authority determines what cars shall compose the traffic, or what cars shall be permitted upon the highways.

"Let us take a look at the next sentence. "The facilities of radio are not large enough to accommodate all who wish to use them. "All who wish to use them" must necessarily refer to persons or concerns who desire to establish stations. This necessarily means again, that the licensing authority must pick from the different applicants and that is exactly what the next succeeding sentence says "Methods must be devised for choosing from among the many who apply." This is simply a reminder that a selective process is necessary in the granting of applications, and the choosing of the licensees who may put stations on the air.

"The language immediately following the paragraph in question continues to discuss the licensing process and the standard to be relied upon in the selection of licensees. At no point either before or after the quoted paragraph is there any reference to programs or program control. The Court points out that the "public interest" is the interest of the listening public in "the larger and more effective use of radio." The Court said that radio facilities are precious and cannot be wasted. It was on this basis that the Court on pages 16 and 17 reached the conclusion that the Commission could properly refuse licenses to stations engaged in the monopolistic practices at which the chain broadcasting regulations were directed. The Court said that, in essence, the eight regulations represent a "particularization of the Commission's conception of the 'public interest' sought to be safeguarded by Congress in enacting the Communications Act.

"The balance of the court's opinion beginning at the bottom of page 17 deals with answering the other arguments which had been advanced by the networks.

"Thus, in the network case the Supreme Court did nothing more than decide the issue before it—the validity of the anti-monopoly regulations. The law with respect to the Commission's power, or rather lack of power over radio programs was left just where it has always been. Under Section 326 of the Act the Commission is specifically denied the power to tell a radio station what it shall or shall not broadcast. The only power which the Commission does have is the power to review the over-all service of a station to determine whether it is operating in accordance with public interest, convenience and necessity. If the Commission finds a man like Dr. Brinkley, Reverend Shuler or Dr. Baker, it has the power under the decisions of the courts to refuse to renew his license. Everyone who has testified at these hearings has said that the Commission should have the power to keep men like these off the air. Certainly it cannot be said that this power has been abused. The record shows that it has been very sparingly exercised.

"In short, the cry of the networks at these hearings has been for Congress to "repeal the Supreme Court Decision." I have shown you that the decision has nothing to do with programs and therefore to overturn the Court's decision would have no effect so far as programs are concerned. It comes down to this. The only result that would follow from a repeal of the Supreme Court decision would be the restoration of the monopoly that the big networks formerly enjoyed. This monopoly must not be restored, particularly when we are on the threshold of television and frequency modulation which would make that monopoly far more powerful than it ever has been in the past."

Senator McFarland said that he was more interested in what the law should be than in what it is interpreted to be.

Senator Wheeler said that as a result of the Supreme Court decision there had been created "a fear" to which Mr. Fly replied "Apart from the

NAB campaign and editorials which whopped it up some stations in complete good faith are afraid."

Senator Tunnell observed "As I understand, you and the industry both agree that the Act does not authorize you to get into programs."

Senator Wheeler—"What we ought to do is write it into the law."

Mr. Fly: "You can leave the law as it is—it has been exercised in a pretty just manner. I am not anxious to move into the critical survey of programs."

Senator Wheeler said the hearings would be adjourned until 10:30 a. m. tomorrow as he had some further questions to ask.

Senator White asked that there be incorporated by reference, in these hearings, the testimony on the so-called Sanders Bill in the House—the Chain regulations in the Senate hearings and the merger bill.

The hearings were recessed until 10:30 a. m. Thursday, Dec. 16.

Senate Hearings—December 16, 1943.

Mr. Fly was the only witness when the hearings reopened on December 16. The following were present: Senators Wheeler, Chairman, White, Moore, McFarland and Gurney. Mr. Fly commenced his testimony by submitting for the record a detailed set of comments of S. 814, and two proposed drafts of amendments, as follows:

(1) Related to a new section 310B requiring consent of the Commission before a transfer of 20% or more of a licensee's ownership.

(2) A section amending 312 of the Act calling for penalties of less than forfeiture of license.

He said he wanted to remind the Committee of the historical background of this country, the environment under which previous legislation has been enacted and reviewed the fact that RCA had been developed at the end of the last war for the purpose of maintaining control of patent developments and communication exploitation in this country. He mentioned the separation of Westinghouse, General Electric, Bell System control of RCA and the expansion of RCA interests in the related lines of business.

He said that RCA had moved beyond its original specified program and it was under that environment the 1927 Act and 1934 Act were passed. He said "The Committee will want to bear in mind the RCA control of the patent situation, as for example in the television field."

Senator Wheeler asked whether RCA held most of the television patents to which Mr. Fly's reply was "No one can go into the television business without getting together with RCA". Asked by Senator Wheeler who could apply for television channels, Mr. Fly's reply was "Other companies" he thought "will go into the television broadcasting and set manufacture", and said that he thought the patents controlled by RCA would have an advantage.

Senator McFarland observed that there might be other companies that might develop patents of a basic nature and thus require RCA to go to them. Mr. Fly said "You'd be surprised at the ingenuity of RCA in getting around these competitive patents and you'd be surprised at their ability to discourage other developments."

He said that Mr. Trammell had stressed television and had passed over hurriedly FM. He said that FM is ready to go ahead in developing a national service, but Major Armstrong controls the basic patent on FM and RCA had tended to discourage FM and is plugging television. He said that radio broadcasting had a terribly important effect on the public in many vital ways, but when this television spreads over the country the impact will be extremely increased. He said it was ominous to think of the power a single control over one medium would have.

Senator Gurney inquired whether he felt that the public had benefited through the big companies' operation of radio and Mr. Fly's reply was that before he would know the answer to that question he would have to have a psychiatrist diagram the minds of housewives, after they'd listened to these programs from 10 to 6.

Senator McFarland said that from Mr. Fly's remarks he assumed he thought that programs are generally bad and Mr. Fly replied that he was not seeking any control of programs and that he thought it would be a healthy thing if Congress could bring a greater degree of responsibility to the licensee to render a public service rather than have an hour to hour or day by day control.

Senator McFarland said "I understand you advocate an extension of FM which it seems to me would result in giving more programs and that would be a remedy" to which Mr. Fly said "There is no remedy in more programs." Senator McFarland then said "What's the good of it" and Mr. Fly said "It gave a better signal and better quality and is better on the whole but is not the cure for this program situation."

Mr. McFarland asked Mr. Fly "Don't the stations put on programs that the public wants to hear and if there are more stations won't they have apparently lots more programs they want to hear." Mr. Fly admitted that might possibly happen, like the case of WQXR which started experimentally and started notching up the quality of programs and built a pretty good audience.

Senator Wheeler said "What bothers me is the talk about monopoly—when it is a monopoly of a thing it is bad enough but when there is a monopoly of what goes out over the air and then the companies say they want to broadcast what they think is in the interest of the public and the public will then say what they want. I don't want either Government or free enterprise with a monopoly of ideas.

Mr. Fly said it was an ominous thing, when for the sake of a dollar—"public service" programs were being dropped. Senator Moore said "I haven't watched these programs very carefully—just what do you mean about dropping public service programs." Mr. Fly said they were being cuffed around and educational and scientific programs were losing out, and that he had already mentioned what had happened to the Forum programs.

Senator Wheeler asked "Have you made any check of what the listening public prefers in the way of programs, and Mr. Fly said that Broadcasters carry on surveys to determine this factor.

Senator McFarland said that one solution he thought of was "More thought should be given by the public to programs" and Senator Moore said that "A lot of this stuff is trashy and I would like to see more informational programs broadcast, but how are you going to do it and who's going to pass on it?"

Mr. Fly's reply was that a thing like the Quiz Kids was good although it was a commercial program, but it depended largely on the amount of non-commercial time and then pointed to the early night-time hours that were sold by NBC and CBS.

Senator Moore said "Just explain what we should do—you disclaim any desire to do anything about programs but suggest that something be done". Mr. Fly replied that the answer would be for Congress to require a certain percentage of time be allocated to blocks of musical programs to evening hours and said that Amos and Andy came along and tried to push off the Catholic Hour which had been on the air 14 years and they were not successful. Senator McFarland asked "How did it happen they couldn't be thrown off by the network and Mr. Fly reply was that he assumed the public did it. Senator McFarland said "that is just what I thought." Senator Wheeler said "But that was a strong organized group that kept it on—" and suggested that "we could write into the law a requirement that the licensee agree when the license was issued to grant a certain amount of time for public service programs.

Senator Wheeler said "What bothered him in considering programs or license renewals is how you can take away fear by a station that if he puts on a program somebody does not like he might lose his license." Mr. Fly said that "I think you can take care of that by saying we have no control over a single program."

In answer to further questions Mr. Fly indicated that permanent licenses would be impractical since it is necessary from time to time to change frequencies and bands of frequencies as the art develops.

He said that work was being done to determine where bands of the various services would be placed after the war and indicated, in reply to a question by Senator McFarland that the newspaper decision should be expected in a few days.

The Hearings were concluded.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

December 24, 1943 SPECIAL LEGISLATIVE BULLETIN No. 28

House Select Committee to Resume Hearings in January

Chairman Lea, in reviewing the hearings on the investigation into FCC personnel and activities indicated that upon resumption of the hearings in January FCC personnel will be heard regarding the activities of its Radio Intelligence Division, Foreign Broadcast Intelligence Service and War Problems Division. Counsel Garey stated that he would be ready to proceed with reports prepared by the investigating Staff at an early date. No specific date for the resumption of the hearings was announced.

NATIONAL COUNCIL OF CATHOLIC MEN REQUESTS CORRECTION MR. FLY'S TESTIMONY ALLEGING NBC TRIED TO "PUSH THE CATHOLIC HOUR OFF" 6 o'clock time.

Edward J. Heffron, Executive Secretary of the National Council of Catholic Men has requested NAB to publish the following excerpt from the testimony before the Senate Interstate Commerce Committee on Wheeler-White Bill, together with his letter of explanation to Senator Wheeler.

> Testimony of James Lawrence Fly at the Hearings before the Committee on Interstate Commerce, U. S. Senate, December 16, 1943.

"Mr. Fly: I think that you might well consider that sir (speaking of program control). And you might consider requiring a certain percentage of the time during the day to be devoted to a variety of purposes. Without moving too much into detail you could require that . . . a sufficient time, or that a given block of time, be devoted to educational programs, and you could require in these evening hours, when you have your best audience, that some attention be given to the public-service programs. I do not want to overstress that, but that becomes more and more acute. You take a single example here, the Catholic Hour. It has been on the NBC Sunday evenings for 14 years, and yet here a few months ago the NBC came around and tried to push the Catholic Hour off there, to put on Amos 'n' Andy, a commercial program.

Senator Moore: The Catholic Hour is heard on Sundays, isn't it?

Mr. Fly: Sunday evenings, yes sir. Now I do not think they succeeded in that push. But they may well succeed when they move in, and they have succeeded in moving in, on other educational programs.

Senator McFarland: What was there to prevent them from succeeding?

Mr. Fly: Well it is, I would assume, the public opinion that is involved there. And I would assume that the Catholic organizations should have and probably did raise Cain about it.

Senator McFarland: Well, that is what I am getting at. It just goes to show that if the public do set their mind on a thing they can have their way without legislation.

Mr. Fly: Yes, but you do not always have as powerful a group . . .

The Chairman: Organization."

December 17, 1943

"Hon. Burton K. Wheeler, Chairman
Committee on Interstate Commerce
United States Senate
Washington, D. C.

"Dear Mr. Wheeler:

"It has come to our attention that, in the hearings before your committee yesterday, reference was made to The Catholic Hour, nationwide religious broadcast produced by this organization. According to the reports we have received, the testimony on this point might give the impression that the National Broadcasting Company undertook to high-pressure the National Council of

Catholic Men into changing the time of the broadcast to some less desirable hour.

"Any such interpretation is not in accord with what actually took place. To dispel any misunderstanding of what occurred, I should like to state the following facts for the record. Last spring the National Broadcasting Company did ask the National Council of Catholic Men to consider moving the Catholic Hour from six o'clock Sunday evening (Eastern time) to three o'clock Sunday afternoon, saying that, at the earlier hour, they would be able to assure us a larger number of cooperating stations than were then carrying our program. (I need not explain to you, of course, that since the Catholic Hour is a sustaining public service program, it brings no revenue either to the National Broadcasting Company, or to those independent stations affiliated with NBC which choose to carry it; and that as a consequence, a number of the stations to which the program is made available by the National Broadcasting Company, prefer to carry local commercial programs at that hour.)

"The Board of Directors of the National Council of Catholic Men considered NBC's proposal at its meeting on May 1, 1943, and thereupon informed NBC that it would prefer not to have the hour of our program changed. NBC accepted this decision with good grace and with no impairment of the good relations that have existed between us since the inauguration of the Catholic Hour nearly fourteen years ago.

"Our transcript of the testimony before your committee yesterday seems to suggest that NBC may have accepted this decision of the NCCM board only as a result of organized efforts by Catholic groups to persuade them to do so. Actually the negotiations were private, entirely between the National Broadcasting Company and the National Council of Catholic Men. NCCM released no word concerning the matter, either during the pendency of negotiations or afterwards, to individuals, groups, newspapers, or magazines.

"I trust that this statement will serve to avoid any possible misunderstanding of the matter.

Sincerely yours,

EDWARD J. HEFFRON,
Executive Secretary,
National Council of Catholic Men."

National Association of Broadcasters
1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON, D. C.
NO. 1 SPECIAL MUSIC BULLETIN April 9, 1943

TO NAB MEMBERS WHO USE ASCAP PER PROGRAM CONTRACTS

Audits which have been made within the last few weeks have resulted in the making of certain claims by ASCAP field men. Since the NAB has received inquiry on these points from a number of stations, it is making the following information available to all NAB members:

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1. Claim has been made for compensation with respect to programs utilizing ASCAP music which follow spot announcements when spot announcements do not take place at station breaks. The Consent Decree signed by ASCAP, and ASCAP's Per Program license are clear on this point. The Consent Decree requires ASCAP to offer to broadcasters a sustaining Per Program license which requires payment only for the sustaining programs on which ASCAP licensed compositions are performed, and as to commercial programs a license requiring only the payment of a percentage of the revenue derived by the licensee for the use of its broadcasting facilities in connection with a commercial program which uses ASCAP music. There is, therefore, no basis for asking for compensation with respect to contiguous programs which do not use ASCAP music.

For instance, if a station presents a five minute newscast, followed by a one minute commercial announcement, followed by a sustaining program of ASCAP music, ASCAP is entitled only to the sustaining fee on the ASCAP musical program. Of course, if the one minute spot uses music licensed by ASCAP, ASCAP is entitled to payment at the commercial rate on the amount collected from the advertiser for the one minute spot. The local station program commercial license issued by ASCAP specifically provides that compensation shall be paid only on local commercial programs which utilize ASCAP music, and local commercial programs are defined to mean a local program in connection with which a sponsor pays for the use of the broadcasting facilities of the station, including participating programs.

On October 17th the Copyright Committee of Independent Broadcasters, Inc. wrote to all broadcasting stations a letter, which was specifically approved by John Paine on behalf of ASCAP. Among the examples given in this letter was the following:

> "Under the per program contract, the question was asked as to whether ASCAP would make a claim for compensation in respect of a program entitled, for instance, 'Early Morning Club' which runs from 7 to 7:15 A.M. using music and is interrupted by a sponsored fifteen minute straight news program, after which, at 7:31, the second half of the 'Early Morning Club' is broadcast for the balance of the period. The Committee was informed that ASCAP would not expect to be compensated in respect of the revenue derived by the station from the straight non-musical sponsored news program."

This ruling aids in the definition of participating programs. Moreover, in the NAB reports for January 16, 1942 (Volume 10, No. 3) there was published a letter addressed by the NAB to ASCAP, which letter was approved in substance by Mr. Paine, who said of it:

> "Undoubtedly what you are seeking to say is the same as what we have in mind . . ."

Among the statements in this letter was the following:

> "If you have a Musical Clock or other participating program which broadcasts some music, some news, etc., and the program is listed, announced and billed as one program, the station is obligated to pay ASCAP on the entire program. If, however, this program is broken down into a number of separate programs, for instance, with a news period segregated from the portion of the program which uses ASCAP music, and the portion of the program which uses ASCAP music segregated from the portion of the program which uses BMI, P.D. and other music, so that there will be a number of separate programs instead of one program, a substantial saving may result to the station, and this should be considered by all stations. We understand from the statement of authorized ASCAP representatives at district meetings that even if the newspaper lists the Musical Clock or other participating program under

> one name, if it is in fact segregated and station break announcements made between the segments of the program that this will be an adequate division by ASCAP into separate programs."

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2. Questions have been raised with respect to the applicability of the 8% rather than the 2% rate where themes, jingles, etc., are used. The ASCAP commercial per program contract provides that the 2% is applicable on local commercial programs which use compositions licensed by ASCAP only incidentally as bridge or background music, themes or signature, arrangements of works in the public domain, or incidentally to the broadcast of a public or sports event. The claim has been made by ASCAP field representatives that if the composition used as the theme varies from program to program, it will not be considered as theme music and that the full 8% rate must be paid. This claim is unjustified. The reason for the word "signature" and the word "theme" was to distinguish between the invariable signature and the varying theme. So long as the composition is used as theme music, the 2% rate is applicable. Attention is also called to the statement made in the NAB Bulletin of January 16, 1942, already referred to, as follows:

> "Authorized representatives of ASCAP have stated at district meetings that if an ASCAP jingle is used on a transcription, and this jingle is the only music that is used, the program is compensable at the 2% incidental rate rather than at the 8% major use of music rate under the per program commercial contract."

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3. ASCAP field men have raised questions with respect to compositions originally licensed directly to broadcasters by independent music publishers and subsequently acquired by ASCAP publishers. It is clear that the licenses originally issued with respect to such compositions remain in full force and effect until cancelled. For instance, Back Bay Music Company of 168 Tremont Street, Boston, Mass., in January, 1941, licensed broadcasting stations with respect to compositions entitled "Somebody Else is Taking My Place" and "Until You Went Away." "Somebody Else is Taking My Place" was subsequently acquired by an ASCAP publisher member. Stations which received the original licenses from Back Bay Music Co., however, are entitled to perform this work under such license until this license is revoked. Similarly compositions originally licensed by small music publishers through BMI are occasionally acquired by ASCAP firms. Performing rights in such compositions remain available to broadcasters under their BMI licenses until such time as BMI notifies stations to the contrary. A case in point is the composition "My Devotion", licensed through BMI by Stover Music Company. This license still remains in force and effect despite the fact that the composition was subsequently acquired and published by an ASCAP member.

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4. ASCAP also questions the title of BMI affiliates in certain compositions licensed through BMI. Conspicuous among these is "Song of the Islands", published by Edward B. Marks Music Corporation. This composition is licensed to broadcasters by BMI and may be performed under BMI license. The Edward B. Marks Music Corporation has indemnified BMI against any claims which may be made by ASCAP or any of its members, and BMI has similarly indemnified all broadcasting stations. The composition, therefore, may continue to be performed under the existing licenses and indemnities. BMI has requested that if any claims are made with respect to compositions licensed through BMI, that such claims should be referred to BMI for attention.

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5. Claims have been made by ASCAP field men with respect to Consent Decree licenses issued directly to broadcasting stations. The Consent Decree signed by ASCAP specifically provides that any ASCAP member may license works on a non-exclusive basis directly to broadcasting stations. The Department of Justice has clearly stated that these Consent Decree licenses may be issued either with or without the payment of consideration. Attached hereto is a list of those Consent Decree licenses issued to broadcasting stations which have been brought to the attention of the NAB. All these licenses were issued in a form approved by the Department of Justice and broadcasters are entitled to rely upon these grants. Certain of the Consent Decree licenses have been cancelled subsequent to their issuances and this information appears on the schedule. Broadcasters are not entitled to perform these works under Consent Decree license subsequent to the date on which they receive notice from the person issuing the license that the license has been withdrawn. Prior uses, however, are not performances on which ASCAP is entitled to claim compensation.

Broadcasters who desire advice with respect to these or similar claims are invited to communicate with the NAB for additional advice and information with respect to these and similar claims.

SCHEDULE A

Title of Composition	*Publisher*	*License Issued By*	*Remarks*
Lamp of Memory	E. B. Marks	Al Stillman	
I'll Be a Good Soldier Too	BMI	Russell Robinson Andy Razaf	
The Kick of the Kangaroo	E. B. Marks	Buddy Kaye	
Ree Tee Zootle Lo Do	Merrywood	Milton Berle	
Olivia	Merrywood	Eddie Cherkose	
Would It Make any Difference To You	BMI	Milton Berle Bert Pellish	
Nightingale	E. B. Marks	Xavier Cugat	
I'll Be Home for Xmas	E. B. Marks	Buck Ram	
Three Terrific Guys	National	Kay and Su Werner	
Stardust Serenade	BMI	George F. Whiting	
Buy a Share in America	Orange Music	Lanny Grey	
I Pledge Allegiance			
We're Riding for Uncle Sammy Now	Greene-Revel	Milton Berle	
You Go Your Way	Southern Music	Southern Music	
I'm in Good Shape			
Karanina			
I Haven't a Thing to Wear			
Wherever You Are			
Romeo Smith and Juliet Jones	Southern Music	Southern Music	
Thank Your Lucky Stars and Stripes			
How Long Did I Dream			
Que Chica			
Humpty Dumpty Heart			
Goodnight Little Angel	Maurice O. Wells	Russ Morgan	
I'm Reading Your Letter Again Dear	Acuff-Rose Publications	Fred Rose	
Let's Tell Our Dreams to the Moon			
In the Echo of My Heart			
Sorrow on My Mind			
Time Alone			
Pins and Needles			
Fire Ball Mail			
Low and Lonely			
Whose Heart Are You Breaking Now			
Home in San Antonio			
I'll Reap My Harvest in Heaven			
I'm Human Too			
There's a Palace in Dallas,			
Cowards Over Pearl Harbor			
Heavenly, Isn't It	Greene-Revel, Inc.	Mort Greene Harry Revel	Consent Decree License withdrawn June 17, 1942
When There's a Breeze on Lake Louise			
A Million Miles from Manhattan			
You're Bad For Me			
Cindy Lou McWilliams	Greene-Revel, Inc.	Mort Greene Harry Revel	Consent Decree License withdrawn June 17, 1942
How Do You Fall in Love			
Sing Your Worries Away			
Until I Live Again			
Call Out the Marines			
Zana Zaranda			
Beware			
The Light of My Life Went Out Last Night			
Hands Across the Border			

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

NO. 2 SPECIAL MUSIC BULLETIN May 28, 1943

TO ALL NAB MEMBERS WHO HAVE ASCAP PER PROGRAM COMMERCIAL LICENSES:

Once again the question of interpretation of provisions of the ASCAP contracts has arisen. From time to time other problems in the music field arise which could well be considered on an industry-wide basis. For that purpose NAB will appoint soon a music committee, composed of broadcasters, which will meet periodically for general consideration of all problems in the music field.

One of the first duties of this committee will be to sit down with ASCAP and thrash out interpretation of the ASCAP contracts.

In the meantime, NAB is issuing this special music bulletin giving NAB's interpretation in respect of the claims asserted in ASCAP's circular letter No. 3945, which was sent on May 18, 1943, to local station program commercial licensees.

At the outset we call the attention of all members to NAB's Special Music Bulletin, issued April 9, 1943, which relates to some of these claims. Some background as to ASCAP's position on commercial per program licenses may, however, be helpful.

On March 4, 1941, a Consent Decree, to which ASCAP was a party, was entered in the Federal Court in an action entitled United States of America against ASCAP. This decree provided:

(1) That ASCAP should not require a license fee in respect of commercial programs, any part of which should be based upon a percentage of the income received by the broadcasters from programs in which no musical compositions licensed by ASCAP shall be performed. (Consent Decree, Paragraph I, subdivision 3 (a)).

(2) That broadcasters would be entitled to a per program license in respect of commercial programs requiring the payment of a stipulated amount for each program in which the musical composition licensed by ASCAP for performance are performed, or, in the alternative, the payment of a percentage derived by the broadcaster from the use of its broadcasting facilities in connection with a program in which musical compositions licensed by ASCAP are performed. (Consent Decree, Paragraph I, subdivision 3 (ii)).

Under the Consent Decree, therefore, ASCAP was forbidden the right to demand a license fee based on income from programs in which its compositions were not used, and was affirmatively directed to grant a license to broadcasters based only on the revenue from programs which actually use ASCAP music. The agreements which ASCAP subsequently made were, of necessity, in compliance with this decree and the local station per program commercial license defined the local commercial programs as being

> "any local program in connection with which a sponsor pays directly or indirectly for the use of the broadcasting facilities of the station. A so-called 'participating program' shall be deemed to be a commercial program." (License agreement, paragraph 2).

Paragraph 4 of the license agreement sets forth that the station is required to pay a percentage of its receipts from sponsors only "on local commercial programs which use any of the compositions licensed hereunder."

Both by the requirements of the decree and the provisions of the contract, therefore, ASCAP was limited to payment on commercial programs which use ASCAP music—that is, programs on which the sponsor paid for the time, including participating programs. From this alone, without further clarification, it is obvious that ASCAP is not entitled to call a sustaining program a commercial program because it is either preceded or followed by a commercial spot announcement. If any doubt had been left on this point it was resolved in a letter dated October 17, 1941, signed by W. J. Scripps on behalf of Independent Broadcasters, Inc., which letter ASCAP, by a letter dated the same date and signed by John Paine, general manager, stated would act as a construction of the contract. This letter, approved by ASCAP, read:

> "Under the per program contract it was understood that ASCAP does not demand compensation in respect of spot announcements made on 'station breaks' between completed programs."

ASCAP now says they understood this statement "would cover only such announcements as Bulova, Longines and weather reports (when permitted) and similar announcements."

There is, of course, no justification for any such interpretation of the term "spot announcement" by ASCAP and, indeed, such an interpretation is in conflict with the Consent Decree, with the contract and with the understanding between the parties. The fact is, therefore, that a spot announcement which precedes or follows a sustaining program which uses ASCAP music does not convert the adjacent sustaining programs into commercial programs, nor is ASCAP entitled to any percentage of the revenue derived from the sale of such spot announcements unless the announcements use ASCAP music.

ASCAP's circular letter of May 18th also states that the income of participating programs is subject to payment to ASCAP. This is correct, and the local station per program commercial license so provides. ASCAP's statement that the only interruption to a participating program can be a complete fifteen minutes newscast is, however, not justified. The letter from Independent Broadcasters, Inc., previously referred to, raised the question of an "Early Morning Club" program which used music from 7:00 to 7:15 A.M., was interrupted by a sponsored fifteen minute news program "after which at 7:31 A.M. the second half of the 'Early Morning Club' program is broadcast for the balance of the period."

ASCAP confirmed to Independent Broadcasters, Inc., that ASCAP "would not expect to be compensated in respect of the revenue derived by the station from the straight non-musical sponsored 'news' programs." This is, however, only one example of the type of revenue on which ASCAP is not entitled to a percentage. A participating program is obviously one in which a number of commercial announcements are made, in addition to the commercial announcements which occur at station break. ASCAP is entitled to payment on a participating program which uses ASCAP music and is not entitled to payment on a participating program which does not use ASCAP music.

On December 18, 1941, Neville Miller, on behalf of the NAB, sent to John Paine, on behalf of ASCAP, a special bulletin defining the position which had been taken by ASCAP as to participating programs. On December 23, 1941, John Paine wrote Neville Miller thanking him for the letter and saying that he thought that it would be very helpful. He also wrote:

> "Undoubtedly what you are seeking to say is the same as what we have in mind but you haven't said it our way, and as long as we are to be bound by it, and I rather think that we should be, we would like to rewrite the memorandum and express it in our own words, and then send it on to you for such use as you may desire to make of it."

Such revision of the memorandum was never prepared and, therefore, in the NAB REPORTS for January 16, 1942, the memorandum which had been forwarded to ASCAP and had been thus approved in substance was published. This memorandum set forth an explanation with respect to participating programs which was based on the statement of authorized ASCAP representatives, made at the time that ASCAP was endeavoring to get its contracts signed. The subdivision of this memorandum which related to participating programs read as follows:

> "If you have a Musical Clock or other participating program which broadcasts some music, some news, etc., and the program is listed, announced and billed as one program, the station is obligated to pay ASCAP on the entire program. If, however, this program is broken down into a number of separate programs, for instance, with a news period segregated from the portion of the program which uses ASCAP music, and the portion of the program which uses ASCAP music segregated from the portion of the program which uses BMI, P.D. and other music, so that there will be a number of separate programs instead of one program, a substantial saving may result to the station, and this should be considered by all stations. We understand from the statement of authorized ASCAP representatives at district meetings that even if the newspaper lists the Musical Clock or other participating program under one name, if it is in fact segregated and station break announcements made between the segments of the program that this will be an adequate division by ASCAP into separate programs."

The statement of ASCAP that the only exemption is for a complete fifteen minute news broadcast, therefore, is not justified either under the Consent Decree, the contract between the parties, or the interpretations which have been made of it.

ASCAP makes one other claim in its letter of May 18, 1943, and according to the information which we have, this claim is justified. ASCAP has cleared all of its compositions for inclusion, without charge, in programs prepared or furnished for broadcasting by or on behalf of governmental agencies. Such clearances are for sustaining purposes, however, and if the station sells such a government program which contains ASCAP music for sponsorship, payment should be made the same as for any other sponsored programs.

If ASCAP attempts to press against any station the claims made in its letter of May 18th with respect to spot announcements or participating programs, the NAB should like to be advised of such attempt.

Retail Promotion Committee

JUNE 18, 1943 ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ No. 4

535 5th Avenue NATIONAL ASSOCIATION OF BROADCASTERS New York, N.Y.

BULLETIN!

An editorial in the June 5, 1943, issue of EDITOR & PUBLISHER carried this headline:

RADIO SEEKS STORE BUSINESS

The same issue of EDITOR & PUBLISHER featured this headline on the leading article:

ARE DAILY NEWSPAPERS TODAY THE THIRD-RATE MEDIUM?

The lead story in the June 14, 1943, issue of ADVERTISING AGE bore this headline:

NEWSPAPERS' COMPLACENCY TARGET AT NAEA MEET

Retail Promotion Committee Named to Study Competition

Here are excerpts from the editorial in the June 5, 1943, issue of EDITOR & PUBLISHER:

"A NEW and possibly formidable threat to newspaper revenues has appeared in the plan of about 300 radio stations to promote the sale of time to retail stores. A selling fund of $125,000 has been pledged by some members of the National Association of Broadcasters, and approximately $83,000 is said to have been already subscribed.

"That is more than a 'possibly formidable' menace. It is one that deserves the immediate attention of all newspapers, whether or not they own radio stations. If the broadcasting industry can convince the local retailer that it can do a better job for him than the newspaper has done through the past century, the small-town newspaper faces a revolution in its economy. . . .

". . . the Blue Network, which has just completed a survey . . . (announces) the conclusion . . . that 'the potentialities of daytime radio have not yet been reached.'

"We doubt very much that these 'potentialities' can be reached with department store advertising substituted for some of the sticky stuff that passes for daytime entertainment now. . . .

"Nevertheless, it is possible that the aggressive salesmanship of the radio people may lure some dollars from the printed word to the purchase of time, as an experiment. That is a circumstance against which newspapers ought to take every precaution. The radio sales team will have its story in the most attractive form, with every favorable element well to the front and quick answers for every uncomfortable question. The newspapers, with an infinitely superior case, should be well prepared to scotch this competition before it takes away another corner of their revenue."

The following excerpts are taken from the lead article by Wm. J. Swagerman in the same issue of EDITOR & PUBLISHER:

"Unfortunately, newspapers have been so occupied with their own 'civil' war that they have lost sight of the more important conflict going on about them. While they have been struggling against each other for better percentage shares of a rapidly diminishing newspaper dollar, competitive media have assailed them frontally and with devastating effect.

"From the record, however, it is evident that many important advertisers and agencies are not concerned with claims of newspapers that they are 'first' in particular markets. It is obvious that they do not consider the newspaper first among general advertising media.

"Without considering the peak volumes of 1929, let us look at the relative national revenue figures for the 'normal' year of 1927, the depression year of 1933 and the latest year of 1942.

"In 1927, newspapers, magazines and radio divided an estimated national revenue of $412,000,000. The share of each was as follows:

Newspapers	54.6%
Magazines	44.2
Radio	1.2

"Then came the depression, and the low of 1933. In that year, national advertising revenue had shrunk to $299,000,000, divided as follows:

Newspapers	48.6%
Magazines	32.2
Radio	19.2

"Thus, at the depth of the depression, newspapers were off $80,000,000 of national revenue, magazines had dropped $86,000,000, or nearly 50% of their 1927 volume; while radio had the only increase. Nonetheless, newspapers continued the major medium.

"With the advent of prohibition repeal in late 1933, some 20 to 30 millions of new revenue was released, of which newspapers got the major portion. Newspapers' national revenues jumped to $163,000,000 in 1934, $167,000,000 in 1935 and continued through 1937, when they hit $195,000,000. In 1937, the percentages were:

Newspapers	39.7%
Magazines	31.1
Radio	29.2

"Since 1938, the position of the newspaper has become steadily worse. The newspaper dropped to $143,000,000 of national revenue in 1942—or just about the equivalent of its 1933 low. It has maintained this figure for five years—despite substantial increases by both magazines and radio. The newspaper today is *third* among major media in national revenue. Here is the distribution for 1942, when the total reaches an estimated $551,000,000:

Newspapers	25.9%
Magazines	31.3
Radio	42.8

"Included in the newspaper figure is the national business carried by THIS WEEK and AMERICAN WEEKLY, representing roughly $13,000,000. Thus, without benefit of this Sunday supplement volume (which many people consider more properly in the magazine category) newspapers got only about $130,000,000 of national revenue last year. Magazines are almost back at their 1927 level, while radio has soared to new heights and has solidified its position as first medium for national advertising. And radio does not accept liquor advertising.

"Unfortunately, there has been no selling of the newspaper medium in an organized, national sense. Radio and magazines have never been aggressively challenged by the newspapers. The longer they remain unchallenged, the more impregnable will become their position.

"Now, newspaper publishers are faced with a new threat. Radio has decided to initiate a drive on retail. Toward this end, about 300 stations have subscribed to a fund of $125,000 to establish the radio medium as the most effective for promotion of retail stores, particularly department stores."

But that is only part of the story! Reporting the meeting of the Newspaper Advertising Executives Association at Hotel Pennsylvania in New York on June 7, 8 and 9, 1943, Warren Bassett wrote in the leading story in the June 14, 1943, issue of ADVERTISING AGE:

"Of all the problems the 'Big Three' are, it was indicated, radio competition in the retail as well as the national field, the threat of further curtailment of newsprint supplies which will require rationing of advertising, and the complacent, indifferent and even obstructionist attitude on the part of some newspapers in regard to movements which have for their goal the promotion of newspapers as a whole.

"Significant of the fighting attitude of this wartime meeting of the country's leading newspaper advertising executives was the appointment of a committee new in NAEA history, a retail promotion committee, whose sole duty will be to study and report on the selling plans of competitive media. Funds necessary for the committee's research will be solicited and it will report to the next NAEA meeting in the fall, or earlier through the office of the NAEA if the committee deems that a report should be made.

"Although all competing media will be studied, it is no secret that increasingly stiff radio competition in the retail as well as the national field was a large factor in the minds of NAEA members when they voted to activate such a committee.

"Chairman of the new group, appointed by William Ellyson, Jr., RICHMOND NEWSLEADER and TIMES-DISPATCH, retiring NAEA president, is H. H. MacLean, manager of retail store advertising, Scripps-Howard Newspapers, New York. Other members of the committee will be appointed by the newly elected president, William Wallace, advertising manager, TORONTO STAR."

That should give you some idea of the importance which the leading newspaper trade journal and newspaper advertising executives attach to the Retail Promotion Plan which is now in full production.

As you know, many of the country's leading radio stations are owned and operated by well-known newspapers. Interestingly, a higher percentage of newspaper-affiliated radio stations has pledged support to the Retail Promotion Plan than the average for the industry as a whole.

Isn't that factual testimony to the aggressive attitude and intelligent foresight of those who both operate radio stations and publish newspapers? Doesn't that fact indicate, too, that every radio station, regardless of size or location, should participate in this industry-wide movement?

What You Can Do To Help

There are two things you can do to help with the development of the Retail Promotion Plan. In reality, you will be helping yourself—for the Plan is designed to help you sell more broadcast advertising to retail accounts.

1. **Please fill out and return as soon as possible the Statistical Questionnaire on page two of the folder mailed to you on May 27, 1943. It is a simple and easy form to use and will prove genuinely helpful in the preparation of the Plan.**
2. **Please write a letter immediately, telling us, in you own way and in your own words, some of your recent experiences with retail advertising. You will find a list of topics on page three of the folder to serve as a guide in writing your letter.**

Many stations have already written letters to Sheldon R. Coons, outlining their recent experiences with retail advertising. Mr. Coons is enthusiastic about the wealth of useful information these letters have provided. The more letters that are received, the more complete his analysis will be—the more useful the Retail Promotion Plan will be to you.

For your convenience in sending us this information, a self-addressed envelope was enclosed with the folder. If you failed to receive the folder and the envelope, drop us a line and you will receive both by return mail.

We can not emphasize too strongly the importance of returning the Statistical Questionnaire and writing a letter at your earliest convenience. We have set a tight schedule for the production of the Retail Promotion Plan and we want to meet every date on that schedule. Won't you please help us to help you by returning the questionnaire and writing the letter today?

Here Is Where The Plan Will Be Shown . . . Based on Present Pledges

Here is the list of cities in which the Retail Promotion Plan will be presented, based on present pledges. Look over this list—is your community included? If it is not, neither you nor the other stations in your community have pledged support to this project, designed to help you.

How can your community be included in this list? By pledging the support of your station! If you have not already done so, doesn't it behoove you to pledge your support right now?

(See the present list of cities on the following page)

HERE IS WHERE THE PLAN WILL BE SHOWN . . . BASED ON PRESENT PLEDGES

Connecticut
Bridgeport
Hartford
Waterbury

Maine
Portland

Massachusetts
Boston
Fall River
Springfield (Holyoke)
Worcester (Fitchburg)

New Hampshire
Manchester

Rhode Island
Providence

New York
Albany (Schenectady, Troy)
Buffalo
New York
Rochester

Pennsylvania
Altoona
Philadelphia
Pittsburgh

District of Columbia
Washington

Maryland
Baltimore

North Carolina
Charlotte
Raleigh
Winston-Salem

South Carolina
Charleston

Virginia
Richmond

West Virginia
Charleston

Alabama
Mobile
Montgomery

Florida
Jacksonville
Miami

Georgia
Atlanta
Columbus
Macon

Arkansas
Little Rock (Hot Springs)

Louisiana
New Orleans
Shreveport

Tennessee
Chattanooga
Knoxville
Memphis
Nashville

Kentucky
Louisville

Ohio
Canton
Cincinnati
Cleveland
Columbus
Dayton
Toledo
Youngstown

Indiana
Evansville
Fort Wayne
Indianapolis

Michigan
Flint
Kalamazoo

Illinois
Chicago
Peoria
Rock Island

Wisconsin
Milwaukee

Iowa
Davenport
Des Moines
Sioux City

Missouri
Kansas City (Mo. and Kans.)
St. Louis

Nebraska
Lincoln
Omaha

Minnesota
Duluth
Minneapolis-St. Paul
St. Paul

Kansas
Wichita

Oklahoma
Oklahoma City
Tulsa

Texas
Austin
Dallas
El Paso
Fort Worth
Houston
San Antonio

Colorado
Denver

Utah
Salt Lake City

California
Oakland (Berkeley)
San Francisco
Los Angeles (Bakersfield, Glendale, Pasadena, Riverside, San Bernardino)
San Diego

Washington
Seattle
Tacoma

Retail Promotion Committee

SEPT. 27, 1943 * * * * * * * * * * * * * * No. 5

535 5th Avenue NATIONAL ASSOCIATION OF BROADCASTERS New York, N.Y.

The Retail Promotion Committee Plan Is Ready

First Showing Is In Washington, D. C., Statler Hotel, October 12, 1943

The Retail Promotion Plan is the answer to a question that has long puzzled the radio industry. In America, radio has proved itself an incalculable powerful force in the field of news, education, religion, politics, music and entertainment. Its use by advertisers has profoundly affected sales, profits and public acceptance for almost every branch of American industry. Yet, radio has not had industry-wide acceptance in the field of retailing.

In a broad sense, this presentation is designed to create and cement friendly relations and understanding between retailers and broadcasters, by showing in detailed dramatic form the mutual problems of both. The whole conception has been one of rendering a service to retailers that will produce material results for both retailers and broadcasters.

The responsibility for the success of this presentation in your community rests with **you.** In conception and production, the Retail Promotion Plan has been prepared in a constructive and professional manner. It will come to your city, deserving of the best setting, the best promotion, and to be heard by the top personnel in the retail industry in your city. Given your personal attention and best efforts, it will produce results both lasting and profound.

The Plan

Here, then, to help you answer the one-hundred-and-one questions that come to your mind, is a brief story, chronologically told, of the Retail Promotion Committee and its Plan. The Plan was born in the minds of the commercial managers of American radio stations who insisted that something should be done to break down the illogical resistance of the leading retailers to the use of broadcast advertising.

Following the NAB Convention in Cleveland in May, 1942, the Board of Directors determined that action was imperative. A committee was appointed to study the problems and to recommend a course of action.

Paul W. Morency, manager, WTIC, Hartford, Conn., was named chairman and the Committee was selected to represent all parts of the country and all types of station operation. The other members of the Committee are:

Robert E. Bausman, WISH, Indianapolis, Ind.
Gene L. Cagle, Texas State Network, Fort Worth.
Dietrich Dirks, KTRI, Sioux City, Iowa.
John Esau, KTUL, Tulsa, Okla.
James V. McConnell, NBC, New York City.
Kenneth K. Hackathorn, WHK-WCLE, Cleveland, Ohio.
Arthur Hull Hayes, WABC, New York City.
Walter Johnson, WTIC, Hartford, Conn.
C. L. McCarthy, KQW, San Jose, Calif.
John M. Outler, Jr., WSB, Atlanta, Ga.
Oliver Runchey, KOL, Seattle, Wash.
William Crawford, WOR, New York City.
Lewis H. Avery, director of broadcast advertising, NAB, was named secretary of the Committee.

Two Problems Recognized

In its preliminary discussions, the committee recognized two problems. They were:

1. A very definite lack of understanding of the retailer's problem on the part of the broadcasters.

2. Too little knowlege of the uses of broadcast advertising on the part of retailers.

After many meetings and hours of discussion, the committee decided the solution for this two-fold problem was promotion and education, combined in a single dramatic presentation. Once this had been determined, the need for outside, professional counsel became apparent.

After a careful examination of the entire field, Sheldon R. Coons, nationally-famous retailer and advertising consultant, was selected. Mr. Coons had attained a national reputation in the fields of retailing, broadcasting and advertising. He spent twenty years as a retailer in Wilkes-Barre, Pa., in Portland, Ore., and for fourteen years with Gimbel Bros. in New York. During the last few years, he served as general merchandise manager and executive vice president. Then he entered the advertising agency field and became executive vice president and director of Lord & Thomas. For the past three years he has been business consultant to industrial clients throughout the country.

From many discussions with the committee, Mr. Coons submitted a basic plan. This was developed after exhaustive research, engaged in by Mr. Coons and his staff, as well as the various committee members to whom assignments were given. Throughout, both the committee and Mr. Coons worked closely with the executives of the National Retail Dry Goods Association.

In fact, the Board of Directors of the Sales Promotion Division of that organization enthusiastically and unanimously endorsed the project.

Other Experts Consulted

In preparing the Plan and reaching the conclusions to which it led, Mr. Coons counseled with Dr. Julius Hirsch, senior consultant to OPA and former Price Administrator for the German government, who gathered a symposium of literature and utterances on the subject of the problems and cost of retail distribution.

Dr. Paul Lazarsfeld, director of the Office of Radio Research of Columbia University, was retained to make a new and original analysis of the use of broadcast advertising by retailers. He and his staff prepared the most searching study that has ever been undertaken in this field.

Frequent discussions took place with other individuals engaged in both retailing and broadcasting, and in other fields related to these.

W. H. Knowles, vice president of the Jam Handy Organization, and his staff assisted in planning and executed the final presentation in its dramatic form.

The Master Showing of the Retail Promotion Plan consists of five sections.

1. **"The History and Development of Retailing"—a talking motion picture featuring Sheldon R. Coons.**
2. **"Distribution Tomorrow"—a critical analysis of postwar problems by the master of ceremonies, using prepared charts.**
3. **"America Takes to the Air"—a talking slide film detailing the growth and development of broadcasting in the United States.**
4. **"Why Radio Works"—a talking motion picture based on new and original research by the Office of Radio Research of Columbia University.**
5. **"Retailing's Future in Radio".**

Here are a few excerpts from the Retail Promotion Plan. In the sound motion picture entitled "The History and Development of Retailing," Mr. Coons points out:

"Today we are faced with new forces and new trends as never before, and for our own selfish well-being, it is vital that we seek and observe these trends—be constantly aware of them—be prepared to adjust ourselves to them.

* * * * *

"But, the point that I want to make right now is this. We've all been pretty emotional about these changes. But that's not surprising, for, if we stop to think about it, we've always been emotional about change—change brought on by war measures or by social trends.

* * * * *

"Because farsighted people in your industry and in the radio industry had recognized the fact that broadcast advertising represented a trend, which perhaps neither of you fully understood, the National Retail Dry Goods Association, through the instigation of the National Association of Broadcasters, circulated a very complete questionnaire relating to retailers' use of radio. At the time our study was beginning, the answers to that questionnaire had just begun to come in.

* * * * *

"We have seen that change is paramount—change filled with opportunities for the imaginative and the daring.

"Change liquidates those who are emotional and refuse to keep up with social trends.

"What about the problems of tomorrow? For tomorrow will bring new changes."

Postwar Problems

In Section 2, the master of ceremonies traces the forces and problems that will be faced by retailers in the postwar period. First of these forces is described as "a huge new productive capacity." In fact, the presentation points out: "The productive capacity of our labor force will be 60 per cent greater in 1945 than it was in 1929, the pre-war year of greatest production."

The presentation then traces some of the new products that will be available to a merchandise-hungry public.

Another of the forces in the postwar period is "a huge army of people to be reemployed." Then, this portion of the second section is summarized as follows: "Now let's add up the factors we've covered so far. More production capacity than we've ever had before. More new products than we've ever dreamed of. And a terrific amount of pressure demanding that jobs be found for 56,000,000 people. What does it all add up to?

"A tremendous flow of merchandise."

The concluding portion of this section is devoted to the four major problems which retailers face in the postwar period. This is considered one of the most authoritative studies of this subject that has ever been prepared.

At the conclusion of Section 2, the master of ceremonies urges those in attendance: "Again we say, let's look at radio, as such, not emotionally —but objectively. To help you do this, Mr. Coons made a new study—analyzing radio—much as he did retailing. And we believe you will find some answers to those questions in the following motion picture."

Radio's Story Presented

In "America Takes to the Air," you will find a dramatic and moving story of the history and development of broadcasting in the United States. Even though you are familiar with all of the facts and figures in this fast-moving recital, you cannot help but feel genuine pride in the achievements of this industry in the short span of two decades. Perhaps the closing dialogue, handled by two narrators, will give you some idea of the power of this portion of the presentation: "So these things we know about radio—it is most typical of America—more widely owned and used than automobiles, electric lights, bath tubs, or toothbrushes.

"It is the great American habit—more people spend more time with their radios than they do in any other pursuit, except working and sleeping."

"It is a tremendous force that persuades and commands—that changes people's interests, habits, and beliefs.

"New developments always bring change—always exert new forces that alter and re-direct the currents and trends of society.

"Radio has proved itself the greatest force in history.

"For radio is a powerful, still-growing habit with all the people of America.

"Making possible a mass transmission of ideas —radio is moulding the mind of the nation."

At the opening of Section 4, the master of ceremonies states, in part:

"In addition to showing what radio is, we decided we could be of greater service to your industry if we went one step further and tried to show you why radio works."

At the conclusion of the first portion of this section, the narrator states:

"So, in our search for the answer to why radio works, we find that radio meets certain basic psychological needs.

"Radio provides companionship for those physically or psychologically isolated—escape from the normal anxieties—standards of judgment for those who seek standards—and a vicarious life to add to a hum-drum existence.

"Now, our study turns, to a search for the psychological reason for radio's tremendous success in selling. Here, we have collected some interesting facts."

"Pseudo-Mystery" Removed

In the portion of the sound motion picture which follows, you will find a detailed analysis of programs and commercial continuity that removes much of the pseudo-mystery of radio and bares it as a powerful and easily controlled advertising force. Many leaders in broadcasting, who have read the script from which this sound motion picture was filmed, have pronounced it the most effective story of broadcast advertising that has ever been told.

In the parlance of day-to-day broadcasting, you will call Section 5, entitled "Retailing's Future in Radio," a "closing commercial." That's exactly what the committee has called it from the beginning. This section tabulates the seven most pressing problems of retailers, introduces the five "How to Do It" booklets, designed to aid retailers in the use of broadcast advertising and presents the "Ten Commandments of Radio for Broadcast Advertising."

The five "How to Do It" booklets are intended to convert the interest that will be developed through the Retail Promotion Plan Presentation into action on the part of retailers. These five booklets embrace the following phases of broadcast advertising:

"How To Buy Radio Time"
"How to Measure Radio Audiences"
"How to Promote Your Radio Program"
"The Elements of a Successful Radio Program"
"Radio and Retailing in 1943"

In the preparation of these booklets, the committee has drawn on the leaders in every phase of broadcasting through the following advisory committees:

Advisory Committee of Time Buyers on Study of Purchase of Radio Time:

Charles T. Ayres, Ruthrauff & Ryan, Inc.
Carlos Franco, Young & Rubicam, Inc.
John D. Hymes, Foote, Cone & Belding.
Thomas H. Lynch, Wm. Esty Co.
William B. Maillefert, Compton Advertising Co.
J. James Neale, Blackett-Sample-Hummert.
Miss Linnea Nelson, J. Walter Thompson Co.
Lou J. Nelson, Wade Advertising Agency.

Advisory Committee of Promotion Executives on Study of Merchandising of Retail Radio Programs and on Sales Promotion:

M. F. Allison, WLW-WSAI.
Charles B. Brown, NBC.
Thomas D. Connolly, CBS.
Joseph Creamer, WOR.
B. J. Hauser, BLUE.

Advisory Committee of Program Managers on Study of the Elements of a Successful Radio Program:

Harold L. Fair, WHO, chairman.
William J. Adams, WCHS.
Douglas Coulter, CBS.
Robert L. Kennett, WHAS.
Clarence L. Menser, NBC.
Herbert C. Rice, WGR-WKBW.
Ray Shannon, KQV.
M. T. Williams, WSPD.

Advisory Committee of Sales Managers on Study of Station Services to Retail Advertisers:

John M. Outler, Jr., WSB, chairman.
Frank R. Bowes, WBZ.
Donald D. Davis, WHB.
Dietrich Dirks, KTRI.
George H. Frey, NBC.
Arthur Hull Hayes, CBS.
William F. Malo, WDRC.

Operating on the theory, so ably demonstrated in the Allied strategy in this war, that the only secret worthwhile is a well-kept one, the Committee has consistently kept its own counsel and the broadcasting industry, respecting the personnel of the Committee, has kept the faith. This faith, as everyone who has worked on and with the Plan and the few who have seen the finished presentation will agree, will be more than justified.

The Committee was fortunate in obtaining the help and counsel of John McKay, NBC publicity director; George Crandall, CBS publicity director; Earl Mullin, BLUE publicity director, and Lester Gettlieb, MBS publicity director, and members of their staffs in publicizing the Plan and its showings throughout the nation. This assistance will be of immense help to you in getting retailers to come to showings as their trade press will have been thoroughly covered.

At the same time C. E. Arney, Jr., NAB secretary-treasurer, undertook preparation of tour schedules and the thousand and one details of such arrangements.

To insure a uniform and professional presentation of the Plan, 15 leaders of the broadcasting industry were selected to act as masters of ceremonies at the showings, which will be held in 116 cities. These men will be trained, one group at a school in Detroit beginning October 4 and the other group in New York beginning October 11.

Here are the men who will be trained to present the Plan:

M. F. "Chick" Allison, sales promotion manager, WLW, Cincinnati, Ohio.
Lewis H. Avery, director of broadcast advertising, NAB.
Harry Burke, program-commercial manager, WOW, Omaha, Neb.
Donald H. Davis, president, WHB, Kansas City, Mo.
James H. Gaines, station relations, NBC.
Arthur Hull Hayes, manager, WABC, New York City.
Kingsley F. Horton, sales manager, WEEI, Boston, Mass.
Walter Johnson, assistant general manager, WTIC, Hartford, Conn.
John Nell, special representative, WOR, New York City.
John M. Outler, Jr., sales manager, WSB, Atlanta, Ga.
Clyde Pemberton, commercial manager, KFJZ, Fort Worth, Texas.
William C. Roux, sales promotion, NBC, New York City.
Frank Webb, commercial manager, KDKA, Pittsburgh, Pa.
Frank P. Wright, manager, San Francisco Retail Radio Bureau.
(One more to be selected.)

Your Cooperation is Vital

The Plan presentation is an accomplished fact the day it reaches your city. The success of the presentation and the accumulated year's work many men have put into it now rest wholly with you as a broadcaster and participant in the Plan. No effort should be spared to gather the largest quality audience to see the presentation. Every promotion facility at your command should be tapped. The finest meeting room in your city should be utilized, if possible.

Experts who have seen the presentation say, without qualification, it is the biggest thing radio has done to date. We think it is the biggest and the best thing ever done to bring two great industries together in a study of mutual problems and their solutions. With your full and enthusiastic local support, the success of the Plan's message will be insured to the future mutual benefit of retailers and broadcasters.

To offer a guide as to how to set up your local meeting, we give you a brief outline of how the presentation will be handled in Hartford, Conn.:

The presentation committee in Hartford is composed of the Retail Trade Board Committee of the Hartford Chamber of Commerce and representatives of the three local stations. The Committee chairman is president of a large department store. E. N. Allen, president of Sage-Allen store in Hartford and also president of N.R.D.G.A., will act as host and honorary chairman. The showing will be an afternoon affair in the Hartford club with cocktails served afterwards.

You have had faith in the Plan Committee, Mr. Morency, Mr. Coons, the sub-committees and advisory committees.

They have faith in your ability to accept the local responsibility of insuring the lasting success of the industry's effort in the Plan.

Following is a list of cities where the Plan presentation will be shown:

- *Alabama*
  - Mobile
  - Montgomery
- *Arkansas*
  - Little Rock
- *California*
  - Los Angeles
  - Oakland
  - San Diego
  - San Francisco
- *Colorado*
  - Denver
- *Connecticut*
  - Bridgeport
  - Hartford
- *Florida*
  - Gainesville
  - Jacksonville
  - Miami
- *Georgia*
  - Atlanta
  - Columbus
  - Macon
- *Indiana*
  - Evansville
  - Fort Wayne
  - Indianapolis
- *Iowa*
  - Cedar Rapids
  - Davenport
  - Des Moines
  - Dubuque
  - Fort Dodge
  - Sioux City
- *Kansas*
  - Wichita
- *Kentucky*
  - Louisville
- *Louisiana*
  - New Orleans
  - Shreveport
- *Maine*
  - Portland
- *Maryland*
  - Baltimore
- *Massachusetts*
  - Boston
  - Fall River
  - Greenfield
  - Pittsfield
  - Springfield
  - Worcester
- *Michigan*
  - Flint
  - Kalamazoo
- *Minnesota*
  - Albert Lea
  - Duluth
  - Minneapolis
  - St. Paul
- *Missouri*
  - Kansas City
  - St. Louis
- *Nebraska*
  - Lincoln
  - Omaha
- *New Hampshire*
  - Manchester
- *New Jersey*
  - Newark
- *New York*
  - Albany
  - Buffalo
  - New York
  - Rochester
  - Utica
- *North Carolina*
  - Asheville
  - Charlotte
  - Durham
  - Fayetteville
  - New Bern
  - Raleigh
  - Winston-Salem
- *North Dakota*
  - Fargo
  - Grand Forks
- *Ohio*
  - Akron
  - Canton
  - Cincinnati
  - Cleveland
  - Columbus
  - Dayton
  - Springfield
  - Toledo
  - Youngstown
- *Oklahoma*
  - Oklahoma City
  - Tulsa
- *Pennsylvania*
  - Altoona
  - Philadelphia
  - Pittsburgh
- *Rhode Island*
  - Providence
- *South Carolina*
  - Charleston
  - Columbia
  - Greenville
  - Spartansburg
- *Tennessee*
  - Bristol
  - Chattanooga
  - Kingsport
  - Knoxville
  - Memphis
  - Nashville
- *Texas*
  - Austin
  - Beaumont
  - Dallas
  - El Paso
  - Fort Worth
  - San Antonio
- *Utah*
  - Provo
- *Virginia*
  - Danville
  - Lynchburg
  - Newport News
  - Norfolk
  - Richmond
  - Roanoke
- *Washington*
  - Seattle
  - Spokane
  - Tacoma
- *West Virginia*
  - Beckley
  - Charleston
  - Huntington
  - Parkersburg
  - Wheeling
- *Wisconsin*
  - La Crosse
  - Milwaukee
  - Racine
  - Wausau

Retail Promotion Committee

OCTOBER 15, 1943 ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ No. 6

535 5th Avenue NATIONAL ASSOCIATION OF BROADCASTERS New York, N.Y.

Washington Premiere Acclaimed By Audience

Retail Promotion Presentation Is Pronounced Valuable Contribution to Radio-Retailing Cooperation

More than 600 merchants, government officials, editors, advertising executives and others attended the first public showing of "Air Force and the Retailer," the radio industry's ambitious 100 minute film presentation analyzing the problems of retail selling and distribution, October 12 in Washington.

The premiere, held in the Presidential rooms of the Hotel Statler, was "Washington gone Hollywood" with a new twist. District of Columbia retailers mingled with prominent officials of the Office of Price Administration, the War Production Board and other government agencies which have issued numerous wartime regulations affecting their business.

Representing the Retail Promotion Committee, which is sponsoring the presentation to the nation's merchants were Sheldon R. Coons, former Gimbel Brothers and Lord & Thomas, executive and counsel to the committee, who is starred in one of the films; Dr. Paul Lazarsfeld of Columbia University's Office of Radio Research, and Dr. Julius Hirsch, OPA consultant and widely known economist, whose scientific findings were incorporated into the study; Paul W. Morency, manager of Station WTIC, Hartford, and chairman of the broadcasting industry's Retail Promotion Committee, and Lewis H. Avery, of NAB, Committee Secretary.

After-showing comments on every hand indicated those attending were pleasantly surprised and enthusiastic about the completeness of the presentation and the excellent quality of the script and facts presented.

Arthur Robb, editor of Editor & Publisher, summed up his feelings by saying: "It was a fine, objective job and I'm going to write an objective story about it."

Broadcasters, themselves, after they had discovered their retail business and government executive guests were highly complimentary about the presentation, added their own praises to the general theme.

A masterful job of staging the presentation was done by the Washington Committee, headed by Carleton Smith, of WRC. Emcee of the Washington showing was Harry Burke, assistant general manager of WOW, Omaha.

In addition to Mr. Burke of WOW, the masters of ceremonies who will go on swings around the country beginning October 18 are:

M. F. ("Chick") Allison, sales promotion manager, WLW, Cleveland

Lewis Avery, director of broadcast advertising, NAB

Donald D. Davis, president, WHB, Kansas City

James H. Gaines, stations relations, NBC, New York

Arthur Hull Hayes, manager WABC, New York

Kingsley F. Horton, sales manager, WEEI, Boston

Walter Johnson, assistant general manager, WTIC, Hartford

John M. Outler, Jr., sales manager, WSB, Atlanta

Clyde Pemberton, commercial manager, KFJZ, Fort Worth, Texas

William C. Roux, sales promotion, NBC, New York

Frank Webb, commercial manager, KDKA, Pittsburgh

Frank Parke Wright, manager, San Francisco Retail Radio Bureau

Among those present at the premiere of the Retail Promotion Committee's presentation were:

Frank R. Wilson, Special Assistant to Secretary Jones; Federal Trade Commissioner Robert E. Freer; Edwin R. Hawkins, former professor of retailing at the Wharton School, University of Pennsylvania and now chief of the Commerce Department's Distribution Cost Unit; Walter A. Crowder, Chief of that department's Distribution Division; Walter Chamblin, Jr., executive director, National Association of Manufacturers; Dr. David R. Craig, president, American Retail Federation; Richard H. Stout, president, Morris Plan Bankers Association.

Jean Carroll, director, Food Price Division, Office of Price Administration; Fred Kaminows, Retail Trade Division of the War Production Board; W. R. Thomas, Office of Price Administration; Russell I. Whyte, Department of Commerce; Mount Taylor, National Association of Ice Industries; Milford L. White, Department of Commerce; M. L. Wilson, War Food Administration; John Shepard Bartlett, Electric Institute of Washington; John D. Battle, National Coal Association; Robert I. Black, National Association of Manufacturers; Lea W. Turner, Retail Credit Institute of America; Sumner Pike, Office of Price Administration; Theodore K. Quinn, Office of Price Administration; Bart Cumings, Office of Price Administration; Don Stauffer, John Hymes of the Radio Bureau of the Office of War Information.

City By City Itinerary of Retail Promotion Film

ALABAMA—Mobile, Oct. 21 and 22; Montgomery, Oct. 26. ARKANSAS—Little Rock, Oct. 25. CALIFORNIA—Los Angeles, Oct. 20; Oakland, Nov. 2; San Francisco, Nov. 1. COLORADO—Denver, Oct. 27. CONNECTICUT—Bridgeport, Nov. 1; Hartford, Oct. 27.

FLORIDA—Gainesville, Oct. 19; Jacksonville, Oct. 20; Miami, Oct. 18. GEORGIA—Atlanta, Nov. 1; Columbus, Nov. 2; Macon, Nov. 3. INDIANA—Fort Wayne, Nov. 3; Indianapolis, Nov. 2. IOWA—Cedar Rapids, Nov. 8; Davenport, Nov. 9; Des Moines, Nov. 10; Fort Dodge, Nov. 11; Sioux City, Nov. 12. KANSAS—Wichita, Oct. 28.

KENTUCKY—Louisville, Nov. 12. LOUISIANA—New Orleans, Oct. 25. MAINE—Portland, Oct. 21. MARYLAND — Baltimore, Nov. 11. MASSACHUSETTS—Boston, Oct. 22; Fall River, Oct. 19; Pittsfield, Oct. 18; Springfield, Oct. 28; Worcester, Oct. 26. MICHIGAN—Grand Rapids, Nov. 5; Flint, Nov. 3; Kalamazoo, Nov. 4. MINNESOTA—Albert Lea, Nov. 11; Duluth, Oct. 20; Minneapolis, Oct. 19; St. Paul, Oct. 18. MISSOURI—Kansas City, Oct. 19.

NEBRASKA—Lincoln, Nov. 17; Omaha, Nov. 16. NEW HAMPSHIRE—Manchester, Oct. 20. NEW JERSEY—Newark, Oct. 26. NEW YORK—Albany, Oct. 25; Buffalo, Oct. 19; New York, Nov. 9 and Nov. 10; Rochester, Oct. 20; Utica, Oct. 21; Plattsburg, Oct. 29. NORTH CAROLINA—Asheville, Nov. 1; Durham, Oct. 18; Fayetteville, Oct. 21; New Bern, Oct. 19; Raleigh, Oct. 19; Winston-Salem, Nov. 2. NORTH DAKOTA—Fargo, Oct. 22; Grand Forks, Oct. 21.

OHIO—Akron, Oct. 19; Canton, Oct. 21; Cincinnati, Oct. 28; Cleveland, Nov. 3; Columbus, Oct. 26; Dayton, Oct. 27; Springfield, Oct. 25; Toledo, Nov. 2. OKLAHOMA—Oklahoma City, Oct. 26; Tulsa, Oct. 27. PENNSYLVANIA—Altoona, Nov. 10; Philadelphia, Nov. 4; Pittsburgh, Nov. 8. RHODE ISLAND—Providence, Oct. 18.

ILLINOIS—Chicago, Nov. 1 and 2; Peoria, Nov. 4; Rock Island, Nov. 9. SOUTH CAROLINA—Charleston, Oct. 25; Columbia, Oct. 26; Greenville, Oct. 27; Spartansburg, Oct. 28. TENNESSEE—Bristol, Nov. 8; Chattanooga, Nov. 4; Kingsport, Nov. 8; Knoxville, Nov. 9; Memphis, Oct. 27; Nashville, Nov. 10. TEXAS—Austin, Nov. 8; Beaumont, Nov. 2; Dallas, Nov. 10; Fort Worth, Nov. 9; San Antonio, Nov. 4. UTAH—Salt Lake City, indefinite.

VIRGINIA—Danville, Nov. 3; Lynchburg, Nov. 8; Norfolk, Nov. 9; Richmond, Nov. 11; Roanoke, Nov. 4. WASHINGTON—Seattle, Oct. 21; Spokane, Oct. 25; Tacoma, Oct. 26. WEST VIRGINIA—Fairmont, Nov. 22; Beckley, Nov. 15; Charleston, Nov. 17; Huntington, Nov. 16; Parkersburg, Nov. 18; Wheeling, Nov. 9; Clarksburg, Nov. 19. WISCONSIN—La Crosse, Nov. 10; Milwaukee, Nov. 8; Racine, Nov. 5; Wausau, Oct. 28.

Retail Promotion Committee

OCTOBER 22, 1943 ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ No. 7

535 5th Avenue NATIONAL ASSOCIATION OF BROADCASTERS New York, N.Y.

Retail Promotion Showings

Launching the most ambitious large-scale promotion activity yet undertaken by the industry, the Retail Promotion production, "Air Force and the Retailer," started "on the road" this week.

On Monday (18) in Providence, Rhode Island; Miami, Florida; St. Paul, Minnesota; Pittsfield, Massachusetts, and Durham, North Carolina, the initial showings of the extensive tour, which will ultimately embrace 116 cities, were made. On Tuesday (19) two more units, one at Akron, Ohio, and one at Kansas City, Missouri, got under way. The eighth unit made its first showing at Los Angeles on Thursday (23). In all 26 showings were made in this first week.

Kingsley Horton reports attendance at Pittsfield of some 75 to 80, about 260 present at Buffalo, and 150 at Utica. Chick Allison reports from 50 to 60 at both Fall River and Manchester. Over 560 attended the showing at Kansas City, Missouri. Similar reports are coming in from other masters of ceremonies.

Expressions received are for the most part gratifying. Retailers in all communities are manifesting unusual interest. The typical expression is that received from J. F. Jarman of Station WDNC, Durham, North Carolina. He says in part:

"Held highly successful showing before 85 retailers this afternoon. All were high in praise of show and thought presentation not only instructive but excellent entertainment. Of 85 attending only three left before closing commercial. Seventy-five cards signed asking for booklets offered. One guest called two hours after show to ask for rates."

S. Bernard Berk, President of WAKR, Akron, Ohio, wired:

"Air Force and Retailer enthusiastically received by 150 people in Akron. All leading retailers, including department stores, represented."

Carr's Statement

Eugene Carr, the 1942 Chairman of the NAB Sales Managers Executive Committee which originally proposed the Retail Promotion Plan and laid the foundation for it, was one of those who witnessed the Washington premier. He writes:

"I am extremely proud that the radio industry came through to a successful conclusion on this plan. I think the Committee in charge and the NAB staff members involved have done an excellent job and have carried the plan through with a minimum of change necessary to make it an effective presentation. After all, this sort of thing has never been done before on so large a scale and I think it is quite remarkable that it has been accomplished so well the first time. The important thing now, as I see it, is the follow through by the station salesman after the Plan has been shown to the retailers of his community."

Major Frank E. Pellegrin, former NAB Director of Broadcast Advertising, who resigned to enter the armed services, was also present at the premier. He was, with Mr. Carr, one of the originators of the Plan, and worked actively on it in its early stages. He writes Lew Avery, his successor, as follows:

"Right after the premiere I left town on an Army Hour assignment, and had plenty of time to ponder what I had heard and seen. I think it is by all odds the biggest and best cooperative job ANY advertising medium has ever done—the most intelligent and the best executed.

"Two hundred showings will make a lot of difference, to radio and to retailing. Thereafter the big challenge will be to the radio salesman. If he will measure up to the high level and standard set by this presentation, he will add greatly to his stature as well as to his income.

"'Air Force' sets a new pattern in radio promotion, I believe, dignified, sincere, credible, adult. In my humble opinion it is really a milestone.

"The Committee and its consultants deserve worlds of credit and praise. . . ."

The trade press of the retail industry and advertising have dealt in a most constructive manner with the study.

Radio Daily Says:

In its issue of Wednesday, October 20, "Radio Daily" contains the following story:

NAB Promotion Show Pleasing Audiences

A telegraphic survey by RADIO DAILY to ascertain the results of the first regional meetings of the NAB Retail Sales Promotion campaign brought reports of successful meetings, well attended, and prospects of new local retail radio accounts. Better than average interest was evidenced in "Air Force and the Retailer" film which is a feature of the program. Excerpts follow, describe reaction of audiences in some of the key cities which reported to RADIO DAILY.

Miami, Fla.

Miami, Fla.—Attendance at the Retail Sales Conference sponsored by the NAB comprised over 200 retail merchants from Miami, Miami Beach and Fort Lauderdale. The program created favorable reaction and it is believed will result in greater mutual understanding of radio problems.

Pittsfield, Mass.

Pittsfield, Mass.—Retail Promotion Committee of NAB launched nation-wide campaign to make retail merchants radio-advertising-conscious with presentation of "Air Force and the Retailer," new promotional motion picture, in the Hotel Wendell ballroom, here Monday.

WBRK and Pittsfield Chamber of Commerce, joint promoters of the Pittsfield presentation, received response far beyond expectations with attendance of about 75 of leading representatives of Berkshire retail industry. Merchants reaction generally favorable; only mild criticism expressed at length of program, which runs about 1¾ hours. Felt that program could use some editing in certain spots. However, everyone remained through complete program and for informal discussion at subsequent social hour provided by WBRK.

Extensive research done on production was evident, and proved invaluable in pointing out radio's potentialities for the national retailer. As yet, it is too early to forecast any direct results of the presentation.

Emcee King Horton, of WEEI, made very successful debut, and is to be highly commended for his work, as is Monroe B. England of WBRK.

Durham, N. C.

Durham, N. C.—Honored with first showing following premiere of "Air Force and the Retailer," 85 Durham merchants operating all types of businesses highly praised each of five parts of presentation offered yesterday. A half-hour luncheon preceded the showing and although the full meet lasted two hours, ten minutes, only three left before the closing commercial.

Comments brought out the audience's pleasure with the unique method for displaying presentation as well as high praise for work done by the NAB committee on research and preparation of material including movies and charts.

Many Booklets Requested

Frank Webb, sales manager of KDKA, and emcee likewise was praised for smooth manner with which he presented entire promotional program.

Seventy-five signed cards requested booklets offered. Phone calls to Manager Frank Jarman have come from a number of retailers offering congratulations on the showing. A building supply house signed a contract for announcements.

There was no ceremony about the meet. The Merchants Association cooperated fully. Their representative introduced Frank Webb. No station representative made remarks and it is believed that this impressed the guests, since it proved desire of station to let promotion stand on its own merits.

Women's Wear Daily:

Following the world premier in Washington on the 12th, "Women's Wear Daily", one of the leading retail publications, gave a full column to a helpful, critical analysis of the showing.

"Editor and Publisher" devoted a full page to a complete detailed review of the 5 sections of the Plan as presented in the showing, and Arthur Robb, Associate Editor, concluded his report with the following:

"A cocktail party followed the showing, and in several conversations I detected a note of disappointment that the plan did not propose more specific directions for the use of radio by stores. The five booklets indicate by their titles that this lack may be met in part, but the difficulties of laying down all-embracing rules for all stores and all cities are self-evident. Without more information on the contents of the supplementary literature, it is not possible to present a final judgment on the value of the program, either to radio stations or to store owners. Aside from that, it was an impressive demonstration of co-operative selling on behalf of an entire industry. Its showings in other cities during the next month should stimulate similar evidences of solidarity among competing daily newspapers."

Broadcasting Editorial

"Broadcasting Magazine" in this week's issue devoted two profusely illustrated pages to the Washington premier and comments editorially as follows:

Radio Gives a Party

"Last week in Washington, organized radio pulled back the curtain on its first united effort to sell the medium, with its 100-minute film presentation developed by the NAB retail promotion committee.

"The premier was before as critical and as mixed an audience as one could fathom—merchants, government officials, editors, advertising executives and broadcasters. From there it goes to more than 100 communities for individual showings to retailers, agencies and others interested in the medium. There may have been a fuzzy spot here or there; over-selling was happily avoided. It did a terriffc job of selling radio as an art and medium.

"Merchants interviewed following the presentation wondered perhaps why they weren't told how radio can sell their specific articles of merchandise. The answer will come when the individual stations call on their department store prospects with case histories and with prepared literature providing the why, where, when and how.

"Whatever the emotions or reactions, the Washington premier disclosed that the industry can act in concert. In every phase of radio, now and *after* the war, team-work is needed. The retail promotion committee has blazed the trail. All credit to Fritz Morency, its hard-hitting chairman, and to the men in the broadcasting, agency and advertising fields who collaborated and followed through."

Heinl Comment:

Robert D. Heinl, in his "Heinl Radio Business Letter" reviewed the plan and said in part:

"The first sign of life the broadcasting industry has shown in endeavoring to capture its share of the retail advertising was the sound picture and chart presentation of 'Air Force and the Retailer', the premiere of which took place in Washington last Tuesday afternoon. . . . During the entire presentation from 2:30 p.m. to 4:30 only three or four persons were seen to leave the room. . . . Altogether it was a bang-up presentation, one of the finest ever made by any industry. One was struck by its thoroughness and the time, money and thought it must have taken to get up. . . . The selection of Harry D. Burke, of WOW, Omaha, Nebr., as the master of ceremonies at the National Capital premiere, was a happy one. His was a long, hard role—too long in fact as, in the opinion of this writer, the script was a trifle too heavy in statistics and could be cut, especially in the beginning. . . .

"A Washington broadcaster told the writer that just before the presentation had been concluded a local advertiser sitting behind him tapped him on the shoulder and said if he could get 15 minutes on the air any day before 6 p.m., he'd take it. Another local advertiser who had seen the show, telephoned the broadcaster immediately afterwards inquiring about available time. Another Washington broadcaster, after the presentation, said: 'Well, it makes us feel as if we are really doing something.'

"A newspaper man said, 'I received two distinct impressions, (a) the broadcasters are great showmen; (b) there are a hell of a lot of radios.' "

Frankel of Billboard:

Lou Frankel, Radio Editor of "Billboard", described the plan in great length and among other things, observed:

"Where the production clicks, and clicks big, is in its effect on radio as an industry. As a primer on background and problems of the retailer, the picture is a pip. . . . After viewing 'Air Force and the Retailer' . . . no time salesman should fluff his approach to the retailer."

"Advertising Age", in its issue of October 16, devoted the equivalent of half a page of its very large-sized publication to a story of the Washington premier.

Judged by the reaction to the showings which have been made in this first week, it is safe to predict that the Retail Promotion Committee production will unquestionably prove of great value in arousing the interest of the retail industry in radio as an advertising medium.

The schedule of showings yet to be made is as follows:

Monday, October 25—Fitchburg, Mass.; Charleston, S. C.; Albany, N. Y.; New Orleans, La.; Springfield, Ohio; Spokane, Wash.; Little Rock, Ark.

Tuesday, October 26—Worcester, Mass.; Columbia, S. C.; Montgomery, Ala.; Tacoma, Wash.; Oklahoma City, Okla.; Columbus, Ohio.

Wednesday, October 27—Denver, Colo.; Hartford, Conn.; Greenville, S. C.; Spartanburg, S. C.; Memphis, Tenn.; Seattle, Wash.; Tulsa, Okla.; Dayton, Ohio.

Thursday, October 28—Springfield, Mass.; Wausau, Wisc.; Wichita, Kansas; Cincinnati, Ohio.

Friday, October 29—Plattsburg, N. Y.; Albert Lea, Minn.

Monday, November 1—Bridgeport, Conn.; Chicago, Ill.; Terre Haute, Ind.; Asheville, N. C.; Atlanta, Ga.; Toledo, Ohio; Oakland, Calif.

Tuesday, November 2—Chicago, Ill.; Indianapolis, Ind.; Winston-Salem, N. C.; Columbus, Ga.; Beaumont, Texas; San Francisco, Calif.

Wednesday, November 3—Cleveland, Ohio; Fort Wayne, Ind.; Danville, Va.; Macon, Ga.; Flint, Mich.

Thursday, November 4—Philadelphia, Pa.; Newark, N. J.; Peoria, Ill.; Roanoke, Va.; Chattanooga, Tenn.; San Antonio, Texas; Kalamazoo, Mich.

Friday, November 5—Grand Rapids, Mich.

Monday, November 8—Pittsburgh, Pa.; Lynchburg, Va.; Bristol, Tenn.; Kingsport, Tenn.; Austin, Texas; Cedar Rapids, Iowa; Milwaukee, Wisc.

Tuesday, November 9—Wheeling, W. Va.; Moline, Ill.; Knoxville, Tenn.; Fort Worth, Texas; Davenport, Iowa; New York, N. Y.

Wednesday, November 10—Altoona, Pa.; New York, N. Y.; Nashville, Tenn.; Charlotte, N. C.; Dallas, Texas; La Crosse, Wisc.; Des Moines, Iowa.

Thursday, November 11—Baltimore, Md.; La Crosse, Wisc.; Mankato, Minn.; Fort Dodge, Iowa.

Friday, November 12—Youngstown, Ohio; Sioux City, Iowa; Louisville, Ky.

Monday, November 15—Beckley, W. Va.

Tuesday, November 16—Omaha, Nebraska; Huntington, W. Va.

Wednesday, November 17—Charleston, W. Va.; Lincoln, Nebraska.

Thursday, November 18—Parkersburg, W. Va.

Friday, November 19—Charksburg, W. Va.

Monday, November 22—Fairmont, W. Va.

Retail Promotion Committee

OCTOBER 29, 1943 ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ No. 8

535 5th Avenue NATIONAL ASSOCIATION OF BROADCASTERS New York, N.Y.

"Air Force and the Retailer" Going Strong on the Road

Comments from station managers throughout the nation are coming in to NAB headquarters in a steady stream, bespeaking high interest in the Retail Promotion presentation among retailers. We'll just let the broadcasters tell the story in their own words:

Canton, Ohio

Felix Hinkle, manager, WHBC: "Fifty Canton retailers including all leading stores feel that 'Air Force and the Retailer' is tremendously instructive and thought provoking. Glad we had the show."

Boston, Mass.

M. F. Allison, master of ceremonies: "Meet here yesterday terrific, nearly three hundred top retail people present. Meeting introduced by Daniel Bloomfield, manager, Retail Trade Board and founder of famous Boston Conference on Distribution, who later praised soundness of presentation."

Little Rock, Ark.

Robert Mason, master of ceremonies: "Everybody well pleased."

Montgomery, Ala.

C. E. Arney, Jr., master of ceremonies: "Very successful showing some 60 Montgomery merchants. Sponsoring stations well pleased."

Duluth and Grand Forks, Minn.

Lew Avery, master of ceremonies: "The presentations in Duluth and Grand Forks have been everything we ever hoped for in station cooperation . . . as the secretary of the Chamber of Commerce here told me last night: 'This was the largest gathering of retailers ever held for any occasion in Greater Grand Forks.' "

Elmer Hanson, commercial manager, KILO, Grand Forks: "Lew Avery presented the NAB showing of 'Air Force and the Retailer' here last Thursday evening with sensational success . . ."

Buffalo, N. Y.

Bill Doerr, commercial manager, WEBR: "We had a very fine turn-out for the Buffalo showing . . . general comments have been very favorable . . . major aspects of the presentation were very strong."

Fayetteville, N. C.

W. C. Ewing, manager, WFNC: "We have received numerous expressions of appreciation from our merchants together with requests from every retailer in attendance for the five booklets offered . . . Mr. Webb held our audience spellbound."

Memphis, Tenn.

Robert Alburty, WHBQ; Henry Slavick, WMC, and Hoyt Wooten, WREC: "Nearly four hundred Memphis retailers sat intensely interested through one and a half hours of super salesmanship in most unique form of presentation. More than 95 percent requested all five booklets offered. One department store president said 'Cold at first, however, at conclusion, filled out card for all five booklets. Consider study extremely thought-provoking and will read all booklets with intense interest.' All stations sponsoring showing consider it highly successful and expect to put real sales effort when we follow up."

Denver, Colo.

Gene O'Fallon, manager, KFEL: "Excellent show . . . Lew Avery wowed them . . . 7:30 hotel breakfast . . . 259 attended . . . 248 stayed throughout."

Greenville, S. C.

W. Ennis Bray, manager, WMRC: "Local showing huge success . . . 107 attending all enthusiastic . . . one contract signed already as direct result. Frank Webb to be congratulated on splendid presentation."

St. Paul, Minneapolis, Minn.

Lew Avery, master of ceremonies: "The Retail Promotion Plan has been received with real enthusiasm in St. Paul and Minneapolis. . . ."

Fall River, Mass.

William T. Welch, president, WSAR: "Each and everyone enjoyed the Retail Promotion Showing. Mr. Allison performed an admirable job. Reaction from the merchants was satisfactory. . . ."

Kansas City, Missouri

Reports from KMBC: "It was Kansas City's largest turnout in the history of 'Heart of America' advertising when more than 600 prominent retail store heads and advertising men viewed the N.A.B.'s . . . showing of 'Air Force and the Retailer.' Fred M. Lee, general manager of the John Taylor Dry Goods company, one of radio's oldest department store program sponsors, acted as chairman, and Victor A. Newman, executive of Woolf Brothers, leading apparel store, as associate chairman."

Schedule of showings yet to be made is as follows:

Monday, November 1—Bridgeport, Conn.; Chicago, Ill.; Terre Haute, Ind.; Asheville, N. C.; Atlanta, Ga.; Toledo, Ohio; Oakland, Calif.

Tuesday, November 2—Chicago, Ill.; Indianapolis, Ind.; Winston-Salem, N. C.; Columbus, Ga.; Beaumont, Texas; San Francisco, Calif.

Wednesday, November 3—Cleveland, Ohio; Fort Wayne, Ind.; Danville, Va.; Macon, Ga.; Flint, Mich.

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Thursday, November 18—Parkersburg, W. Va.

Friday, November 19—Clarksburg, W. Va.

Monday, November 22—Fairmont, W. Va.

Retail Promotion Committee

NOVEMBER 5, 1943 ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ **No. 9**

535 5th Avenue NATIONAL ASSOCIATION OF BROADCASTERS New York, N.Y.

PRESENTATIONS APPLAUDED

Favorable comment continues to pour in from the communities in which the Retail Promotion Plan has been shown.

G. W. Covington, Jr., President of WCOV, Montgomery, Alabama, writes:

"The meeting was a great success and we feel sure that the retail merchants of Montgomery got a lot out of it and that it has enhanced the prestige of radio here."

G. E. Zimmerman, Vice President and General Manager of KARK, Little Rock, Arkansas, writes:

"We consider that the showing of AIR FORCE AND THE RETAILER in Little Rock was very successful. We did not have a very large crowd, but the favorable reaction from those present was more than we expected."

Robert E. Bradham of WTMA, Charleston, South Carolina, writes:

"I consider the showing of 'Air Force and the Retailer' in Charleston on the evening of October the twenty-fifth a success. Frank Webb did a magnificent job in his presentation and comments have been very favorable. About one hundred and seventy-five persons, representing approximately seventy-five firms, were in attendance and I am sure that today many of these have a new conception of Radio and its place in modern advertising."

Lewis N. Howard, President of WHIT, New Bern, North Carolina, writes:

"Please permit me to thank the Retail Promotion Committee for the very splendid production, 'Air Force and the Retailer' . . . this production will accomplish great results for radio among the retailers of America."

The following has been received from Columbus, Georgia:

"Seventy-nine present Columbus showing. Swell show most receptive audience. Good number of merchants admitted facts revealed very startling and certainly enjoyable."

Odin S. Ramsland, Commercial Manager of KDAL, Duluth, Minnesota, says:

"Last evening Mr. Lew Avery gave the retail promotion demonstration in Duluth to about 190 merchants of Duluth and Superior. . . . I know all the radio stations were more than pleased."

Further reaction from the Denver showing, reported last week, is set forth in two letters, one from Mark Schreiber of KMYR, and another from Hugh L. Terry of KLZ. Mr. Schreiber writes in part as follows:

"Since I was one of the skeptics after reading the advance previews of the Retail Promotion program, and since all too often good performances are not acknowledged, I want to thank you and congratulate you on the fine program you gave our some 280 potential clients at the Cosmopolitan Hotel yesterday. It was a grand show and you did a terrific job. We are very happy to have been a participant in the entire affair. . . . I hope you can show the same program in Denver again for the benefit of those merchants who either weren't invited or who were unable to attend."

Mr. Terry says:

"The presentation was well gotten up and presented in the language of the retailer, and undoubtedly made a favorable impression. It is possible that many came filled with doubt, and, while it is improbable that they left the meeting completely sold, it is equally probable that they are 'less doubtful' today. This means we have only begun our campaign. As we say in the presentation, 'Don't start it unless you plan to stick.'

"It is my hope that the radio industry will respond to this presentation in such an enthusiastic manner as to permit its continuance. I feel that our work must be of a continuing nature, with uninterrupted studies, surveys and research under authoritative independent counsel.

"I do not know how the showing is being received elsewhere, but Mr. Avery did a fine job here, and I feel that the reaction from other Denver stations will be much the same as mine."

Lew Avery, who acted as master of ceremonies at the two showings in Chicago on November 1 and 2, wired as follows:

"Completely attentive and unanimously enthusiastic audience of 190 advertising agency executives and 7 trade paper representatives witnessed presentation of Retail Promotion Plan. One agency man remarked: 'I wish I had brought all of our clients,' while another said: 'After telling retailers for years that their programs might be pre-empted by network advertiser or replaced by national spot accounts, radio is at last making a serious and dignified bid for the retailers business.' "

The manager of a station in one of the large cities in which the showing was made during the first week has this to say:

"Much to our gratification, the promotion showing has already begun to bear fruit. We have been approached by the second largest department store, who have very carefully avoided radio for the past decade and are now seriously thinking of spending some real money if we can sell them a good workable idea. We have already had a conference with the store management and their agency, and several excellent program ideas are under consideration."

With further reference to the showing at Memphis, E. A. Alburty at WHBQ, writes:

"We have received some very favorable comments from last Wednesday night's showing, and all in all the situation can be considered the best investment of its kind we have ever made."

From Dayton comes the following report:

"The Dayton, Ohio, showing of the NAB Retail Promotion Plan was staged at the Dayton Biltmore Hotel, October 27th, before a group of 210 retailers and radio people. The audience included representatives from every prominent retail establishment in Dayton, plus executives from the Dayton branch of General Motors and of the National Cash Register Company. . . . The presentation was well and attentively received and comments subsequent to the showing were indicative of general interest and definite stimulation."

John Esau of KTUL, Tulsa, says:

"The 'Air Force and the Retailer' showing in Tulsa on October 27 was quite a success. All three Tulsa stations were very happy with the outcome and with the reactions."

Ernest L. Spencer of KVOE, Santa Ana, California, states:

"Permit me to compliment you on the showing which was presented in the City of Los Angeles yesterday. We of Radio have reason to be proud of the job you have done."

Expert View

Professor C. H. Sandage of the Graduate School of Business Administration of Harvard University, writes

"It was my good fortune to see the NAB presentation, 'Air Force and the Retailer', yesterday. I was much impressed by the job which you people have done in preparing this presentation. It should give retailers a new appreciation of the opportunities which radio holds for many types of advertisers. . . . It is our hope that the study we are making will be a profitable follow-up on 'Air Force and the Retailer'."

Trade Paper Coverage

The October issue of "The Advertiser" devotes its leading article to the Retail Promotion Committee's Plan. Two pages in all are given to discussion and pictures. Col. Don R. Jason, writer of the article, concludes as follows:

"Radio has been a miraculous and a dependable sales medium for almost every product that has employed it judiciously. Newspapers must likewise be correctly employed to produce best results. Thus the NAB Department Store Study, now on the road, aims to teach Department Store executives, station operators, et al., how to best employ the medium and increase its use.

"The campaign will undoubtedly prove successful."

"Broadcasting Magazine" likewise devotes a page to pictures and comment in its issue of November 1.

Retail Trade Paper Coverage

Retail trade paper coverage is high-lighted by a two-page spread in "Retail Executive Women's Wear Daily" in the issue of Thursday, October 28. Zelma Bendure, Editor, publishes the following signed editorial:

As I watched the Premiere of "Air Force and the Retailer" with several hundred others in Washington, D. C., on Oct. 12, I began looking for Pandora who would open the lid and out would come the WHY-WHOM-WHAT-AND-HOW of radio advertising for retailers.

This did not happen. As the film and oral presentations unfolded, I arrived at the opinion that it could not happen. There is no magic touch that creates a substitute—even in this era of substitutes—for imagination, ingenuity and creative ability—none of which can long survive without a lot of common sense application and diligent follow-through. This applies to newspaper as well as radio advertising.

No one who saw the presentation or who reads today's news outside the battle front can remain unmoved by the magnitude of the age we live in, with breath-taking developments just over the horizon in the field of electronics, television, conquering of unknown diseases through drugs that in another age would have been termed black magic.

The program, including the master showing and the booklets, should stimulate the aggressive imagination of every retail executive, because:

* * *

There is no book of rules except the rule that you make for yourself after a close analysis of your store, your community, your customer audience and your expected results.

There is no exacting formula except the formula you make for yourself, your type of program, your decision as to hours and time, and what and how to advertise.

There is no general budget except the budget you make for yourself based on the cost of the program and the results in sales and profit.

There is no difference, in the last analysis, in the attitude you take when considering radio advertising than when considering newspaper advertising—and both have a place in today's retailing.

* * *

If you are one of the estimated 25,000 retailers who will view the presentation in your community, you will hear that the cost of distribution is now 54 to 59 per cent of the cost of the goods, bringing with it dangerous threats to many retailers. There is in excess of 5 billion dollars yearly distributed through such channels as direct sales to consumer, manufacturer's owned stores and consumer cooperatives.

Do not attend and expect to return to your store with blue prints for a productive radio program that will immediately meet this competition or lower your cost of distribution. Go there with an open mind and you will come away with renewed awareness of the vast job ahead of you and an energetic desire to follow the trends of the new tomorrows.

ZELMA BENDURE

The "Why-Whom-What-and-How of Radio" referred to in the editorial and published in full in "Women's Wear Daily" is as follows:

Why–Whom–What–and–How of Radio

HOW TO BUY RADIO TIME

BOOKLET I

Obviously the merchant's radio problems, as enumerated in this booklet are the same everywhere. They concern kind, type and price of merchandise to promote, kind of customers you want to reach and your competitive position in the community.

Retailers who have used radio to a successful conclusion have approached the problem with the same thorough knowledge of the facts as they use in newspaper advertising. In other words the keynote of this booklet is the truism that "how well you analyze what you have to sell and to whom you want to sell it," is equally as important as your choice of announcements or program and station.

Selecting a Radio Audience

There are plenty of accurate and reliable statistics on audience availability and sets in use. One valuable guide is "Urban Radio Listening in the United States." The companion booklet, "The Joint Committee Study of Rural Radio Ownership and Use in the United States," tells practically all there is to know at the moment about rural listening habits.

Audience availability, concretely, for the merchant means the percentage of homes where at least one person is home and awake, able to listen to a radio program. Sets in use mean the percentage of radios actually turned on at any given time. Rural listeners are the most constant. Up until the time when men began working on the all-out-for-war-effort schedule, they were the chief weekend audience (along with children) on Saturdays, and from 8 to 5 p. m. the entire family is a potential audience on Sundays.

Also 83.75 per cent of all urban radio families use their sets for an average of 5 hours and 4 minutes every day (the rural population tops this with 87.7 per cent, piling up a listening time of 5 hours and 18 minutes). If this national mass of evidence seems unsuited for local needs, the broadcasting industry has an answer for that, too.

Nationwide facts compiled by the National Association of Broadcasters point up the use of the 59,340,000 radio sets in use Jan. 1, 1943, in comparison with other commodities, such as telephones and bathtubs.

Radio Market Data Book In Preparation

There is a "Radio Market Data Book" now in preparation which will tell you exactly how many radios are in your town or on the fringe of it, those in your county, your State, or your metropolitan area.

What Time You Should Use

The radio industry's maxim is "Any time is a good time," but since the average retailer is interested in reaching the average housewife, the study made in an Eastern city of listening habits should be helpful to stores everywhere. The results of this survey are listed in this booklet.

a. Answers to the question "on what days of the week would such programs be of most help to you?" are reported by percentages.

b. These women gave their choice of a time most apt to attract them to a retailer's program. The times of the day are the factors which determine to a great degree the type of program likely to be most successful.

They selected times which would conflict least with their present listening habits. However, the broadcasting theory is that once you get them they stay. The proof is in the long-time programs (some running 10 years) on the air, which have sold merchandise to old customers and obtained new ones.

How Long Should Your Message Be?

No concrete answer to this particular problem can be made in any booklet form that will answer all your questions. Again it is your local radio station, with much experience in the matter of a long versus a short message that is likely to be your best source of information.

Length of time of a commercial that is considered well balanced to the length of the program ranges from 1 minute and 30 seconds for a 5-minute night news program, to 9 minutes for a 60-minute day program.

What Station You Should Use

In neither this nor any one of the other booklets do those in the broadcasting industry climb out on a limb to tell you what station to use. They recognize clearly enough there is a vast difference from the point of view of the retailer between his consideration of national, regional or local channels. They do point out that it is not necessary to rely on a Jack Benny or a Charlie McCarthy to get an audience.

The retailer must do intensive research, once he determines his own needs, in company with his advertising department or another advertising agency, and/or his radio stations.

The "service features," whether local, regional or national, built around a woman's established radio personality have been the most successfully and widely used programs by retailers. This audience is admittedly not large, but extremely faithful. Such "interview" type of programs contain everything from news to fashions, and food to fancy.

While some portion of the public likes nearly every type of program that has ever been put on the air, this booklet gives summary figures taken from studies made in Iowa in 1943 showing program preferences.

HOW TO MEASURE RADIO AUDIENCES

Booklet II

Data compiled in this booklet is not a re-hash of the tremendous number of written words on the subject of creating, writing, producing and broadcasting a program. Most of the information in it was obtained from special studies conducted for the Retail Promotion Committee by the Office of Radio Research of Columbia University, from successful retail radio advertisers and from executives of radio stations.

Understanding of the reasons why a tremendous number of people who listen to radio is the basic point at which a prospective advertiser must begin.

Selecting the Proper Program

Possibly the most valuable part of this particular booklet is the section dealing with the approximately 200 successful experiences of merchant users of radio advertising, secured with the cooperation of the NRDGA and from radio stations. To pull no punches, the reply of a specific store about its own experiences was matched, as far as possible, with the reply of the radio station whose facilities were being employed by that store.

Retailers' Experiences

Regardless of survey preferences in California, if your store is in Maine, it is the preference of your Maine audience that you will have to meet. In other words, your program is determined to a great degree on whether you want (a) to reach more rural consumers (b) higher income groups, or (c) newcomers (war workers), etc.

Frequency of Broadcasts

Nearly any program, say retailers and radio stations, will prove successful, provided (1) it is broadcast at a time when the people the advertiser wants to reach can listen; (2) that there is nothing obnoxious to that group about it, and (3) most important of all, it is *broadcast sufficiently often* to keep the retailer's name constantly before his customers and prospective customers.

There is included a detailed analysis of frequency of broadcast of successful retail users of broadcast advertising summarized by percentage of one, two or more programs daily. In short, it adds up to this:

1. The majority of successful retail users of broadcast advertising have programs, rather than announcements only; that more than five out of every six use one or more programs per day; and that 28.7 per cent broadcast two or more programs per day.

2. It is better to broadcast two or three inexpensive programs per day than one expensive one, and better to supplement the program with announcements throughout the day than to let the program stand by itself.

There is also tabulated by percentages, the *types* of programs which have been most successful for retailers.

"In final analysis," says the booklet, "it is probable that news programs would be a good choice . . . particularly for the retail radio advertiser, because women more generally regard fashion information, merchandise offerings and store policies in the category of news."

Consumer Attitudes

One of the points an enterprising retailer will note in the consumer study is that the present audiences are NOT satisfied with current radio fare; that they eagerly seek more of certain types of programs.

As for the commercials, they may be part of the entertainment, the voice of a friendly master of ceremonies, a brief and dignified sales appeal in keeping with the program—all have been tried and found workable. The majority of people in this country take them as part of the American way of selling radio hours effectively and economically.

To summarize the findings, we quote the last paragraph of this booklet:

> "The numerous case histories of successful retail users of broadcast advertising, the many impartial surveys and the comments of success-

ful commercial continuity writers . . . clearly establish: The power of broadcast advertising does NOT lie in a specific type of talent (big name or otherwise)—it does NOT lie in a specific type of program—nor in a specific type of commercial. The power of radio lies in an imaginative and intelligent combination of all these elements, beamed at a carefully selected audience . . ."

The final admonition is also a challenge.

"Where retailers have applied to broadcast advertising the imagination and common sense for which their industry is noted, the result has invariably been increased sales at lower costs."

HOW TO PROMOTE YOUR RADIO PROGRAM

Booklet III

This booklet, while still in the preparatory form, is aimed to answer pertinent questions of retailers about the all-important problem, "How to make my radio advertising pay out?"

The writer brings out forcefully that radio is not afraid to produce. It wants to sell and it is sheer folly for a retailer not to make every effort to prove that radio will sell.

Why Promote Your Radio Advertising?

The question arises why advertise advertising? You are not doing this, you are advertising to *listeners* of advertising.

The basic difference between broadcast advertising and advertising in the graphic arts is that people are constantly seeking new radio programs but they are not looking for new advertising.

To ascertain the reactions to new programs, results are given of a survey that was made with 9,000 people in Iowa. It was found that—

IT IS POSSIBLE TO SECURE A LARGE LISTENING AUDIENCE IN ADVANCE BY:

1. Pre-program announcements.
2. Mention in the store's regular newspaper ads.
3. Special newspaper ads.
4. Announcement in customer's monthly statements.
5. Window displays.
6. Interior departmental displays.
7. Elevator cards.
8. Announcement over store's loud speaker.

How Capitalize on Radio Program

As soon as the radio program is under way it is just good business to give it all the promotion possible. The ideas expressed in the booklet by the writer are those that all alert retailers realize are essential to follow through on any kind of advertising, radio or newspaper.

STORE PROMOTION

The many suggestions made include:

1. Mimeographed announcements to both executive and selling staffs.
2. Customer bulletin board announcements of commercial continuity—these should also be brought to the attention of the salespeople.
3. Don't hide the merchandise in the department. Arrange displays with signs tieing in with the radio program.
4. Window displays.

There are also many unusual ways in which radio advertising can be promoted to focus attention in the merchandise. The writer of this booklet plans to quote from a chapter on how to capitalize on radio programs, published in the recent book on retail advertising and sales promotion.

The idea carried throughout this discussion on "How to Promote Your Radio Program" is that from time immemorial retailers have had the ability to promote. It is their greatest forte and radio is a great medium for them if used intelligently.

ELEMENTS OF A SUCCESSFUL PROGRAM

Booklet IV

This booklet is perhaps the most practical for the retailer "about to take his first step in broadcast advertising." It tells in A, B, C fashion what other retailers are doing, for what ends and with what success.

The answer to these three questions came from a national survey. Its sponsorship makes it a factual report acceptable without question. The participants were (a): The NRDGA, (b) the retail promotion committee of the broadcasting industry, and (c) the Graduate School of Business Administration at Harvard University. As a final emphasis the committee also employed Columbia University to conduct a survey among listeners to retail broadcast advertising in "a typical Eastern city."

The results point in three directions:

1. The problems of the retailer are individual and can't be met on the air in the same way.
2. Broadcast advertising is but one link in a chain of retailer activities.
3. Retail broadcast advertising is still in its infancy—and for that reason alone has possibilities for him who seizes them first.

The Booklet Answers Questions

There are certain facts a stubborn retailer will insist on knowing before he bucks the competition of national advertisers on the air. The promotion committee, through its joint surveys, attempts to answer them by posing and giving replies to pertinent problems:

I. "Just how extensive is the use of broadcast advertising by retailers today?"

In 1942 retailers spent $63,800,000 on its use; the forecast is considerably more investment in 1943.

II. "What kind of retailers are using broadcast advertising?"

The answer to this can't be so categorical. The backers of the survey say it indicates that the "type of retailers who FIRST embraced broadcast advertising were (1) Those who needed to establish a place for themselves in a highly competitive market. (2) Established retailers experimenting with a new medium.

III. "What kind of merchandise can broadcast advertsing sell?"

The promotion committee sidesteps this penetrating query by attempting to concentrate (rightly) the merchant's attention on an examination of the AUDIENCE he wants to reach, and a reexamination of HOW he has bought radio time previously. The implication is that the how, when and why of radio broadcast purchasing is a delicate matter on which good—or bad—results depends.

IV. "Am I following a consistent plan?"

Failure to achieve desired results in a good many instances apparently are due to the fact that too many retailers try to use radio as the springboard for new merchandising policies.

V. "How much of an investment will it take before I see results?"

This is a question which no retailer can ask without a careful survey of his prospect and his objectives. If you have vision the chances are you will buy your radio time with a view to developing an audience so that your radio broadcast shows consistent gain of a steady audience. If your station is as honest with you as you should be with it, you will find your project rejected if it gives insufficient time to build that audience you will require day after day to get results.

VI. "How will I know what is the best time to buy, and what kind of program to use?"

The best short answer is given tersely in this booklet. "There are experts who devote their entire time to this medium, whose services are available to you."

There may come a day when every large store or advertising department has a radio director. Until that halcyon moment do what your successful competitors in the field are doing—consult your local advertising agency or your favorite radio station.

"What Can Broadcasting Advertising Do for Me Now?"

This is one question likely to agitate most retailers. Radio's Retail Promotion Committee claims it has the answers, and piles up specific examples to prove its main point that radio helps the retailer stay in business in wartime.

Pertinent examples are given of the use of radio as a promotional means of selling merchandise under wartime conditions.

Shifting Markets

With drastic shifts in population and in many instances entirely new crops of wartime customers to satisfy, radio, its sponsors claim, has an inside track when it comes to talking to "lost" customers and capturing new ones. Whether this can be taken at its face value or not, one dramatic instance cited does illustrate the value of the human voice.

Additional Factual Data

The writers bring factual data to bear further on such problems as "getting your share of available business," "strengthening your competitive position," "keeping up the profit ratio," "maintaining your standing in the community" and "preparing for the future."

What strengthens and verifies the prediction that radio will be the retailer's next great advertising medium, are examples which any merchant considering this field should examine with minute care.

The broadcasting companies have been careful to include varied retail outlets to pile up impressive evidence of radio's retailing power.

Reaction of the Consumer

Finally, if there is any doubt left that the customer reacts sharply to radio listening, it should be dispelled by the survey made by the Office of Radio Research, Columbia University, among housewives in June, 1943.

The survey includes answers to such problems as:

Types of products which were recalled

Effects of broadcasts on attitudes toward stores

Effects of broadcasts measured by the buying of radio advertised merchandise.

In summary it was found that housewives listen to such programs; many can name sponsor, program and the merchandise offered.

RADIO AND RETAILING IN 1943

Booklet V

There is nothing different for the retailer who wants to know what radio audiences will give him than if he were in the toothpaste manufacturing or the cotton converting business. Radio research relies on "sampling," the old polling technique, developed to a high degree, and used for everything from determining the height a garbage can should be to uncovering the next black horse candidacy for the Presidency.

What a retailer ought to remember, however, is: (a) Radio can be *adequately* measured and (b) Audience reaction is being determined, *every day of the year.*

Any retailer contemplating radio as a planned advertising medium can find out (1) what kind and how many men and women will listen to his program, and (2) what proportion they represent of the public he is trying to bring into his store.

Ratings Can Be Obtained

The retailer's interest in how a station rates in popularity is something any merchant can find out with ease. It is common knowledge wherever radio programs are sold, and is at his disposal, either at the radio station itself, or in any reputable advertising agency.

THE SAME IS TRUE WITH RESULTS—

Here again, "means are at the disposal of both the retailer and the radio station to measure the tangible effects of the broadcast advertising in comparatively simple fashion."

There are nevertheless some additional points to remember:

1. An audience which listens to a series (i.e., broadcasts over regular periods, whether it be weeks or months) is of more importance than any one audience, though for a single broadcast it may command many more ears.

2. Extensive research has already been done on the subject of listener-preferences. Therefore, you can find out exactly who listens to what program by (a) going directly to the audience and querying them or (b) studying the mail that comes to the station. The promotion committee apparently feels the retailer can do this interpretation without extensive expert help.

Coverage, Claims, Caution

In the past there has been considerable conflict in the coverage claims made by stations, because there has been no uniformity of techniques. To date, the NAB standards for the determination of coverage maps should be read only by the expert whose judgment the retailer has reason to trust.

Results

This booklet hastens to touch on the weaknesses which retailers have pounced on previously, when they have demanded concrete results.

Advertising, as the radio people rightly say, can be measured by something more than the number of people who come into a store. Various broadcast programs have given certain stores greater prestige or associated their names with certain types and grades of merchandise.

How much merchandise is sold through radio broadcast is a more ticklish matter to uncover.

Using questionnaire techniques among customers is the latest effort to pile up statistics for retailer consumption. A study in an eastern city—first of its kind ever undertaken reveals these pertinent facts:

1. Many (or most) people still consider newspapers a better medium than radio for retail advertising. BUT—

2. If an article is advertised on the air and in the newspapers on the same morning, they believe they would first learn about it over the air, and are satisfied with a description of the goods without benefit of pictures. (What benefit to the store this double advertising is except for emphasis, is not indicated.)

3. What is more important to the retailer still hesitating on the brink of a radio promotion is that 87 per cent of the women interviewed had not only heard the broadcasts sponsored by local retailers, but 42.8 per cent, said they were sufficiently influenced to make a purchase.

Finally, it should be clearly established by now that "the means to study the results of broadcast advertising" are by now in the hands of the potential advertiser.

The booklets were written by Lewis H. Avery, NAB director of broadcast advertising, assisted by Charles Harriman Smith, assistant research director, CBS; Robert H. Leding, of Sheldon R. Coons organization, and the advisory committees of research executives and time buyers.

Showings Ahead

Extensive plans are being made for the showings of the Retail Promotion Plan in New York City. The dates have been changed from November 9 and 10, to the 15th, 16th, 17th and 18th, as indicated below. Philadelphia is likewise carefully planning its showing to be held on Friday, November 19.

Following is a complete list of all showing lying ahead:

November 8—Cedar Rapids, Iowa, 10:00 a. m., Hotel Roosevelt; Pittsburgh, Pa., 9:30 a. m., William Penn Hotel; Lynchburg, Virginia, 6:00 p. m., Virginian Hotel; Austin, Texas, 8:00 p. m., Driskill Hotel; Bristol, Tennessee, 10:00 a. m., Gen. Shelby Hotel; Kingsport, Tennessee, 7:00 p. m., Kingsport Inn.

November 9—Moline, Illinois, 7:00 p. m., Le Clair Hotel; Wheeling, West Virginia, Evening, Windsor Hotel; Fort Worth, Texas, 8:00 p. m., Blackstone Hotel; Knoxville, Tennessee, 12:00 noon, Andrew Johnson Hotel; Davenport, Iowa, 6:30 p. m., Hotel Blackhawk.

November 10—La Crosse, Wisconsin, 6:00 p. m., Stoddard Hotel; Altoona, Pennsylvania, 2:30 p. m., Penn-Alto Hotel; Charlotte, N. C., 2:00 p. m., Charlotte Hotel; Dallas, Texas, 3:30 p. m., Baker Hotel; Nashville, Tennessee, 2:30 p. m., Hermitage Hotel; Des Moines, Iowa, 5:00 p. m., Hotel Fort Des Moines.

November 11—Mankato, Minnesota; Baltimore, Maryland, 2:30 p. m., Emerson Hotel; Fort Dodge, Iowa, 10:00 a. m., Wahkonsa Hotel.

November 12—Youngstown, Ohio, 3:30 p. m., Pick-Ohio Hotel; Louisville, Kentucky, 10:30 a. m., WAVE Auditorium; Sioux City, Iowa, 6:00 p. m., Hotel Mayfair.

November 15—New York, N. Y., 3:00 p. m., Barbizon Plaza; Beckley, West Virginia, 7:00 p. m., Black Knight Country Club.

November 16—New York, N. Y., 3:00 p. m., Barbizon Plaza; Huntington, W. Va., 6:30 p. m., Pritchard Hotel; Omaha, Nebraska, 12:00 noon, Fontenelle Hotel.

November 17—New York, N. Y., 3.00 p. m., Barbizon Plaza; Charleston, W. Va., 6:30 p. m., WCHS Auditorium; Lincoln, Nebraska, 12:00 noon, Cornhusker Hotel.

November 18—New York, N. Y., 3:00 p. m., Barbizon Plaza; Parkersburg, W. Va., 2:00 p. m., Elks Club.

November 19—Philadelphia, Pa., 2:30 p. m., Adelphia Hotel; Clarksburg, 6:30 p. m., Stonewall Jackson Hotel.

November 22—Detroit, Michigan, Tentative; Fairmont, W. Va., 8:00 p. m., Fairmont Hotel.

Retail Promotion Committee

NOVEMBER 12, 1943 ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ No. 10

535 5th Avenue NATIONAL ASSOCIATION OF BROADCASTERS New York, N.Y.

RETAIL PROMOTION PLAN CONTINUES TO IMPRESS LEADERS IN RETAILING

Master Showings Now Scheduled in New York, Philadelphia and Detroit

Reports continue to flow into NAB headquarters, recounting the enthusiasm with which the Retail Promotion Plan is being received in showings from coast to coast. Wherever the story is presented to forward-looking retailers, the reaction has been the same: "the facts and figures are amazing and educational."

Already more than a dozen radio stations have reported sudden and sincere interest in the use of broadcast advertising by the "toughest" prospects in town—retailers who were previously unapproachable on the use of the medium.

In one large Eastern city, the advertising and sales promotion manager of a nationally known department store, who witnessed the presentation, borrowed the charts and MC script in order to present the "Looking Forward" and "Closing Commercial" sections of the presentation to the meeting of the Board of Directors of the store. Preliminary reports from the station manager, through whom the loan of the material was arranged, indicate that the store may shortly become a substantial user of broadcast advertising.

Since the last special bulletin of the Retail Promotion Committee, the Master Showing has been presented in the following cities—among others—with the attendance listed:

Bristol, Tenn.	70
Chattanooga, Tenn.	165
Cleveland, Ohio	400
Davenport, Iowa	158
Des Moines, Iowa	165
Flint, Mich.	200
Fort Wayne, Ind.	90
Kalamazoo, Mich.	92
Kingsport, Tenn.	117
Macon, Ga.	114
Newark, N. J.	125
Peoria, Ill.	150
Roanoke, Va.	60
Rock Island, Moline, East Moline	236
Spartanburg, S. C.	126
Terre Haute, Ind.	136

Comments of retailers included: "Presentation most revealing," "Facts bear out our experience and make us more enthusiastic than ever about radio advertising," "Sincerely appreciate the opportunity to see the full story of broadcasting," "Must admit we have been viewing radio emotionally instead of objectively—this opens our eyes to its possibilities."

Radio station managers commented as follows: "We are receiving very flattering reports from retailers on the presentation," "Many merchants praised it to the sky," "Reception of presentation by retailers was excellent," "Following the meeting, and yet today, several persons who attended have expressed their appreciation and interest in the showing," "Men putting on the show deserve industry's eternal gratitude," "Our presentation was accorded a most hearty reception by those present."

Four New York Showings Booked

The Retail Promotion Plan will be presented in the beautiful Barbizon-Plaza Hotel Theater for four afternoons, beginning Monday, November 15 and continuing through Thursday, November 18, 1943. All presentations will start at 3:00 P.M. and will be followed by a reception and cocktails.

Invitations have been extended to advertising agency executives, newspaper and trade paper editors for the Monday showing; to retailers for Tuesday; to national advertisers for Wednesday and to educators for Thursday. A total attendance of 2000 is expected for the four-day series.

The New York Presentation Committee, headed by James V. McConnell of WEAF, extends a cordial invitation to any radio station executives who have not seen the Retail Promotion Plan to witness it during the four-day showing in New York. Other members of the Committee include: Arthur Hull Hayes, WABC; John McNeil, WJZ, and R. C. Maddux, WOR.

Philadelphia and Detroit Scheduled

Similar showings of the Retail Promotion Plan are booked for Friday, November 19, 1943, at 2:30 P.M. in the Crystal Room of the Adelphia Hotel in Philadelphia. According to Roger W. Clipp of WFIL, who is in charge of the arrangements, an attendance of approximately 400 retailers is expected.

The showing in Detroit has been booked for the main ballroom of the Statler Hotel at 2:30 P.M. on Tuesday, December 7, 1943. Arrangements are being supervised by Leo J. Fitzpatrick of WJR.

January 29, 1943 **SELECTIVE SERVICE HANDBOOK** Supplement No. 4

"Occupational Bulletin No. 27 (as amended January 23, 1943)," printed below, adds several new Critical Occupations to the original list appended to Occupational Bulletin No. 27 (see Supplement No. 2 to NAB Selective Service Handbook). Critical Occupations are listed by "Common Titles", under which will be found corresponding "Dictionary Titles" and "Definitions" in the United States Employment Service "Dictionary of Occupational Titles". As soon as available, a future Supplement will carry the "Dictionary Titles" and "Definitions"; the definitions are useful in describing the registrant's duties when filling out Form 42-A.

January 23, 1943

OCCUPATIONAL BULLETIN NO. 27 (Amended January 23, 1943)

EFFECTIVE: IMMEDIATELY

SUBJECT: COMMUNICATION SERVICES ACTIVITY

1. The War Manpower Commission has certified that communication services is an activity essential to the support of the war effort.

2. This bulletin covers the following essential activities which are considered as included within the list attached to Local Board Release No. 115, as amended:

(a) *Communication services:* Magazines of general circulation which are devoted primarily to the dissemination of public information; newspapers and news syndicates; production of motion pictures (including technical and vocational training films for the Army, Navy, and war production industries); protective signal systems which supplement fire and police protection to military, public and private industrial and commercial establishments; radio broadcasting; radio communications (radiotelephone and radiotelegraph); submarine cable; telegraph; telephone; television.

3. The attached list of occupations in communication services are occupations requiring a reasonable degree of training, qualification, or skill to perform the duties involved. It is the purpose of this list to set forth the important occupations in communication services which must be filled by persons capable of performing the duties involved, in order that the activity may be maintained efficiently. There are listed separately the occupations within seven separate branches of communication services activity. The list is restricted to occupations requiring six months or more of training and preparation.

4. In classifying registrants employed in these activities, consideration should be given to the following:

(a) The training, qualification, or skill required for the proper discharge of the duties involved in his occupation;

(b) the training, qualification, or skill of the registrant to engage in his occupation; and

(c) the availability of persons with his qualifications or skill, or who can be trained to his qualification, to replace the registrant and the time in which such replacement can be made.

(Sgd.)

LEWIS B. HERSHEY,
Director.

LBH/phw
DISTRIBUTION "A, B, C, D, E, F"

CRITICAL OCCUPATIONS

Communication Services Activity

1. Magazines of general circulation
2. Production of Motion Pictures
3. Protective Signal Systems
*4. Radio Broadcasting; Radio Communications; and Television Services
5. Submarine Cable Services
6. Telegraph Services
7. Telephone Services

* * * * *

4.

Radio Broadcasting; Radio Communications (Radiotelephone and Radiotelegraph); and Television Services.

Director of Operations, Radio Broadcasting (Domestic or International). (This title includes those persons who are in charge directly, or through subordinates, of the activities of the various operating departments of a network. It also includes assistants who are directly responsible to the director of operations for the efficient functioning of the various operating departments of a network. It does not include any directors or assistants concerned with sales, promotional, legal, tax, clerical and other non-operating aspects of a network.)

Dispatcher, Radio Communications

Electrician (All Around)

Engineer, Professional or Technical. (This title covers persons who are actually engaged as engineers in the operating or research phases of this activity regardless of educational background.)

Engineering Draftsman, Design

Foreman, Radio Communications (Installation and Repair)

Inspector, Radio Communications Equipment

Installer, Radio Communications Equipment

Instructor, Training Program (Radio Communications). (This title covers only those persons engaged in the occupations included in this list who, because of their skill and experience, are detailed as instructors in an established training program.)

Instrument Maker (All Around)

Machinist (All Around)

Maintenance Mechanic (Domestic or International Broadcasting, and Radio Communications.)

Manager, Employment or Personnel

Manager or Superintendent, Radio Communications System or Station. (This title covers those persons who are actively engaged in supervising directly, or through subordinates, various technical and operating departments of a system or station in the radio communications industry. This title covers, also, assistants who are directly responsible to such managers for the efficient functioning of the various technical and operating departments. It does not cover managers or their assistants concerned with promotional, sales, legal, clerical, tax, rate structure, or other segments of a nonoperating character.)

Managing Editor, News, Special Events or Public Affairs (Domestic or International Broadcasting)

Mechanician, Radio Communication Equipment

News Editor (Domestic or International Broadcasting)

News Editor-Announcer (International Broadcasting)

Plant Maintenance and Operations Supervisor (Radio Communications)

Program Director (Domestic or International Broadcasting)

Radio Broadcast Technician (All Around) (Domestic or International Broadcasting)

Radio Communications Technician (All Around)

Radio Telegrapher (This title covers radiotelegrapher of both stationary and mobile radio services.)

Radiophoto Operator

Rigger Radio (Radio Communications and International Broadcasting)

Station Manager (Domestic or International Broadcasting)

Storekeeper, Chief (Radio Communications)

Television Engineer

Traffic Manager (Domestic or International Broadcasting)

Traffic Supervisor (Radio Communications)

Translator (International Broadcasting, Shortwave Monitoring Services, or radio communications)

* The list of occupations of all services except "4" have been omitted in this Supplement.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON, D. C.

March 12, 1943 **SELECTIVE SERVICE HANDBOOK** Supplement No. 5

Classification of Registrants Over 38 Years of Age

Selective Service local boards on March 8 were directed to place no more men over 38 years of age in Class IV-H, the class for registrants who are beyond the present military age limit, and to reclassify out of Class IV-H those registrants who, by reason of their agricultural occupation or endeavor, are now or prior to May 1 may become eligible for Class II-C or Class III-C deferment.

Furthermore, boards were advised that beginning May 1, 1943, they should reclassify out of Class IV-H all other registrants and place them in the classes to which they properly belong by reason of occupational, dependency, or other status.

Registrants who are reclassified out of Class IV-H and who have no cause for deferment other than age will be placed in Class I-A and will be the first men over 38 inducted if and when the armed forces determine they can be used in the military establishment.

Those registrants who are reclassified out of Class IV-H and placed in Class II-C or Class III-C because of their agricultural occupation or endeavor prior to May 1, will be continued in those classes as long as they are necessary to agriculture if men over 38 are called for service. Other registrants reclassified after May 1 and placed in other classes will remain there, if men over 38 are called, only so long as men in their class would be deferred—as for example, normally not longer than six months if they are given a Class II-A or Class II-B deferment for occupation other than agricultural.

The new instructions, contained in amendments to Selective Service Regulations, provide:

"No registrant shall hereafter be placed in Class IV-H. The classification of all such registrants now eligible or who, before May 1, 1943, become eligible for classification into Class II-C or Class III-C shall be immediately reopened and they shall be classified in Class II-C or Class III-C. The classification of all other registrants now in Class IV-H shall be reopened and they shall be classified anew as soon as possible after May 1, 1943."

So that registrants over 38 who are reclassified into other classes can be distinguished from men under 38, the new regulations provide:

"Whenever a classified registrant has reached or hereafter reaches the 38th anniversary of the day of his birth and has not attained the 45th anniversary of the day of his birth, he shall be identified in all records by following his classification with the letter '(H).' If such registrant is in Class I-A, he shall be identified thus 'Class I-A (H).' If such registrant is in Class II-B, he shall be identified thus 'Class II-B (H).' If such registrant is in Class III-C, he shall be identified thus, 'Class III-C (H).' If such registrant is in Class IV-F he shall be identified thus, 'Class IV-F (H).' The identification '(H)' shall be used for such registrant regardless of his classification."

Order in Which Registrants Are Called

Instructions to Selective Service local boards prohibiting the drafting of men with children who are recognized as dependents under the Selective Service Act and Regulations until such action is authorized by National Selective Service Headquarters are still in effect.

The order in which registrants are called for military service, as fixed by Selective Service Regulations is:

1. Single men with no dependents (1-A);
2. Single men who do not contribute to the war effort but who have dependents (3-A);
3. Single men with dependents and who contribute to the war effort (3-B);
4. Men who are not engaged in the war effort but who maintain a bona fide family relationship with a wife only (3-A);
5. Men who are engaged in the war effort and who maintain a bona fide family relationship with a wife only (3-B);
6. Men who are not engaged in the war effort and who maintain a bona fide family relationship with wife and children or children only (3-A);
7. Men who are engaged in the war effort and who maintain a bona fide relationship with wife and children or children only (3-B).

In reclassifying men with dependents into 1-A the Boards follow this procedure:

First, the supply of single men without dependents and who are not deferred as "necessary men" in their occupations is exhausted in a local board area. Then the local board reviews, in the order of the above-named categories, the classifications of registrants who were deferred in Class 3-A or 3-B to determine which should be reclassified 1-A and which should be further deferred for occupational reasons or because induction would cause undue hardship for dependents.

However, while State Selective Service Directors have been instructed to adjust their calls for the armed forces so as to prevent one local board from calling registrants from one group substantially in advance of the time when other local boards are calling them from the same group, it is not possible to attain complete uniformity.

Because of varying conditions in local board areas, as well as in different States it has been necessary to call registrants with dependents in some States, while single men still were available in others, and in local board areas in some States before all other local boards in the same State had exhausted their pools of single men.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON, D. C.

March 19, 1943 **SELECTIVE SERVICE HANDBOOK** Supplement No. 6

Transfer of Appeals in Occupational Cases

Transfer of appeals from Selective Service occupational classification from the area in which a worker registered to an appeal board in his area of employment was announced Tuesday by the Selective Service Bureau of the War Manpower Commission.

Heretofore all appeals involving claims for occupational deferment were handled by the Selective Service board of appeal in the area in which the worker was registered, although the individual registrant concerned had removed for employment to another State. The new procedure permits appeals to be transferred to the State in which the registrant is working even though it is far distant from his local board area.

Such transfers of appeals jurisdiction, according to Selective Service headquarters, are to be permitted in the belief that appeals boards where men are employed may have better knowledge of working conditions, labor supply, and the necessity for registrants in their jobs than home boards distantly located.

[Important: Under this procedure if a registrant or his employer takes the first appeal and fails to request a transfer any other request for transfer of appeal is prohibited.]

When a request for transfer is made and meets the requirements, the case is forwarded to the State Director of the State in which the man is registered and is sent by him to the appeal board within his State which has jurisdiction over the place of employment of the registrant if it is in that State. Otherwise, he forwards it to the State Director of the State in which the registrant is employed for proper reference to the appeal board where the man works.

When a registrant's case has been transferred to a board of appeal having jurisdiction over the area in which a registrant is employed, and such board of appeal is in a different State from the local board of origin, either the State Director of Selective Service of the State in which the local board of origin is located, or the State Director of the State in which the transfer board of appeal is located, may appeal to the President from the determination of the transfer board of appeal if he deems it to be in the national interest or necessary to avoid an injustice.

The new amendments to Selective Service Regulations provide:

TRANSFER OF APPEAL IN OCCUPATIONAL CASES

§ 627.71 *Request for transfer.* When an appeal is taken from the classification or reclassification of a registrant and when such appeal is upon the ground that the registrant should have been deferred by reason of his occupation, the appeal shall be transferred to the board of appeal having jurisdiction over the area in which the registrant is employed provided all of the following conditions are met (but not otherwise):

(1) The first person to appeal from such classification or reclassification files with his appeal a written request for such transfer;

(2) the written request states in what respect an occupational question is involved; and

(3) the written request states the name of the registrant's employer and the street address, county, and State where the registrant is employed.

§ 627.72 *Procedure when request for transfer is made.* (a) When a request for transfer of appeal has been made under the provisions of § 627.71, the local board shall forward the registrant's file to its State Director of Selective Service.

(b) When the State Director of Selective Service receives the file of a registrant which has been forwarded under the provisions of paragraph (a) of this section, he shall forward the file either (1) to the board of appeal in his State which has jurisdiction over the registrant's place of employment when such place of employment is within his State, or (2) to the State Director of Selective Service for the State in which the registrant is employed for transmittal to the board of appeal having jurisdiction over such place of employment. The transfer board of appeal shall act on the appeal in the same manner and make the same entries in its records as it makes in the case of an appeal from a local board whose records it normally reviews except that all entries will be made in red ink.

(c) When the transfer board of appeal has acted upon such an appeal it shall return the file to its State Director of Selective Service who will forward the file either (1) to the local board of origin when it is located within his State, or (2) to the State Director of Selective Service of the State in which the local board of origin is located for transmittal to such local board of origin.

APPEAL TO THE PRESIDENT IN OCCUPATIONAL TRANSFER CASES

§ 628.1-1 *Appeal to the President in occupational transfer cases.* When, under the provisions of §§ 627.71 and 627.72, a registrant's case has been transferred to a board of appeal having jurisdiction over the area in which the registrant is employed, and such board of appeal is in a different State from the local board of origin, either the State Director of Selective Service of the State in which the local board of origin is located or the State Director of Selective Service of the State in which the transfer board of appeal is located may appeal to the President from the determination of the transfer board of appeal if he deems it to be in the national interest or necessary to avoid an injustice.

JURISDICTION OF BOARDS OF APPEAL

§ 603.24 *Jurisdiction.* Each board of appeal shall have jurisdiction to review and to affirm or change any decision appealed to it from any local board in its area or any decision appealed from any local board not in its area when transferred to it in the manner provided in these regulations.

National Association of Broadcasters
1760 N STREET, N. W. * * * * * * * WASHINGTON, D. C.
March 22, 1943 **SELECTIVE SERVICE HANDBOOK** Supplement No. 7

"Activity and Occupation Bulletin No. 29"

Occupational Bulletin No. 27, as amended January 23, 1943, has been superseded by "Activity and Occupation Bulletin No. 29", issued March 1, 1943. THERE ARE NO CHANGES IN THE LIST OF ESSENTIAL OCCUPATIONS. Selective Service has merely changed the format to eliminate a lot of preliminary language at the top of the old Occupational Bulletins. So that your Handbook may be up-to-date, we print below "Activity and Occupation Bulletin No. 29" insofar as it affects Radio Broadcasting.

NATIONAL HEADQUARTERS
SELECTIVE SERVICE SYSTEM
WASHINGTON, D. C.

ACTIVITY AND OCCUPATION BULLETIN NO. 29

ISSUED: 3/1/43

SUBJECT: COMMUNICATION SERVICES

PART I. POLICIES THAT APPLY TO THIS ACTIVITY

General policies govern this activity.

PART II. ESSENTIAL ACTIVITIES

Broadcasting services, radio and television
Cable service, telephone and telegraph (land or submarine)
Cable, submarine
Communication services
Film, development of sensitized
Magazines of general circulation which are devoted primarily to the dissemination of public information
Motion pictures, production of (including technical and vocational training films for the Army, Navy, and War Production industries)
News magazines, publishing of
Newspapers
News reels
News syndicates
Radio broadcasting
Radio communication
Radio telephone
Radio telegraph
Signaling systems, protective (which supplement fire and police protection to military, public and private, industrial and commercial establishments)
Telegraph
Telephone (including contract substation operators)
Telephone-cable services (land or submarine)
Television

PART III. ESSENTIAL OCCUPATIONS

Magazines of general circulation	*A*
Production of Motion Pictures	*B*
Protective Signal Systems	*C*
Radio Broadcasting; Radio Communications; and Television Services	*D*
Submarine Cable Services	*E*
Telegraph Services	*F*
Telephone Services	*G*

D. Radio Broadcasting; Radio communications (Radiotelephone and Radiotelegraph); and Television Services:

Director of Operations, Radio Broadcasting (Domestic or International)

(This title includes those persons who are in charge directly, or through subordinates, of the activities of the various operating departments of a network. It also includes assistants who are directly responsible to the director of operations for the efficient functioning of the various operating departments of a network. It does not include any directors or assistants concerned with sales, promotional, legal, tax, clerical and other nonoperating aspects of a network.)

Dispatcher, Radio Communications

Electrician (All Around)

Engineer, Professional or Technical

(This title covers persons who are actually engaged as engineers in the operating or research phases of this activity regardless of educational background.)

Engineering Draftsman, Design

Foreman, Radio Communications (Installation and Repair)

Inspector, Radio Communications Equipment

Installer, Radio Communications Equipment

Instructor, Training Program (Radio Communications)

(This title covers only those persons engaged in the occupations included in this list who, because of their skill and experience, are detailed as instructors in an established training program.)

Instrument Maker (All Around)

Machinist (All Around)

Maintenance Mechanic (Domestic or International Broadcasting, and Radio Communications)

Manager, Employment and Personnel

Manager or Superintendent, Radio Communications System or Station

(This title covers those persons who are actively engaged in supervising directly, or through subordinates, various technical and operating departments of a system or station in the radio communications industry. This title covers, also, assistants who are directly responsible to such managers for the efficient functioning of the various technical and operating departments. It does not cover managers or their assistants concerned with promotional, sales, legal, clerical, tax, rate structure, or other segments of a nonoperating character.)

Managing Editor, News, Special Events or Public Affairs (Domestic or International Broadcasting)

Mechanician, Radio Communication Equipment

News Editor (Domestic or International Broadcasting)

News Editor-Announcer (International Broadcasting)

Plant Maintenance and Operations Supervisor (Radio Communications)

Program Director (Domestic or International Broadcasting)

Radio Broadcast Technician (All Around) (Domestic or International Broadcasting)

Radio Communications Technician (All Around)

Radio Telegrapher

(This title covers radiotelegrapher of both stationary and mobile radio services.)

Radiophoto Operator

Rigger Radio (Radio Communications and International Broadcasting)

Station Manager (Domestic or International Broadcasting)

Storekeeper, Chief (Radio Communications)

Television Engineer

Traffic Manager (Domestic or International Broadcasting)

Traffic Supervisor (Radio Communications)

Translator (International Broadcasting, Shortwave Monitoring Services, or radio communications)

The National Association of Broadcasters

1760 N STREET, N. W. * * * * * * * WASHINGTON, D. C.

April 16, 1943 SELECTIVE SERVICE HANDBOOK Supplement No. 8

Certain local USES offices and a few local boards have advised musicians employed by radio stations that they are employed in non-deferable activities and that they should quit their jobs and seek employment in essential war activities. It is reliably reported that National Headquarters of the Selective Service System does not regard musicians employed by radio stations as employed in a non-deferable activity under Local Board Memorandum No. 181. [We have not printed LBM No. 181, as we believe it unnecessary to do so.] Therefore, stations may inform their musicians to disregard such statements. Such musicians are employed in an essential activity and until such time as the occupation of musician in a radio station, if that time ever comes, is listed as non-deferable, they are under no obligation to seek other employment.

CLASSIFICATIONS FOR SELECTIVE SERVICE REGISTRANTS

The classifications for Selective Service Registrants have been revised. The revised classifications are:

I-A Available for military service.

I-A-O Conscientious objector available for noncombatant military service.

I-C Member of land or naval forces of the United States, including men released from active service for essential work.

II-A Man necessary in his essential civilian activity.

II-B Man necessary to the war production program.

II-C Man deferred by reason of his agricultural occupation or endeavor.

III-A Man with child or children deferred by reason of maintaining bona fide family relationship.

III-C Man with dependents who is regularly engaged in agricultural occupation.

III-D Man deferred because induction would cause extreme hardship and privation to a wife, child, or parent with whom he maintains a bona fide family relationship.

IV-A Man 45 years old, or over, who is deferred by reason of age.

IV-B Official deferred by law.

IV-C Neutral aliens requesting to be relieved from liability for training and service as well as aliens not acceptable to the armed forces.

IV-D Minister of religion or divinity student.

IV-E Conscientious objector available for work of national importance.

IV-F Physically, mentally or morally unfit.

Furthermore, dependents acquired on or after December 8, 1941, are not considered as a basis for deferment. However, in view of section 622.33 of Selective Service Regulations, any child born after December 8, 1941, but before September 15, 1942, will be considered a dependent as the date of conception is a factor under the section.

Class III Deferments

Local Board Memorandum No. 123 has been amended and explains the amendments to Selective Service Regulations revising III-A classification, eliminating III-B classification and creating III-D classification. Pre-Pearl Harbor fathers maintaining a bona fide family relationship are kept in III-A and if they are engaged in agriculture they will be classified III-C, but if they are engaged in nondeferable activities or occupations as outlined in Local Board Memorandum No. 181 they will not be placed or kept in III-A. Hardship to a wife, child or parent if a registrant will be inducted warrants a Class III-D classification under the new classification procedure. All registrants presently classified III-A or III-B are to be reclassified. Men reclassified and placed in III-A will not be called until the Director of Selective Service issues the order. Men available for service and so classified are to be called in the following order (1) single men with no dependents (2) single men with collateral dependents (3) married men with wives only and (4) men with children.

LOCAL BOARD MEMORANDUM

No. 123

(Effective April 12, 1943)

SUBJECT: CLASS III DEFERMENTS

1. **Changes made to accomplish manpower objectives.**—Certain changes in Selective Service Regulations have been made in order to enable the Selective Service System to continue to meet the manpower requirements of the armed forces, war production, agriculture, and other essential civilian activities and, at the same time, protect as long as possible homes where there are children.

2. **Revision of Class III-A.**—Under the provisions of Section 622.31 as amended, any registrant, unless he comes within one of the exceptions mentioned below, shall be retained or placed in Class III-A if he and his child or children maintain a bona fide family relationship in their home and if such status was acquired prior to December 8, 1941. There are two exceptions:

(a) All such registrants who are also necessary to and regularly engaged in agricultural occupations or agricultural endeavors essential to the war effort shall be placed in Class III-C.

(b) The classification of all such registrants who are engaged in activities or occupations designated as non-deferable shall be governed by the provisions of Local Board Memorandum No. 181. [No keymen in radio broadcasting and no musicians employed in broadcasting are designated as "non-deferable."—Ed.]

3. **Elimination of Class III-B.**—Section 622.31-1, as amended, eliminates Class III-B. No registrant shall hereafter be placed in Class III-B.

4. **Creation of Class III-D.**—Section 622.32, as amended, creates a new class, designated as Class III-D, in which shall be placed any registrant not otherwise deferred if (1) it is determined that his induction into the land or naval forces would result in extreme hardship and privation to a wife, child, or parent with whom he maintains a bona fide

family relationship, in their home, and (2) by reason of such determination it is considered advisable that he be deferred.

5. **"Imminence of selection" eliminated.**—All reference to the "imminence of selection" rule has been eliminated from Selective Service Regulations.

6. **Child conceived prior to December 8, 1941.**—A child born on or before September 14, 1942, should be considered as having been conceived prior to December 8, 1941, and a child born on or after September 15, 1942, should be considered as having been conceived on or after December 8, 1941, unless there is affirmative evidence of a medical character which clearly establishes that birth was delayed.

7. **Reclassification from Class III-A and Class III-B.**—Local boards shall immediately reopen and classify anew all registrants now in Class III-A who are no longer entitled to remain therein. They shall also immediately reopen and classify anew all registrants now in Class III-B. In classifying such registrants anew, the local boards shall proceed as provided in Section 623.21, as amended, paying particular attention to the following questions:

(a) Should the registrant be deferred in Class III-C by reason of his agricultural occupation or endeavor? (See Local Board Memorandum No. 164 and Local Board Memorandum No. 164-A.)

(b) Should the registrant, when he is being classified out of Class III-B, be placed in Class III-A?

(c) Should the registrant be deferred in Class II-C by reason of his agricultural occupation or endeavor? (See Local Board Memorandum No. 164 and Local Board Memorandum No. 164-A.)

(d) Should the registrant be deferred in Class II-B or Class II-A by reason of his occupation? (See Local Board Memorandum No. 115 and Activity and Occupational Bulletins. [See Activity and Occupation Bulletin No. 29, Supp. No. 7 to NAB Selective Service Handbook.—Ed.] Local boards should bear in mind that lists of essential activities and essential occupations as set forth in the Activity and Occupation Bulletins are only guides to assist the local boards and do not preclude occupational classification of registrants found to be necessary men in essential activities or occupations not listed. It is incorrect to assume that a registrant cannot be occupationally classified merely because his activity or occupation is not contained on the list.)

(e) Should the registrant be placed in Class III-D? (The provisions of Section 622.32 are to be strictly construed in determining this question.)

8. **New Class III-A temporarily frozen.**—When registrants qualified for Class III-A, as defined in Section 622.31, as amended, have been retained or classified therein, they shall not be considered for reclassification into a class available for military service or work of national importance until such reclassification is ordered by the Director of Selective Service or a change in status occurs.

9. **Filling calls.**—Insofar as possible men who are finally classified in Class I-A, Class I-A-O, or Class IV-E who are available for induction or assignment to work of national

importance should be called for induction or assignment to work of national importance from the following groups in the order listed:

1. Single men with no dependents.
2. Single men with collateral dependents.
3. Married men with wives only.
4. Men with children.

A registrant should be placed in the foregoing groups based upon his status at the time he is ordered to report for induction or assignment to work of national importance.

Lewis B. Hershey, Director.

The National Association of Broadcasters
1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON, D. C.

April 24, 1943 **SELECTIVE SERVICE HANDBOOK** Supplement No. 9

OCCUPATIONAL DEFERMENT PROCEDURE

I. *Survey*

Using NAB Essential Personnel Survey Form (2 copies are enclosed herewith), survey and record the Selective Service status of each employee in an occupation listed as essential by the War Manpower Commission in Activity and Occupation Bulletin No. 29 (see Supp. No. 7 to NAB Selective Service Handbook). This bulletin has been prepared for the guidance of Local Boards and has been submitted to them by Selective Service Headquarters with instructions that it be given serious consideration.

II. *Key Men*

Requests for deferment of key personnel must be kept at a minimum in order that they may be given serious consideration by Local Boards.

III. *Procedure for Obtaining Occupational Deferment (Class II-A or II-B) of Key Men*

Employers desiring to obtain deferment for essential employees who cannot be replaced should follow this procedure:

(a) *Selective Service Form 42-A:* Obtain Selective Service Form 42-A (AFFIDAVIT—OCCUPATIONAL CLASSIFICATION) from any Selective Service Agency or from NAB.

(b): *Filing of Selective Service Form 42-A:* File Form 42-A with registrant's Local Board. It is advisable to file such forms IMMEDIATELY for all essential personnel. This step *should not be delayed* until the registrant's reclassification is pending or is in process. If Form 42-A has already been filed and new evidence of need for deferment is available, file supplementary letter with registrant's Local Board and make reference to previous Form 42-A.

(c) *Appeal to Board of Appeals:* If, after filing Form 42-A for occupational deferment, the decision of the Local Board is ADVERSE the employer has the right to appeal to the Board of Appeals for the area WITHIN TEN (10) DAYS after the mailing of the notice of classification to the employer. Appeal from classification by Local Board must be made at office of Local Board, by signing appeal form on back of registrant's questionnaire or by filing written notice of appeal.

(d) *Transfer of appeal to Board of Appeals in registrant's area of employment:* IMPORTANT! If registrant's Local Board is remotely located from the station, request transfer of the appeal to the Board of Appeals having jurisdiction over the area in which the registrant is employed. In order for the appeal to be so transferred all of the following conditions must be met:

(1) The first person to appeal from such classification or reclassification files with his appeal a written request for such transfer;

(2) the written request states in what respect an occupational question is involved; and

(3) the written request states the name of the registrant's employer and the street address, county, and State where the registrant is employed.

(e) *Requests to State Directors of Selective Service for Review:* If the Board of Appeals AFFIRMS the Local Board's adverse decision, the case may be brought to the State Director of Selective Service by the employer with a request for review to determine (1) whether the case should be reopened for consideration of new evidence, or (2) whether the case should be resubmitted to the Board of Appeals for reconsideration, or (3) whether appeal to the President is warranted. (For names and addresses of State Directors, see NAB Selective Service Handbook, pp. 9-10.) If the case has been transferred to a Board of Appeals having jurisdiction over the area in which registrant is employed, it is usually advisable to request review by the State Director of the State in which the transfer Board of Appeals is located.

(f) *NAB Assistance in Washington:* If the State Director declines to give further consideration to the case, you may request NAB to take further steps in Washington. In all such cases prompt action is imperative and the following information MUST be supplied NAB in duplicate:

(1) Registrant's full name, address, age, dependency status and order number.
(2) Number and location of registrant's Local Board.
(3) Registrant's classification, date of such classification, and previous occupational classification (II-A or II-B), if any.
(4) Date of appeal, decision and date thereof of Board of Appeals, and number and location of Board of Appeals.
(5) Registrant's occupation and detailed description of his duties, together with date of employment and nature of previous employment.
(6) The date and place of registrant's induction, if order has been given.
(7) The date of referral to the State Director, his name and the date and substance of his decision.
(8) Authority for NAB to disclose to Selective Service Headquarters the employer station's NAB Manpower Survey and/or NAB Essential Personnel Survey.
(9) Request that NAB seek investigation and review of the case by Selective Service Headquarters.

* * * * *

NAB furnishes this procedural information to employer stations for the sole purpose of reducing to a minimum dislocation of operations. Employers should understand that requests for deferment of other than key personnel should not be made. NAB cannot, of course, act in cases unless it agrees as to the critical nature of the services rendered by the particular registrant, nor until all of the steps enumerated above have been followed.

Any occupational deferment is only temporary. Deferments are granted for the sole purpose of providing time to train replacements for essential men in essential jobs. Renewals of deferments are difficult to obtain, and will, it is expected, become increasingly difficult to obtain. The recruiting and training of replacements who, by reason of physical disability, age or sex are not acceptable for military service, should be undertaken wherever possible at the earliest opportunity.

National Association of Broadcasters
1760 N STREET, N. W. * * * * * * * WASHINGTON, D. C.
May 8, 1943 SELECTIVE SERVICE HANDBOOK Supplement No. 10

REMINDER: All stations which have not already done so are urged to fill out and return at once the NAB Essential Personnel Survey form dated May 1, 1943, which was enclosed with Supplement No. 9 to the NAB Selective Service Handbook.

Important Change in Occupational Deferment Procedure

The procedure outlined in Supplement No. 9 is hereby changed in two particulars:

1. *Men with children under eighteen and born on or before September 14, 1942.*—As to such registrants who are deemed essential to station operations and who cannot be replaced, it is recommended that Form 42-B be filed at once with Local Boards. It seems desirable to do this whether or not Form 42-A has already been filed. The Local Boards will thus be advised of the registrant's employment in an essential activity, and the employer will be notified of the reopening of the registrant's classification. Employers will then have 15 days, it is expected, in which to file an up-to-date Form 42-A.

This procedure is covered in Local Board Memorandum No. 158-A, as follows:

NATIONAL HEADQUARTERS
SELECTIVE SERVICE SYSTEM
Washington, D. C.

LOCAL BOARD MEMORANDUM NO. 158-A

(Supplementing Local Board Memorandum No. 158)

ISSUED: 4/24/43

SUBJECT: OCCUPATIONAL CERTIFICATION, FORM 42B

1. *Elimination of Class III-B affects Form 42B.*—Recent amendments to Selective Service Regulations which eliminated Class III-B, affect paragraph 5 (b) of Local Board Memorandum No. 158, which refers to the use of Occupational Certification (Form 42B), and also the instructions which are printed on Form 42B relative to classification into Class III-B.

2. *Instructions on Form 42B referring to Class III-B to be disregarded.*—Form 42B will soon be revised to eliminate any reference to classification into Class III-B. There will be no other change in the form. The present supply of these forms will be used until exhausted, and local boards will simply disregard that part of the instructions on the form which refer to classification into Class III-B.

3. *Employers to be advised.*—Employers who are engaged in war production or in an activity essential to the support of the war effort should be advised to file Form 42B for men with children under eighteen and born on or before September 14, 1942. The Form 42B should bear the State Acceptance number and certification, if a Replacement Schedule is in effect. The local board will thus be advised of the registrant's employment in an

essential activity, and the employer will be provided with a notice of reopening of classification, as provided in section 626.2-1, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

LBH/ess
Distribution A, B, C, D, E, F

2. *Employer's Right of Appeal to the President for Occupational Deferment.*—If the Board of Appeals affirms the registrant's I-A classification, and one or more members of the Board of Appeals DISSENTED from such classification, the employer-station has the right of appeal to the President under Sec. 628.2 of Selective Service Regulations, Second Edition. Such appeal is taken within 10 days of notice of continuance of classification or notice of classification, by (1) mailing or delivering to the Local Board written notice of appeal, or (2) by going to the Local Board and signing the appeal to the President on the Selective Service Questionnaire (Form 40). If the appeal is taken by filing a written notice of appeal, such notice need not be in any particular form but should include the name of the registrant, his serial and order numbers, the identity of the person appealing (sufficiently definite to show the right of appeal), and the fact that the employer wishes the President to review the determination of the Board of Appeals.

Therefore, whenever there is a dissenting vote in the Board of Appeals on affirmation of a registrant's I-A classification, it is recommended that appeal be taken to the President, rather than request the State Director to review the case.

The National Association of Broadcasters
1760 N STREET, N. W. * * * * * * * WASHINGTON, D. C.

May 28, 1943 SELECTIVE SERVICE HANDBOOK Supplement No. 11

Replacement Schedules

With Local Boards bearing down on essential personnel and with the induction of fathers indicated to begin by fall, stations are advised to consider the advisability of filing replacement schedules with their state director of Selective Service. This advice is directed primarily to medium and large stations. Small stations should resolve any doubts as to the wisdom of doing so by consulting their State Director.

Replacement schedules are a part of the Manning Table Plan, and have not been heretofore recommended. Even now it is not recommended that stations prepare Manning Tables. The benefit to be derived from filing replacement schedules is certainty as to time of induction as against the hit-or-miss action of several local boards which may result in a station's losing several men almost simultaneously.

First step in preparation of a replacement schedule is for the employer to obtain, with respect to each male employee, the following information: (a) Job title; (b) age, including date of birth; (c) local board number and address; (d) Selective Service order number; (e) Selective Service classification; (f) family relationship, i.e., whether he is single, is married without children or the number of children under 18 and born on or before September 14, 1942, if any.

With this information, the employer is ready to prepare a replacement summary, one of the two parts of the replacement schedule. Preparing the summary, the employer will list all jobs by departments, the order of listing to depend on the manner in which the station records are kept. Opposite each job listed the employer will list also, under the following headings, the total number of workers engaged: (a) Number of women; (b) men with children, physically disqualified, 45 and over, 38 through 44, under 18; (c) single men and married men without children.

The replacement summary thus will present a condensed schedule of the jobs and workers in the station and will be the basis for preparing the replacement list, the second part of the replacement schedule.

Preparing the replacement list, the employer lists by departments as used on the replacement summary, the names of the men he will be ready to replace. The replacement list will include only single men and married men without children who are within the age groups liable, or who within the next six months after preparation will become liable for military service. Men with children will be listed when the director of Selective Service orders the reclassification of this group. Those within each department, who are to be replaced in the first month will be listed first, followed by those who are to be replaced in the second month and so on.

A replacement schedule accepted by a state Selective Service director continues in effect, unless revised, for six months. At the end of each six-month period, the employer must file a new schedule projecting the replacement of registrants into the next succeeding six month period.

After completing the replacement schedule, the employer submits it to the state director of Selective Service for the state in which his station is located for approval. The state director, if he determines that the schedule provides for the replacement of registrants in a satisfactory manner, will assign to the employer a state acceptance number and will so notify the employer and the appropriate regional War Manpower Commission director. The employer thus is authorized to use his acceptance number as a certification on the affidavit-occupational classification (Form 42A) and on the occupational certification (Form 42B) to indicate to the local board that his replacement schedule has been approved and that his affidavits, in support of requests for occupational classification, are in strict accordance with the accepted replacement schedule.

Local Boards continue to maintain authority, subject to appeal, to grant or reject requests for occupational classification. However, submission by the employer of the affidavit-occupational classification (Form 42A) or the occupation certification (Form 42B) bearing the proper state acceptance number is expected to be a clear indication that the employer is attempting to replace his employees in a systematic manner which is in accordance with Selective Service principles.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

June 18, 1943 **SELECTIVE SERVICE HANDBOOK** Supplement No. 12

Revised Instructions Concerning Replacement Schedules

Revised instructions to employers for the preparation of replacement schedules were issued Tuesday by the bureau of selective service of the War Manpower Commission, limiting occupational deferment of men between 18 and 25 on July 1, who are not fathers, to six months, unless the job involved is exceptionally important to the war effort and extremely difficult to fill.

Employers also were instructed, for the first time, to include men with children on their replacement schedules filed on or after July 1, but provided that no such man be scheduled for release before October 1.

Announcing these changes in the manning table instructions, the War Manpower Commission emphasized that they should not be interpreted as fixing a date for the drafting of fathers.

It was pointed out that instructions to employers provide that "single men who are equally replaceable" will be listed for release ahead of men with children and, of course, will be called for induction first. Moreover, it was stressed that the replacement schedule will list only the comparatively few "key men" in essential industries, and the handling of these cases does not necessarily indicate when fathers in general will be called. The main effect of the instructions, it was stated, is that fathers in "key" positions listed on replacement schedules will have to justify their continued deferment after October 1 on the basis of occupation rather than on their family status.

WMC officials made no statement, or prediction, as to when fathers would be reached in the draft. They emphasized, on the other hand, that the change in replacement schedule procedure was merely routine action to improve the operation of the system; that it had become necessary to speed up the induction of men without children and to take into account the fact that fathers would be drawn from the general pool of registrants at least by the last quarter of this year.

It was pointed out also that no directive authorizing local boards to reclassify men with children, except those in non-deferrable occupations, has yet been issued, and that none other may be drafted until such specific instructions are given. The present instruction does not constitute such authorization.

The replacement schedule was developed by the War Manpower Commission to enable employers to plan for orderly withdrawal and replacement of employees in essential jobs who are liable to induction for military service. Under its operation, employers are able to plan with certainty concerning the men they would lose from essential jobs and arrange, six months in advance, for their replacement.

Instructions for the preparation and filing of replacement schedules are contained in two memorandums sent by the selective service bureau of the War Manpower Commission to all selective service state headquarters and local boards. They are identified as selective service local board memorandums Nos. 158 and 158-A. The latter is of major interest to employers of registrants and is entitled: "Instructions to Employers for Preparation of the Replacement Schedule."

Both memorandums give detailed instructions for the preparation and filing of a replacement schedule and the manning table upon which the schedule normally is based, and explain the purpose and the operation. Pertinent paragraphs from local board memorandum No. 158-A which give instructions for scheduling replacements read:

"Every man attaining the age of 18 and who has not attained the age of 25 on or before July 1, 1943, who is single or who is married without children (as herein before defined) must be scheduled for replacement during the 6-month period covered by the replacement schedule prepared pursuant to these instructions, unless (1) he has the highest skills or professional qualifications and is in a key or supervisory position or (2) he has demonstrated capacity for a certain assignment for which no replacement is available.

"Men with children will be listed on the replacement list but no such man will be scheduled for release prior to October 1, 1943.

"In determining the order of listing on the replacement list, certain factors should be considered:

"(a) Generally, those who will be replaced first will be those in occupations having the shortest training and replacement time. This factor, however, is subject to variation since employees in occupations having longer training times may be replaceable through hiring, transferring or upgrading. Due consideration should be also given to previous and existing periods of deferment. In cases where employers are faced with the replacement of a large number of men in an occupation requiring a short time for training replacements, the employer may find it necessary to spread the replacement of such men over several months by scheduling a definite number each month as rapidly as replacements can be secured or trained, and absorbed in the plant.

"(b) Men with the earliest availability for military service according to selective service status will generally be scheduled for earliest replacement. Therefore, single men who are equally replaceable should be listed ahead of married men who are equally replaceable and, likewise, men from these groups should be listed ahead of men with children. If the schedule under consideration is a renewal of an existing schedule, it is advisable to list the single and married men by plant department or operating unit in exactly the same order as they were listed on the original schedule, followed in each department by the names of the men with children.

"(c) Considering the above factors, employees to be listed for replacement will be listed by order number with the lowest order number first. Thus registrants with equal or comparable replaceability and with equal selective service status will be listed on the replacement list in accordance with order number. This will insure a system of replacement which will avoid discrimination since the selective service order numbers have been determined in an impartial manner."

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

August 20, 1943 **SELECTIVE SERVICE HANDBOOK** Supplement No. 13

Critical Occupations Listed By WMC

On August 14, 1943, the War Manpower Commission announced a new policy to accomplish the following:

(a) to hold essential workers on war-useful jobs if they are so employed now; (b) to assure transfer of workers to jobs aiding in the war effort; and (c) to supply men needed for the armed forces without cutting war production.

These are the steps which the War Manpower Commission is taking:

1. Establishment of a list of critical occupations covering skills urgently needed in the war effort. Workers possessing such skills must get into war industry or supporting civilian activities by October 1 or lose further claim to Selective Service occupational deferment. (Local Board Memorandum No. 115A.) In order to insure accurate channeling of workers with these critical skills to the most urgent war jobs, provision is made for their hiring only upon referral by or with consent of the U. S. Employment Service. (Regulation 7.)

2. Selective Service local boards were instructed to give greater consideration than ever before to occupational deferment. In determining the "replaceability" of a worker the boards are instructed to consider the actual and immediate effect of his induction on vital production. They are to take into account not merely the national shortage of his skill, but available replacements for even unskilled workers and current local shortages of skilled or unskilled labor. Closer collaboration is provided between the local Selective Service Boards and the offices of the U. S. Employment Service in making these determinations. (Local Board Memorandum No. 115, included in this Supplement.)

3. Establishment of new standards for permitting the transfer of civilian workers from job to job. These standards are based on experience under employment stabilization plans and will be written into all such plans by October 15. They are intended to stimulate transfer from less essential to more essential war jobs, and to reduce the unnecessary shifting of workers from job to job which has pyramided turnover and interfered with vital production in many plants. (Regulation 7.) At the same time broad powers to determine when a transfer is in the interest of the war effort are given to local and regional WMC offices. (Regulations 4 and 7.)

4. Extension of the list of non-deferrable activities and occupations, providing that all men of military age must transfer from such jobs or be placed first on the list for induction by local boards. This will insure that the first fathers to be drafted will be those who are contributing least to the war effort.

No occupations peculiar to the broadcast industry are included in the non-deferrable list.

In commenting on the new program, Mr. McNutt said:

"The time has come when every worker must justify himself in terms of his contribution to the war effort. Under our Selective Service System fathers were deferred so that available single men would be taken first. Our instructions have always called and still call for single men not in essential jobs to be taken first. Fathers were not, however, given exemptions, and there is nothing in the Selective Service Act which assumes that they should be passed by at the expense of the war effort itself.

"The new critical list does not displace the existing essential lists of activities and occupations. The purpose of the new list is to search out particular skills and to see that they are so employed as to speed victory, whether their employment is in industry or the military services.

"The provisions governing the transfer of civilian workers as outlined in Regulation 7 are not greatly dissimilar to those applied in most local employment stabilization plans today. Moreover, they do not apply to any person until acted upon by the Area War Manpower Director and incorporated into the local stabilization plan. There is time for the local digestion of these provisions. Each individual should wait for the local announcements telling how these plans apply to him.

"It should be noted that between essential activities and non-deferrable activities are many activities which are not classified. Similarly, between the lists of critical and essential occupations and the non-deferrable occupations there are many occupations which have not been singled out either as directly supporting the war effort or as being non-deferrable. Thus, lawyers and bankers, taxi drivers, and many in other fields are not included in any of the lists. They are still subject to the rules as they apply in the ordinary change order of call."

LIST OF CRITICAL OCCUPATIONS

The new list of critical occupations contains skills urgently needed in war industry and supporting civilian activity. Men with those skills who are not in essential industry at present should register with their local employment offices and make themselves available to take essential jobs. If they do not agree to transfer when called, they will be subject to reclassification so that they will be available to the military forces which also need skilled men.

Radio broadcasting retains the status of an essential industry.

Local offices of the U. S. Employment Service of War Manpower Commission have been ordered to certify workers possessing such skills to the Selective Service local boards "when they are found not properly employing their skills," which means not using them to aid the war effort. Selective Service local boards have been advised to give men with such skills special consideration with reference to deferment if they are in war-useful jobs.

All the occupations on the critical list are among the essential occupations listed by the War Manpower Commission. For inclusion on the list of critical occupations (a) the shortage of the skill must be so acute "as to impede or threaten to impede war production"; (b) the occupation must be one requiring lengthy training and considerable experience; (c) the occupation must be of such type that replacements cannot readily be made by upgrading; and (d) must be an occupation for which there is a definite need in industries in which current production schedules must be maintained or expanded for the successful prosecution of the war.

LIST OF CRITICAL OCCUPATIONS

Part I—Production and Services Occupations

Aircraft-Engine Mechanic, All Around
Aircraft-Engine Tester, All Around
Aircraft-Instrument Mechanic
Aircraft Mechanic, All Around
Airplane Navigator
Airplane Pilot, Commercial
Airship Mechanic, All Around
Ballistician
Bessemer Converter Blower
Blacksmith, All Around
Blast Furnace Blower
Blaster, Mining
Boatbuilder, Steel or Wood, All Around
Boilermaker, All Around
Boring-Mill Operator, All Around
Bricklayer, Refractory Brick
Cabinetmaker, All Around
Cable Splicer, Telephone, Telegraph or Submarine Cable
Cable Transmitter and Receiver
Cam-Lay-Out Man
Car Inspector, Railroad Transportation
Catalytic-Converter Engineer, Synthetic Rubber
Cementer, Oil Well
Chainmaker, All Around
Chamberman, Acid
Coke Burner
Computer, Electric, Seismic, or Gravity
Conductor, Railroad Transportation
Converter Operator, Nonferrous Smelting & Refining
Continuous-Still Engineer, Synthetic Rubber
Coppersmith, Marine, All Around
Coremaker, All Around
Cutting Machine Runner, Mining
Diamond Driller, Mining
Die Maker, All Around
Die Setter
Die Sinker
Diesel Mechanic, All Around
Dispatcher, Radio Communications, Telegraph, or Submarine Cable
Diver
Driller, Fine Diamond Dies
Driller, Oil Well, Cable or Rotary
Electrical Tester, Power Equipment
(1) Electrician, Installation and Maintenance, All Around
Electrician, Aircraft, Marine, Power House, or Submarine Cable, All Around
Engineer, Chief, First, Second, or Third Assistant, Ship
Engineer, Locomotive, Railroad Transportation
Engineer, Turbine or Diesel
Engineering Draftsman, Design
Finisher, Fine Diamond Dies
First Helper, Open Hearth or Electric Furnace
Flight Dispatcher
(2) Foreman

Included under this designation are only individuals who are (1) utilizing in their supervisory jobs the knowledge and skills of one or more of the occupations included in the List of Critical Occupations, and (2) those who supervise directly or through subordinate foremen and supervisors production, technical, or scientific work in essential activities, although the occupations of the workers supervised may not be listed. The second category includes only individuals who must be in jobs requiring an extensive knowledge of the production, technical, or scientific work they are supervising, the exercise of independent judgment and responsibility for the products made or services rendered, and a training period of two or more years. In some plants, the supervisory personnel may be designated by other than supervisory titles, and where they meet the requirements outlined above they are included.

Form Builder, Aircraft
Glass Blower, Scientific Laboratory Apparatus
Heat Treater, All Around
Heater, Steel Mill, All Around
Hoisting Engineer, Mining
Inspector

Included under this designation are only those workers who are qualified to perform in one or more of the critical occupations appearing in this list, and who utilize the knowledge and skill of such occupations in inspecting work in order to insure uniformity and accuracy of products or services.

Installer, Telephone or Telegraph Equipment
Instructor

Included under this designation are only those workers who are qualified to perform in one or more of the critical occupations listed and because of their aptitude and experience have been assigned as instructors in training programs either in plant or vocational.

Instrument Maker and Repairer, Electrical, Mechanical, or Scientific
Jewel Bearing Maker, All Around
Jointer, Submarine Cable
Lay-Out Man, Boilermaking, Foundry, Machinery, or Shipbuilding
Lead Burner, All Around
Lineman, Telephone, Telegraph, or Power, All Around
Load Dispatcher, Power or Gas
Locomotive Engine Repairman
Loftsman, Aircraft or Shipbuilding
Loom Fixer
Machine Driller, Mining

Machine Tool-Set-Up Man
Machinist, Marine, All Around
Mate, First, Second, or Third
(3) Mechanician, Communications Equipment

This title includes individuals who maintain and repair telephone and telegraph equipment and circuits; technical broadcast equipment; radio-telephone and radio-telegraph equipment; or submarine cable apparatus.

Miller, Grain Products, All Around
Millwright
Miner, Underground, All Around

Included under this title are only those individuals whose job assignment requires them to perform the duties involved in driving underground openings including drilling, blasting, timbering. Due to standardizations of mining methods these functions may be performed by separate individuals whose occupational titles also appear in this list because the jobs meet the criterion of critical occupations. Since the term "Miner" is generally used in the industry to identify underground workers, it should be clearly understood that it does not cover such workers as muckers, trammers, and helpers.

Molder, Bench or Floor, All Around
Model Maker, All Around
Observer, Seismic
Oil Well Gun Perforator
Oil Well Treater, Acidising
Optical Mechanic, All Around
Paper Making Machine Engineer
Patternmaker, Metal or Wood
Pipe Fitter, Marine
Powershovel Engineer, Mining
Precision Lens Grinder, All Around
Pulpit Operator, Steel Mill
Pumper, Refinery, in Charge
Purification Engineer, Synthetic Rubber
Radio Communications Technician
Radio Telegrapher
Radiophoto Technician
Reactor Engineer, Synthetic Rubber
Receiver Tester, Radio or Radar
Refrigerator Equipment Repairman, Gas or Electric, All Around
Refrigerator Engineer
Sheetmetal Worker, Marine, All Around
Shipfitter, All Around
Shipwright, All Around
Ship Rigger, All Around
Ship Captain
Ship Pilot
Signal Maintainer
Still Operator, Chemical, All Around
Stillman, Petroleum Processing
(2) Supervisor, see Foreman
Switchboard Operator, Power
Tanner, All Around
Testing and Regulating Technician, Telephone or Telegraph
Timberman, Mining, All Around
Tool Designer
Tool Maker
Train Dispatcher
Transmission Engineer
Tugboat Captain
Tugboat Engineer
Wood Seasoner, Kiln
X-Ray Equipment Serviceman

Part II—Professional and Scientific Occupations [*]

Accountant

Included under this title are Certified Public Accountants and those who have comparable training, experience, or responsibilities.

Agronomist
Anatomist
Architect, Naval
Astronomer
Bacteriologist
Chemist
(4) Engineer, Professional or Technical

This title covers persons who are actually engaged as engineers in the operating, research, or teaching phases of these professions, who are qualified either by having met the educational requirements or because of long experience. In addition, this title is intended to include those individuals who may specialize in certain phases of the professions listed below, such as Mechanical Engineers who specialize in the automotive, heating, or refrigerating engineering field but whose special designations have not been mentioned:

Aeronautical
Agricultural
Ceramic
Chemical
Civil
Communications
Electrical
Marine
Mechanical
Metallurgical
Mining
Petroleum
(4) Radio
Safety

Entomologist
Forester
Geologist
Geophysicist
Horticulturist
Mathematician (including Cryptanalyst)
Metallurgist
Meteorologist
Nematologist
Oceanographer
Parasitologist
Pathologist, Medical
Pharmacologist
Physicist
Physiologist, Medical
Plant Physiologist or Pathologist
Seismologist

Classification Suggestions:

(1) All around electricians employed in the broadcast industry for electrical installation and maintenance.
(2) Station managers, supervisors and other executives engaged in occupations appearing in "Activity and Occupation Bulletin No. 29," issued March 1, 1943 (NAB Selective Service Handbook, Supplement No. 7), and whose duties are consistent with the qualifying description of "Foreman," may be classified as "Supervisor" or "Foreman."
(3) Under this title may be included personnel who devote all or a substantial portion of their duties to the maintenance of broadcast station technical facilities.
(4) This title includes broadcast station chief engineers and technical supervisors whose duties and responsibilities are in accordance with the definition.

OCCUPATIONAL DEFERMENTS

Under Local Board Memorandum No. 115 emphasis is placed upon the critical need for maintaining war production. Selective Service Boards are instructed to deal with occupational deferments with the greatest of care so as not to impair war production or vital civilian functions. Occupational deferment for necessary men has always been based on the judgment of the local Selective Service Boards, and will continue to be. But an additional yardstick was set up for measuring the "replaceability" of men in vital industry.

In judging replaceability, the boards were instructed to consider (a) the shortage of the registrant's skill in the total labor force; (b) the shortage of workers to replace the man even though he is an unskilled worker; (c) a shortage in the place of employment even when no national shortage exists.

Thus the boards will study the question of the actual immediate effect upon war production and essential supporting activity of workers who are subject to induction. Provision is made for close collaboration between the Selective Service Boards and the U. S. Employment Service offices for the exchange of manpower information. The responsibility of the Selective Service Board for filling military calls in such a way as to permit the maintenance of production was emphasized by General Hershey in his memorandum to the Local Boards.

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[*] The titles appearing in this critical list of Professional, Technical, and Scientific Occupations are also intended to cover those persons who are engaged in full-time teaching of these professions. In addition, these titles are also intended to cover persons engaged in full-time inspecting duties which require the utilization of the knowledge of the critical occupations.

LOCAL BOARD MEMORANDUM NO. 115

ISSUED: 3/16/42
AS AMENDED: 8/16/43

SUBJECT: OCCUPATIONAL CLASSIFICATION

Part I—Occupational Classification Policy

1. Responsibilty of Selective Service System.—The Selective Service System has the responsibility to select men for military service and to furnish them at the time and in the number necessary for the armed forces of the Nation. On the other hand, the Selective Service System has the corollary responsibility to select for retention in their civilian endeavor an adequate supply of men needed for war production and in support of the war effort.

2. Statement of general policy.—The continuing demands by the military services, the general deferment of registrants regularly engaged in agriculture, and in manpower needed for war production and in support of the war effort, make it imperative that occupational deferments be made with the greatest of care. Armed forces of adequate size can be selected and inducted without unduly impairing the effectiveness of civilian functions necessary to war production or in support of the war effort if the manpower for service in each of these fields is properly placed. To meet this problem, it is necessary to arrange for the orderly replacement of men through replacement schedules or otherwise and to obtain deferment for a sufficient number of necessary men until they can be replaced.

3. Basis for occupational deferment.—In order to be given occupational deferment, a registrant must be a "necessary man" in war production or in support of the war effort.

4. Replaceability.—In determining whether a registrant is a "necessary man," the replaceability of the registrant is of paramount importance. The replaceability of the registrant may be based on various factors which should be considered carefully. There may be a shortage of men possessing the registrant's special training, qualification, or skill. There may be such a distinct unskilled labor shortage that the registrant is irreplaceable without reference to any special training, qualification, or skill. In either case, there may be a shortage of the supply of labor for replacement purposes at the place where the registrant is working even though there is no over-all shortage throughout the Nation.

5. All available information to be considered.—In determining whether a registrant is a "necessary man" in war production or in support of the war effort, all available information from national, regional, State, and local levels will be used. No one source of information is available to the agencies of the Selective Service System which conclusively makes such determination, and all information presented must be considered and evaluated properly. The agencies of the Selective Service System are urged to use the facilities of the United States Employment Service for information with respect to the occupations of registrants.[1] Local employment offices, on request, will provide local boards with information as to whether there exists or is likely to exist in the near future a national or local shortage of persons with the registrant's claimed qualifications.[2]

Part II—Activity and Occupation Bulletins and List of Critical Occupations

1. Activity and Occupation Bulletins.[3]—The agencies of the Selective Service System have been supplied with Activity and Occupation Bulletins. The information contained in the Activity and Occupation Bulletins is prepared by the War Manpower Commission and is used by the United States Employment Service in connection with the recruitment, transfer, and placement of workers. The activities and occupations contained in these bulletins represent, on a national basis, the most important activities and occupations with respect to war production and in support of the war effort.

2. Use of Activity and Occupation Bulletins.—The Activity and Occupation Bulletins should be used by the agencies of the Selective Service System as a guide and should be considered in occupational classification matters along with all other available information. The agencies of the Selective Service System will give careful consideration to the fact that a registrant is engaged in war production or in support of the war effort, in determining his replaceability or loss to the war effort should the registrant be withdrawn without replacement. The inclusion of the registrant's employment in Activity and Occupation Bulletins, or exclusion therefrom, does not conclusively determine his occupational status. Determinations as to coverage of specific establishments by Activity and Occupation Bulletins for placement or stabilization purposes are the function of the United States Employment Service, and agencies of the Selective Service System will make no determination with respect thereto.

3. List of Critical Occupations.—The List of Critical Occupations is prepared by the War Manpower Commission and includes occupations requiring long experience and in which a national shortage exists or would exist should any substantial number of such persons qualified in those occupations be withdrawn from the labor market. It is imperative that registrants engaged in critical occupations in war production or in support of the war effort should be given grave consideration for occupational deferment by the agencies of the Selective Service System. Administrative action will be taken to insure such consideration by the Selective Service System.

Lewis B. Hershey, *Director.*

LOCAL BOARD MEMORANDUM NO. 115A

ISSUED: 8/16/43

SUBJECT: TRANSFER OF REGISTRANTS QUALIFIED FOR CRITICAL OCCUPATIONS

1. Classification policy.—A registrant qualified in an occupation included in the List of Critical Occupations (see Local Board Memorandum No. 115, Part II, Paragraph 3), who is not engaged in war production or in support of the war effort, shall not be considered for occupational deferment unless, prior to October 1, 1943, he shall have transferred to employment in war production or in support of the war effort and shall continue to be so employed.

2. Information to local board concerning registrant's qualification in critical occupation.—In those cases where the registrant is qualified in a critical occupation but is not engaged in war production or in support of the war effort, the United States Employment Service will certify to the local board the following information:

(a) That the registrant is qualified in a critical occupation;
(b) That the registrant is not employing such qualifications in war production or in support of the war effort.

The failure of the United States Employment Service to make the certification set forth above shall not preclude the local board from classifying the registrant, pursuant to the provisions of paragraph 1 above.

Lewis B. Hershey, *Director.*

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[1] Attention is directed to the provisions of Local Board Memorandum No. 149 concerning the obtaining of information from the United States Employment Service.

[2] Information on the availability of replacements will usually include the number of current unfilled orders for the occupation involved and the number of qualified applications in the local United States Employment Service Office's files, together with such further information as may be pertinent concerning the possibility of fulfilling the job through the transfer of workers from present employment or through clearance.

[3] Including a List of Critical Occupations.

National Association of Broadcasters
1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.
September 10, 1943 SELECTIVE SERVICE HANDBOOK Supplement No. 14

U. S. Employment Service to Recommend Deferments

Instructions for the referral to the United States Employment Service of cases involving Selective Service registrants engaged in critical occupations in war production *or a war supporting activity* were issued September 1, 1943, by the Selective Service Bureau of the War Manpower Commission. The cases would be referred *before* the registrants affected are ordered by a local board to report for induction.

Under this procedure, which is part of the program for full utilization in the war effort of registrants qualified for critical occupations, *the United States Employment Service may recommend that a registrant be deferred* in his present employment or place him in more essential production.

As to registrants engaged in critical occupations, Selective Service pointed out that on August 16, the War Manpower Commission announced a list of 149 critical occupations (NAB Selective Service Supplement No. 13) representing the highest and most needed industrial skills for war production and *war supporting activities.* As there are not more than 400,000 registrants of military age throughout this country who have the skills required in these critical occupations, Selective Service advised its local boards:

"It is of the utmost importance that registrants (1) who have the necessary qualifications, (2) who are utilizing them to the fullest extent in a *critical occupation* in war production or in *support of the war effort,* and (3) whose removal from their present employment would have an adverse effect upon the maintenance of required production schedules, be given the most serious consideration for extended occupational deferment before being reclassified out of a deferred classification into a class available for service."

Furthermore, Selective Service said, when a local board determines that a registrant who is claimed to be in a critical occupation is not entitled to deferment because of his current employment it should refer the case to the United States Employment Service. The USES will be given the registrant's name and description of his current employment, together with a statement of his skills and qualifications, if a registrant is placed in Class I-A as available for military service and no appeal is taken, or if an appeal is taken and the appeals board continues him in Class I-A.

In all such cases, local board will delay issuance of an order to report for induction for 30 days from the date of referral to the United States Employment Service. Furthermore, if within the 30-day period, the USES certifies that the registrant's present employment is making full use of his qualifications, or that he has been placed in a critical occupation in war production or in support of the war effort with another employer, an additional 10 days will be allowed for his employer to file Selective Service Form 42-A requesting his occupational deferment.

If a Form 42-A is filed by a new employer, or certification is received from the United States Employment Service that the registrant is necessary in his current employment, his local board will reopen his classification and will consider the new evidence as a basis for further occupational deferment.

If, however, no notification is received from the United States Employment Service prior to the expiration of the original 30-day period following referral, or in the event certification is made that the registrant is needed in new employment but a Form 42-A is not received before the expiration of the ten-day period allowed for the filing of a new claim for deferment, the local board may proceed with the induction of the registrant.

The new regulations have been transmitted to local boards under Memorandum No. 115-B. It is suggested that this reprint be attached to Form 42-A, for convenient reference by local boards. Additional copies are available from NAB.

The memorandum reads as follows:

622.21 to 622.25;
633.1

NATIONAL HEADQUARTERS
SELECTIVE SERVICE SYSTEM
WASHINGTON, D. C.

LOCAL BOARD MEMORANDUM NO. 115-B

ISSUED: 9/1/43

SUBJECT: REGISTRANTS IN CRITICAL OCCUPATIONS

1. Importance of critical occupations.—Attached to Local Board Memorandum No. 115, amended August 16, 1943, is a List of Critical Occupations. Only 149 occupations are included on the list, and it is estimated that there are not more than 400,000 registrants of military age throughout the country who have the skills required of the critical occupations. This number is exceedingly small in comparison to the total working force in industry. It can be safely said that the critical occupations as listed by the War Manpower Commission represent the highest levels of skills within industry and that, therefore, all production necessary to the war effort is directly dependent upon the most efficient use within industry of persons qualified in these occupations.

2. Need for extending every consideration for occupational deferment to registrants in critical occupations.—It is of the utmost importance that registrants (1) who have the necessary qualifications, (2) who are utilizing them to the fullest extent in a critical occupation in war production or in support of the war effort, and (3) whose removal from their present employment would have an adverse effect upon the maintenance of required production schedules, be given the most serious consideration for extended occupational deferment before being reclassified out of a deferred classification into a class available for service.

3. Referral to United States Employment Service.—(a) Local boards are directed that whenever, after the most careful consideration, they conclude a registrant who is alleged to be in a critical occupation in war production or in support of the war effort is not entitled to occupational deferment on the basis of his present employment, to refer the registrant's name and present occupation, together with a statement of his skills and qualifications and place of present employment, to the local office of the United States Employment Service in the area in which the local board is located.

(b) This reference is mandatory and will be accomplished—

(1) If no appeal is taken, upon the expiration of the period afforded the registrant to take an appeal following classification of the registrant in Class I-A, or

(2) if any appeal is taken, upon the return of the file to the local board with the decision that the registrant is continued in Class I-A on appeal.

(c) In all such cases, local boards will delay the issuance of an Order to Report for Induction to such registrant for 30 days from the date of referral to the United States Employment Service.

(d) If, during such 30-day period, the United States Employment Service certifies to the local board that—

(1) The registrant possesses and is fully employing the qualifications required of a critical occupation in war production or in support of the war effort and his removal from his present employment would adversely affect the maintenance of his employer's required production, or

(2) The United States Employment Service has succeeded in placing the registrant in a critical occupation in war production or in support of the war effort with another employer who requires the registrant's skills and qualifications and will fully utilize such skills and qualifications.

the local board will delay the issuance of an Order to Report for Induction to such registrant for a further period of 10 days from the receipt of such certification so as to permit the filing of a new Form 42A requesting the occupational deferment of the registrant.

(e) In the event that either a Form 42A is filed by a new employer with whom the registrant has been placed or certification is received from the United States Employment Service stating that the registrant is necessary in his present employment, the local board will reopen the classification of the registrant and will consider the new evidence as a basis for further occupational deferment.

(f) If, however, no notification is received from the United States Employment Service prior to the expiration of the original 30-day period following referral or, in the event certification is made, that the registrant is needed in new employment but a Form 42A is not received before the expiration of the 10-day period allowed for the filing of a new claim for deferment, the local board may proceed with the induction of the registrant.

4. Cooperation by United States Employment Service.—The War Manpower Commission is informing the United States Employment Service of the need for expediting investigation of the cases of any registrants qualified for critical occupations which are referred to it by local boards. Even though a registrant is not employed in the area in which his local board is located, reference by the local board will, nevertheless, be to the local United States Employment Service office in the local board area, and any further reference of the case to the United States Employment Service office in the area in which the registrant is employed will be undertaken and accomplished by the United States Employment Service.

5. Registrants between ages of 18 and 25 in critical occupations.—Men who are utilizing their full skills in critical occupations when the necessity for their continued retention is clearly demonstrated by their employer should be considered as registrants who are utilizing the highest skills or professional qualifications, which is the exception to the general policy expressed in Local Board Memorandum No. 158-A, requiring the release of registrants between the ages of 18 and 25 during the first 6 months of a replacement schedule. In the lower age brackets, however, employers should be required to supply complete evidence that the registrant's qualifications and skills are exceptional, are being fully utilized, and cannot be replaced.

LOUIS B. HERSHEY,
Director.

622.21 to
622.25

NATIONAL HEADQUARTERS SELECTIVE SERVICE SYSTEM

WASHINGTON, D. C.

LOCAL BOARD MEMORANDUM NO. 115–C

ISSUED: 10/2/43

SUBJECT: REFERRAL TO UNITED STATES EMPLOYMENT SERVICE IF LOCAL BOARD DESIRES ADDITIONAL OCCUPATIONAL INFORMATION

1. **Request for information from United States Employment Service.**—The facilities of the United States Employment Service have been made available to provide assistance in the classification of men with respect to their occupations. The local board may communicate with the local employment office in the area in which the local board is located if it desires additional information with respect to the occupation of a registrant:

(a) When there is doubt concerning the qualifications of a registrant for whom deferment has been requested or the extent to which such qualifications are being utilized in his present employment.

(b) When additional information is required to determine whether a national or local shortage of persons with the registrant's claimed qualifications exists or is likely to exist in the near future.

(c) When a local board is considering whether or not a registrant is replaceable, it will utilize all information obtainable through the local employment office with respect to the availability of replacement, including the number of current unfilled orders for the occupation involved and the number of qualified applicants in its files, together with such information as is pertinent concerning the possibility of filling the job through transfer of workers from less essential activities or through clearance.

2. **Time for placing qualified persons in occupations in war production.**—If in the course of the classification of a registrant it appears that the registrant may possess, but is not at the time using, qualifications needed in war production or in support of the war effort, then the local board upon making such determination may refer the registrant to the appropriate local employment office of the United States Employment Service:

(a) The local employment office may be allowed not to exceed 30 days from the date of the local board's original inquiry to place the registrant in an occupation in war production or in support of the war effort where his qualifications are needed and will be fully utilized.

(b) If the local employment office reports that the registrant has been placed in an occupation in war production or in support of the war effort where his qualifications are needed and will be fully utilized, the local board in classifying the registrant will give due consideration to the change in status.

3. **Registrants in critical occupations.**—As to registrants in any of the 149 critical occupations appended to Local Board Memorandum No. 115, reference is made to Local Board Memorandum No. 115-B, provisions of which will govern with respect to such registrants.

LEWIS B. HERSHEY,
Director.

DISTRIBUTION A, B, C, D, E, F.

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December 20, 1943 **SELECTIVE SERVICE HANDBOOK** Supplement No. 16

Selective Service Procedure Revised

The President on December 10 signed the bill (S. 763) amending the Selective Service Act.

Section 5 of the Act is amended in two respects of interest to broadcasters. The Act as it now reads provides that within 30 days all occupational deferments granted by local boards to men who are not working in their jurisdiction must be submitted for review to Selective Service Appeal Boards having jurisdiction over the area in which is located the principal place of employment of the registrant.

The other instance in which the change is important to radio is in cases where a local board grants an occupational deferment to a registrant who is working in another area. The matter will be submitted 10 days after such deferment to the Appeal Board in the area where he is working for review and decision. The provision providing the right of Presidential Appeal is retained.

Under the new law the Selective Service System comes out from under the War Manpower Commission and the President is authorized to delegate his authority only to the Director of Selective Service.

To effectuate the amended procedure the following communication has been sent by Major General Lewis B. Hershey, Director of Selective Service, to all State Directors:

"S. 763 amending the Selective Training and Service Act of 1940 has become law. Amendments to regulations and applicable local board memoranda to place the provisions of this act into effect will reach you within a few days.

"The provisions of the act most vitally affecting your operations are those which (1) Require submission of certain Class II-A and Class II-B cases to appeal boards having jurisdiction over principal place of employment of the registrant; (2) Provide for the induction of fathers after the induction of available non-fathers; (3) Prohibit the induction of man because of occupations; (4) Change the composition of the father group; and (5) Require pre-induction physical examination for certain registrants.

"The amendments to regulations and applicable local board memoranda include provisions to carry out the expressed intention of Congress concerning the induction of fathers and a change in the handling of appeals to transmit all appeals to the area of the principal place of employment of the registrant.

"Pending receipt of such amended regulations and memoranda, you will take the following action:

"1. Immediately make sure that your first and second allocation of calls as described in State Director Advice No. 236 are discharged strictly within the letter of those instructions and within the spirit of S. 763.

"2. Postpone the induction of all registrants placed in Class I-A, Class I-A-O, or Class IV-E under the provisions of Local Board Memorandum No. 181, which has now been rescinded.

"3. Immediately instruct all local boards not to forward any files to appeal boards until after receipt of and compliance with the new local board memoranda and amended regulations.

"4. Wire all appeal boards to return to local boards files of all registrants whose principal place of employment is located outside of the area of the appeal board now in possession of such files.

"5. Promptly arrange for the creation of such additional appeal boards panel in areas of industrial concentrations as may be necessary to dispose of the cases which will be forwarded to them. Some of such panels may be needed to dispose of Class II-A and Class II-B cases required by the law to be referred within 30 days after the enactment of the law. Submit to National Headquarters the Governor's recommendations for members of such panels."

In addition Selective Service has issued the following Local Board Memorandum:

NATIONAL HEADQUARTERS
SELECTIVE SERVICE SYSTEM
Washington, D. C.

"LOCAL BOARD MEMORANDUM NO. 123

ISSUED: 4/21/43
AS AMENDED: 12/10/43

"SUBJECT: FATHERS TO BE RECLASSIFIED BUT NOT TO BE INDUCTED UNTIL AFTER AVAILABLE VOLUNTEERS AND NON-FATHERS

"1. **Manpower objectives.**—The manpower required by the armed forces, war production and activities supporting the war effort to carry out the strategic plans of the armed forces, and the general deferment of registrants regularly engaged in agriculture make it necessary to reclassify fathers to meet current calls, to supply information concerning the number of fathers who will be available to meet future calls, and to determine which fathers will be deferred because they are in war production or in activities supporting the war effort.

"2. **Disposition of Class III-A.**—One of the objectives sought to be accomplished by Congress in adopting the recent amendments to the Selective Training and Service Act of 1940 was to delay as long as possible the induction of fathers. In order to do everything within the power of the Selective Service System to give effect to this purpose of Congress, local boards and appeal boards will continuously review deferred classifications to the end that no non-father shall continue in a deferred status longer than required by the national interest. Selective Service Regulations have been amended to provide that no registrant shall hereafter be placed in Class III-A and that the classification of all registrants now in Class III-A shall be immediately reopened in sequence of order numbers and they shall be classified anew.

"3. **Deferment in other classifications to be considered.**—In classifying registrants anew under the provisions of this memorandum, the local boards shall proceed as provided in section 623.21, Selective Service Regulations, paying particular attention to the following questions:

"(a) Should the registrant be deferred by reason of his agricultural occupation or endeavor? See Local Board Memorandum No. 164, No. 164-A, No. 164-B, and No. 164-C.

"(b) Should the registrant be deferred by reason of his employment in war production or in support of the war effort? See Selective Service Regulations, sections 622.21 to 622.24 (NAB Selective Service Handbook pp. 35-36) inclusive, and Local Board Memorandum No. 115 (NAB Selective Service Supplement No. 13), No. 115-A (NAB Selective Service Supplement No. 13), No. 115-B (NAB Selective Service Supplement No. 14), No. 115-C (NAB Selective Service Supplement No. 15), No. 115-D and No. 115-E. In determining this question with respect to fathers who are eligible for occupational deferment under the provisions of Local Board Memorandum No. 115, the foregoing regulations, Local Board Memorandum No. 115, and other applicable instructions will be liberally construed. Fathers who are eligible for occupational deferment under the provisions of Local Board Memorandum No. 115 and who are making contributions in war production or in support of the war effort are usually stable employees and, if other factors are equal, will normally be accorded deferment in preference to non-fathers.

"(c) Should the registrant be placed in Class III-D? In determining this question the provisions of action 622.32, Selective Service Regulations, will be strictly construed and the amounts payable under the amended Servicemen's Dependents Allowance Act of 1942 (see table attached) shall be taken into consideration.

"4. **Filling calls.**[1]—When a local board is filling a call, it shall first select and order to report for induction specified men who have volunteered for induction. To fill the balance of the call, it shall, from the groups listed below, and in so far as possible in the order in which the groups are listed, select and order to report for induction specified men finally classified in Class I-A and Class I-A-O who are available for induction:

Non-fathers [2]
Fathers [3]

"Specified non-fathers will be selected and ordered to report for induction in sequence of their order numbers except that a specified non-father placed in Class I-A or Class I-A-O because he is delinquent (see Part 642) or because he left an agricultural occupation or endeavor (see sections 622.25 and 622.31-2) shall, regardless of his order number, be moved to the head of other non-fathers and ordered to report for induction before any other specified non-father. In a similar manner, when fathers are reached, specified fathers will be selected and ordered to report for induction in sequence of their order numbers, except that a specified father placed in Class I-A or Class I-A-O because he is a delinquent (see Part 642) or because he left an agricultural occupation or endeavor (see section 622.31-2) shall, regardless of his order number, be moved to the head of other fathers and ordered to report for induction before any other specified father.

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[1] A registrant in Class IV-F will be ordered to report for a final-type physical examination under the provisions of section 651.1 when under the provisions of this paragraph he would be ordered to report for induction if he were classified in Class I-A or Class I-A-O.

[2] All registrants who do not qualify under the definition of the word "Father" in footnote 3 hereof shall be considered as non-fathers. This group combines former Groups 1, 2, and 3. Whenever reference is made to Groups 1, 2, and 3 in Selective Service documents or forms,

"5. Fathers in Class I-A or Class I-A-O because of nondeferrable activity and late registrants.—When a father has been placed in Class I-A or Class I-A-O because he was engaged in a nondeferrable activity or occupation listed in Local Board Memorandum No. 181 (now rescinded), or when a late registrant father is hereafter placed in Class I-A or Class I-A-O, but would have been entitled to be placed in Class III-A had not that class been abolished, an Order to Report for induction (Form 150) shall not be issued to him until such time as all fathers with lower order numbers who are still in Class III-A have been reclassified and (if placed in Class I-A or Class I-A-O) have been ordered to report for induction."

DIRECTOR

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such reference shall be deemed to refer to "non-fathers" as herein defined.

[3] A father is defined as a registrant who was married prior to December 8, 1941, who has maintained a bona fide family relationship with his family since that date, and who has a child as defined in section 633.33 (a), Selective Service Regulations. This group is former Group 4 revised on the basis of the Congressional definition of "child." Whenever reference is made to group 4 in Selective Service documents or forms, such reference shall be deemed to refer to "fathers" as herein defined.

The National Association of Broadcasters

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January 1, 1943 **SWAP BULLETIN** No. 25

Happy New Year

During 1942, twenty-four issues of the Swap Bulletin brought relief and HAPPINESS to many broadcasters. Let's all help each other—Keep Swapping in 1943!

Please do your part to keep every broadcaster supplied with essential parts and materials. Check your stock today. List your long items under the heading "WILL SELL" and the items you need under "WILL BUY." Then write: POOL, National Association of Broadcasters, 1760 N Street, N.W., Washington, D. C. Your fellow broadcasters will do the rest.

WILL SELL

For sale by WRDW, Augusta, Ga.

NEW MATERIAL

4 C-D Type P-L 310-51 .0002 Capacitors 20,000 volts.

1 C-D Type P-L 267-51 .0006 Capacitors 20,000 volts.

2 C-D Type P-L 260-51 .0008 Capacitors 20,000 volts.

1 C-D Type P-L 243-51 .0012 Capacitors 20,000 volts.

2 C-D Type P-L 297-51 .0003 Capacitors 20,000 volts.

1 Faradon type UC-3342 .002 Capacitors 8,000 volts.

USED MATERIAL (Good Working Cond.)

2 Gates Scratch Filters.

1 Gates Type 106-C Program Amplifier.

3 Gates Pre-Amplifiers.

1 General Radio freq. monitor type 475.

1 General Radio freq. deviation meter type 681-A.

2 Par-Metal enclosed relay rack black finish 66½ overall.

1 RCA 849 tube.

For sale by KABC, San Antonio, Texas

1 WE 270A, used 500 hrs. $50.00.

For sale by KFKA, Greeley, Colo.

1 UTC Model 3-A equalizer, used slightly. Make an offer.

For sale by KTKC, Visalia, Calif.

1 Monitor Relay Type SP 316 SPST 10A 5KV Micalex Insulation.

2 Monitor Relay Type SP 316 DPDT 10A 5KV Micalex Insulation.

2 Johnson Coils ¼" x 1/16" 23 turns 4½" OD Micalex Insulation.

1 Inca trans. Pri. 220 60CPS Sec. 1750-2000 V DC 500MA.

20 C-D 21-A-86 .001 12.5KV Mica Cond. New.

1 Federal 892 tube, new.

2 Federal 891 tubes, new.

1 Doolittle Falknor 75 ohm NI dummy ant 1KW.

1 RCA Communications receiver ACR-136.

1 RCA Audio Oscillator type 154 (used 6 months).

1 Custom built Pi wound choke 90 henries 1 amp. 35KV insulated.

2 Fairchild-Proctor Xtal pickup arms.

1 C-D 1MF 10KV NEW.

1 Pair Trimm "Featherweight" Phones hi impedance (never used).

2 Raytheon RK-23 tubes used.

2 RCA 837 tubes used.

2 Collins Oscillator tubes 100D used.

12 Panel light sockets (jacks) Autelco type #G-10.

1 Automatic Electric Dial Assembly (new).

New equip. offered at current new prices, make offer on used material.

For sale by WDEV, Waterbury, Vt.

Quantity	*Type*	*Condition*	*Net each*
5	25,000 ohm 100 w. resistors	New	$1.00
2	10,000 ohm 100 w. adj. resist.	New	1.50
1	20,000 ohm 200 w. resistor	New	1.75
1	10,000 ohm 200 w. resistor	Used slightly	1.25
	Transformers		
1	Plate trans. 1500/2000 each side of Center Tap Pri., 115 volts	Good–used	15.00
1	Audio trans. 500-50,000 ohms	Good–used	3.00
1	Audio trans. 12,500-500 ohms	Good–used	3.00
1	Audio trans. 31,000-500,000 ohms	Good–used	3.00
1	Audio trans. 8,000-500 ohms	Good–used	3.00
	Meters		
1	0-200 D.C. Milliamperes, Jewel 3″	Good	2.50
1	0-15 Amperes R.F. Weston #425	Burnt out	5.00
1	0-15 Volts A. C. Weston #476	Good	4.50
1	0-200 D.C. Microamperes, Weston #301	Good	10.00
1	0-100 D.C. Milliamperes, Weston #301	Good	5.00
1	0-3 R.F. Amperes, Jewel	Good	5.00
1	0-150 D.C. Milliamperes, Weston #506	Good	5.00
1	—.5 to +1 Milliamperes, Out of Gates Battery Amplifier		10.00
	Miscellaneous		
2	1000 Mfd. 25 V. D.C. Condensers	New	4.00
2	Green Flyer Motors 78 and 33⅓ R.P.M.	Fair	5.00
1	International Broadcasting Equipment Co., Type 3B Condenser microphone		Make offer
2	Standard 50 watt sockets	Good	.50

For sale by Fred U. Wamble, 224 East Pine, Missoula, Montana

Meters

1 Triplett 221 0-1 MA DC. $3.50.

1 Triplett 221 0-50 MA DC. $2.50.

1 Triplett 221 0-100 MA DC. $2.50.

1 Triplett 221 0-500 MA DC. $2.50.

1 Triplett 241 0-5 AMP RF with Thermocouple. $5.00.

Tubes

1 RCA 913. $3.00.

Transformers

1 Thordarson 200 ohms to sgl grid T65A73. $2.00.

Crystals

1 465 KC. $2.50.

For sale by R. R. Rosenberg, W8NCJ, Box 43, Knox, Pa.

1 Microphone, Shure Brothers, Model 701-A, Ultra-wide range crystal, with Model S41-A desk stand, complete with cord and plug. In first class cond., looks new, used only few times. Price $12.00.

For sale by T. W. Kennedy, 225 Owen Drive, Sunset Village, Madison, Wis.

1 100 DD 100 Mfd. Johnson Var. Cond.

1 70 DD 100 Mfd. Johnson Var. Cond.

1 150 MA 2″ Sq. Meter Triplett.

1 500 MA 2″ Sq. Meter Triplett.

1 15,000 V—.002 Mfd. Porcelain blocking cond. Aerovox.

1 10V 12 amp. Thordarson filament trans.

All above equip. is new.

For sale by KHBG, Okmulgee, Okla.

One model #425 Weston Internal Thermocouple Ammeter, three inches, flush mounting type, scale four amperes. Price $12.50.

For sale by WHAS, Louisville, Ky.

Cornell-Dubilier Mica Condensers.

Condition new.

2 .0006 mfd., 30,000 v. type PL 412-56, $198.00 each.

2 .000225 mfd., 30,000 v. type PL 413-56, $180.00 each.

1 .000666 mfd., 30,000 v. type PL 408-56, $210.00.

1 .00007 mfd., 20,000 v. type PL 416-52, $48.00.

2 .00009 mfd., 20,000 v. type PL 461-51, $51.00 each.

1 .00003 mfd., 20,000 v. type PL 339-52, $49.80.

3 .0004 mfd., 20,000 v. type PL 285-51, $55.00 each.

2 .0002 mfd., 30,000 v. type PL 820A-52, $91.00 each.

1 .0001 mfd., 25,000 v. type PL 326-52, $72.60.

WILL SELL OR SWAP

W. S. Crooks, Chief Engineer, WFVA, Fredericksburg, Va., will sell

One mounted WE 7-A quartz plate at 1260 KC.

Or Will Swap for

Faradon Condenser #3355A .002 MFD, 6000V, 10 amp. at 1000Kc.

WILL BUY

Wanted by KGKB, Tyler, Texas

Two good pick-ups, preferably permanent needle type, RCA or WE.

Wanted by KGCU, Mandan, N. Dak.

1 type 100 L Variac.

Wanted by WCOV, Montgomery, Ala.

Three RCA 802 tubes.

Wanted by WLVA, Lynchburg, Va.

2 Kenyon type T-354 filament transformers.

Wanted by WKZO, Kalamazoo, Mich.

One RCA beat-freq. audio oscillator, type 68B or one suitable for same operation.

Wanted by KROD, El Paso, Texas

a. 1 RCA 77-C microphone.
b. 1 RCA 56-E line equalizer (or similar).
c. 1-Presto 11-A turntable.

Wanted by WMSL, Decatur, Ala.

One recorder, any make. Must be in good cond. Please address C. M. Callicott, Chief Engineer.

Wanted by WHIZ, Zanesville, Ohio

2 Dynamic type microphones. Prefer WE 618-630 or 633 type.

Wanted by WSNJ, Bridgeton, N. J.

1 High fidelity pushpull output trans. with 10,000 ohm CT pri., 30 ma per side and a 500 ohm sec.

Wanted by KGFF, Shawnee, Okla.

a. One UTC type A-10 trans.
b. One UTC type A-24 trans.
c. One Band pass filter unit, resonant freq., 1000 cycles.
d. One 5000 ohm relay, operating on 5 MA or less.

Wanted by KABC, San Antonio, Texas

a. RCA or Presto stationary recording equip.
b. WE 618 or RCA 50-A microphones.

Wanted by KHBG, Okmulgee, Okla.

Two RCA 805 tubes and two RCA 802 tubes. Please quote price in your reply.

Wanted by WASK, Lafayette, Ind.

One microphone to grid transformer with multi-low input impedances (50-200 or 250 and 500 ohms) and 80,000 or better output impedance, good make such as Thordarson, etc.

TUBES AVAILABLE FROM AMATEURS

The American Radio Relay League is cooperating with the NAB Engineering Department in an effort to secure tubes for broadcast stations now in the possession of amateur stations. A notice appeared in the December issue of QST, official organ of the ARRL, requesting amateurs to list available tubes with NAB. This section of the Swap Bulletin contains some of the offers.

Broadcasters desiring to purchase any of these tubes are asked to correspond directly with the owner.

For sale by Lester H. Miller, W9OFL, 275 S. Madison St., Waupun, Wis.

1 Eimac 250TH, new, original carton, price $24.50.
2 Taylor 866, new, original carton, price $1.50 each.
2 Taylor TZ20, new, original carton, price $2.25 each.
2 Taylor TZ40, used 10 hrs., price $3.50 each.
1 Taylor T40, used 10 hrs., price $3.50.
1 Taylor 866, used 10 hrs., price $1.50.
2 RCA 866, used 10 hrs., price $1.50 each.
2 RCA 807, used 10 hrs., price $3.50 each.
All prices F.O.B. Waupun, Wis.

For sale by T. W. Kennedy, 225 Owen Drive, Sunset Village, Madison, Wis.

One Taylor TW150 tube, perfect cond.

For sale by Norman B. Lyons, W1LXE, 81 Fairfield St., St. Albans, Vt.

a. 1 RCA type 802, used 250 hrs., good cond. $2.50.
b. 1 GE type 807, used 250 hrs., good cond. $2.50.

For sale by Buster F. Horn, W5BXY, P. O. Box 1317, Abilene, Texas

1 WE 212-D, new, in original carton.

For sale by Jas. C. Hayes, Yeo Ic, USNR, 1931 Jackson St., N. E., Washington, D. C.

Two RCA 810, $12.00 each, used.
Two RCA 866-A, used, $5.00 each.

For sale by Edwin N. Ebeling, 526 Clark St., Clay Center, Kans.

a. One RCA 851, used.
b. Three WE 334-A rectifier, used. Make offer.

For sale by J. W. Harwood, 1357 Kelton Ave., Los Angeles, Calif.

1 RCA 804, new, $15.00.
1 RCA 860, new, $15.00 (RCA-DeForest).
1 WE 212-D(#1), like new, used 10 hrs., $15.00.
1 212-D(#1), rebuilt, good cond., $10.00.
4 210-T(Sylv.), good cond., used about 300 hrs., $1.00 each.
8 RCA 807, all in good cond., avg. 50 hrs. use, $3.00 each.
1 HK 354, new (not high freq. type), $24.50.
1 HK 354, used 10 hrs., perfect cond., but has broken filament spring. Not HF type, $15.00.
2 WL 872, cond. good, $6.00 each.
6 WL 872A, cond. good, $7.50 each.
2 RCA 872A, cond. good, $7.50 each.
6 United 972A, cond. good, $7.50 each.
All tubes will be sold subject to buyers test and approval, and all prices are F.O.B. Los Angeles, Calif.

For sale by Harley E. Saltmarsh, W8C1B, 551 Superior, Dayton, Ohio

One RK-20 tube, used 150 hrs., price $10.00.

For sale by Paul Bauman, Minnesota State Reformatory, St. Cloud, Minn.

One Raytheon RK36 tube, used 100 hrs. Good cond. Price $3.75.

For sale by Hosea Decker, 44 Campbell St., Delaware, Ohio

1 RCA 802, new, $2.50.
1 RCA 800, used about 100 hrs., $3.50.
2 Taylor 866, used 200 hrs., $.50 each.
1 RCA 852, used 400 hrs., $4.00.
1 RCA 852, used 800 hrs., $3.00.
Will ship F.O.B.

For sale by R. W. Haynes, W8FOV, 2413 Mallery St., Flint, Mich.

1 RK 23, used approx. 300 hrs.
1 RK 28, used approx. 300 hrs.
2 100TH, new.
4 866, 1 new, 3 used approx. 500 hrs.
Make offer.

For sale by Chas. W. Carter, W3EZL, R.F.D. No. 2, Charlottesville, Va.

1 No. 1377 WE 251-A, used 1000 hrs.
1 Taylor 211-C, used 250 hrs.
3 RCA 845, used 200 hrs.
2 RCA 807, used 150 hrs.
2 RCA 802, used 150 hrs.
1 RCA 865, used 250 hrs.
Make offer.

The National Association of Broadcasters
1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON, D. C.
January 15, 1943 SWAP BULLETIN No. 26

Helping Each Other

Gerald P. Foster, WDZ Chief Engineer of Swap Bulletin Jackpot fame, writes:

> **"I received 62 replies in the form of wires and letters from 35 different states. The majority of requests were for transformers, tubes, and patch cords. From the urgency of some of the letters and wires received, it was obvious that the parts requested were badly needed and I am happy that we were able to get them to those persons."**

You too can get that "happy feeling" by listing your surplus items in the next issue of the Swap Bulletin and helping another broadcaster over a "tough spot."

Please do your part to keep every broadcaster supplied with essential parts and materials. Check your stock today. List your long items under the heading "WILL SELL" and the items you need under "WILL BUY." Then write: POOL, National Association of Broadcasters, 1760 N Street, N.W., Washington, D. C. Your fellow broadcasters will do the rest.

WILL SELL

For sale by Arthur Grolz, 43 Butler St., Mt. Clemens, Mich.

Electric Specialties Motor-Generator, 115 Volt A.C. to 12 Volt at 25 amps. D.C. Price $35.00 FOB.

For sale by WBBB, Burlington, N. C.

1 RCA Type 814 Tube. Used approx. 200 hrs.

For sale by KLRA, Little Rock, Ark.

a. 1 250 watt composite broadcast trans. now in use. Can make delivery in 60 days. $800.00 F.O.B., Radio Station KGHI, Little Rock, Ark.

b. 5 WE 343A air cooled tubes brand new in original cases. $410.00 each, F.O.B., Radio Station KLRA, Little Rock, Ark.

For sale by KGGM, Albuquerque, N. M.

1 Collins oscillator tube C-100-D used 200 hrs.

For sale by KRLH, Midland, Texas

One Bliley BC 46 crystal and oven 1240 KC, comp. and in good cond. $25 (used).

Three, New D7829 30 amp. dual chokes.

One TC 225-B used Hammarlund Var. Cond. used—good cond.

One Modulation choke U.T.C., LS 103, used, good cond.

One Freq. Deviation Meter, type 681-A, comp. except two meters (used).

GR Freq. Deviation Monitor, type 475-A, comp. with tubes, type 376 crystal freq. 1421.00 plus or minus .028KC Looks like new.

Will sell crystal separate if desired.

One used Hammarlund Var. Cond. type T.C. 225A, excellent cond.

One GR Quartz crystal type 376 L freq. 1449.00 plus or minus .007KC.

For sale by WMBR, Jacksonville, Fla.

One Fairchild-Proctor portable recorder #F-260 comp. with Fairchild-Proctor portable amplifier #219.

For sale by WCSH, Portland, Me.

	Make	*Type*	*Description*	*Cond.*	
3	Faradon	UC2373	.02 mfd 3000 v. 63A 1000 KC	B1	
2	Faradon	UC2455	.0006 mfd 15,000 v. 10A 1000 KC	B1	
1	Faradon	UC2325	.001 mfd 15,000 v. 10A 1000 KC	A	
1	Faradon	UC2369K	.0025 mfd 12,000 v. 20A 1000 KC	A	
1	Faradon	UC2267A	.01 mfd 5000 v. 20A 1000 KC	A	
2	Solar	XA 12-35	.0005 mfd 12,500 v.	A	
3	C-D	KG3100	.10 mfd 330 v. AC	B1	
3	GE	AR	Electrolytic Cond.	B2	
1	Flechtheim		2 mfd 3000 v. DC	B1	
1	National	DX	.0001 mfd Variable 3000 v.	B1	
10	Crouse Hinds		100 Watt Obstruction lights approved by FCC	B1	
1	GE	1229492-4	Novalux Code Beacon 300 M.M. 2-500 Prefocus Lamp Sockets	B2	Broken lower red colored glass insert
1	GE	CR7006D4	Magnetic Switch 110 v. 60 cycle Cat. 1773589619—J2D9	A	
1	GE	9AM1140A1	Auto-trans. Serial FN 60 cycle .75 KVA Equiv. .375KVA volts 220-110/121/132/143	B1	
1	GE	9AM1141A1	Auto-Trans. Serial FN 60 cycle Output 1.5 KVA Equiv. .75 KVA volts 220-110/121/132/143	A	
1	GE	DO 5	R.F. Ammeter Range 0-10 Amp. Int. Thermo	B1	
1	Weston	640	R.F. Ammeter Range 0-15 Amp. Int. Thermo	B1	
1	Weston	425	R.F. Ammeter Range 0-10 Amp. Rubber Case	B1	
1	Weston	322	D.C. Milliammeter Serial No. 4508 Wooden case. Range 0-500 Mil DC 0-50, 0-5, 0-.5 Mil Accuracy .½%	B1	In very good cond.
7	RCA	A-A	Cond. Microphones with tubes 5 floor, 2 desk stands	B1	
2	WE	600A	Cond. Microphones with Banquet Stand	B2	
1	Jensen	A-12	Loud Speaker, 12-Inch 80 Rectifier	B1	
2	Jensen	2452 D9	Loud Speaker, 10-inch 12 ohm Copper Oxide Rectifier	B1	
2	RCA	106	Loud Speaker, 9-inch Copper Oxide Rectifier	B2	
1	Amertran	D-68-c	Audio trans., output 160,000/4000 to 1¼ to 15	B1	
1	Amertran	D-41	Audio trans., output PP-245 or 71 plates	B1	
1	Amertran	389	Audio trans., pickup 11,500/25,600	B1	
3	Amertran	999	Audio trans., Mixer 200/200	B1	
2	Amertran	3259	Audio Trans., Mixer 100/200	A	
3	Amertran	3246	Audio trans., Mixer 67/200	B1	
1	Amertran	095	Audio trans., Mixer 200/200	B1	
1	Amertran	D21	Audio Trans., Interstage 10,000/250,000	B1	
1	Amertran	L-241	Reactor, 40-H, 674 ohms	B1	
1	Thoradson	T-6363	Trans. 350/350 5V 2A 2½-9A 2½-3A	B1	
25	RCA	864	Tubes, 1.1 volt. voltage amplifier	A	
5	RCA	864	Tubes, 1.1 volt. Voltage amplifier	B1	
2	GR	P-355-31	Chokes, microphone filter	A	
1	WE	111-c	Repeater Coil, Telephone repeater	B1	
1	WE	74-A	Repeater Coil, Telephone repeater	B1	
1	WE	74-D	Repeater Coil, Telephone repeater	B1	
1	WE	71-B	Retard Coil, Telephone repeater	B1	
1	WE	224-B	Input trans., line to grid	B1	
2	Jenkins & Adair	Type B	Remote amplifiers, 2-12A 1.71-1.40 tube. Battery only, requires 6VA and 180B	B1	
1	Composite	Composite	Remote amplifier, battery 1-30-2-31 Tubes 4VA .135B	B1	
2	Composite	Composite	Remote amplifiers, battery only, requires 3VA 135 B 1-30-1-31	B1	
4	Composite	Composite	Preamplifiers, battery, requires 3VA 135B 2-30 tubes		
2	WE	234A	Telephone trans., operators chest type. Phone trans.	A	
4	Weston	Model 301	Meters, 20-0-20 DC Ammeter	B1	
8	Weston	Model 301	Meters, 1-01 DC Ammeter	B1	
1	Weston	Model 267	Meter, 0-4 DC Ammeter	B1	
1	Weston	Model 506	Meter, 0-3 DC Ammeter	B1	
1	Weston	Model 267	Meter, 0-100 DC Milliammeter	B1	
1	Jewell	Model 25	Meter, 0-20 DC Voltmeter	B1	
2	Weston	Model 301	Meters, 0-60 DC Galvanometers	B1	
1	Weston	Model 301	Meter, 0-3 DC Voltmeter	B1	
2	WE	61-A	Line Amplifiers, low level amplifiers. Use 247A tubes	B1	
2	RCA	13A	Volume indicators, use 841 tube 12V DC 350 Plate .0-60 Galvanometer	B1	
2	WE	60-A	Line amplifiers, program amplifiers. Use 1-247A 2-205D tubes	B1	
1	Gen. Radio #357	Composite for WCSH	Plate supply, 2-866 tubes supply 1-350 V @ 55 MA, 2-350V @ 20 MA, 3-350V @ 5 MA, 4-135V @ 3 MA, 5-180V @ 5 MA. Suitable for microphone plate supply	B1	
80	WE	218A	Jacks, singly mounted welded frame	B1	
2	RCA	AX4095	Cable Plugs, 7 Terminal. Used with RCA Cond. microphones	A	
2	RCA	UP-4089	Receptacles, wall receptacles for AX 4095 plugs	A	
4	Automatic Elec.	French	Monophone desk sets	B1	
1	WE	80B	Preamplifier		
1	WE	13	Lamp Holder, used with Lamp #2	B1	
1	Robbins & Myers	Type K	Motor Generator, AC motor, 3P-220V, 1750 RPM, 5 HP frame 203		
			DC Generator, 16V, 30A, 1750 RPM		
		Type 1	DC Generator, 2 KW, 1600V, 1.26 amp. 1750 RPM, Shunt Interpole wound	B1	

For sale by WCSH, Portland, Me.

	Make	*Type*	*Description*	*Cond.*
1	Delta	6825	Filter Unit, 12 volt DC @ 2 amp. Hum level, 40 DB down	B1
1	RCA	15A	Meter Panel, includes (1-0-50 MA DC) (1-0-15 DC Volt) (1-0-50-600 DC V.)	B1
1	GE		Time clock, 5" dial, 12-hr. electric time clock	B1
1	GE		Battery charging set. Includes 1800 RPM type SCR-836; 3 HP 110/220 v. 60 cycle single phase motor; type BD-33500 v., 1 amp DC Shunt Generator; type BD-35 18 v., 50 amp. DC Shunt Generator	B1

Prices upon request or make offer.

For sale by Dukes Radio Co., 114 West 4th St., Sioux City, Ia.

a. 2 860 transmitting tubes, new, $32.50 each.

b. 2 New 811 trans. tubes, $3.50 each.

c. 1 slightly used 203A trans. tube, $5.00.

For sale by KGLO, Mason City, Iowa

2 new Amperex 892 tubes in original sealed cartons. Equiv. to 892-R, only less radiator fins. $575 for the pair.

For sale by WEMP, Milwaukee, Wis.

1 RCA crystal for TMV-129-A without holder, freq. 1310.

For sale by Myron E. Kluge, 1913 Montrose St., Los Angeles, Calif.

1 National Communications receiver, mod. NC-101-X, comp. with tubes, crystal filter and NDC-10 speaker (used 6 months). $75.00.

1 Philco Shoulder-Strap Portable Receiver, Mod. PT-89 (slightly used set, new battery). $15.00.

1 Meissner Portable Recorder, Mod. 9-1045, modified with new General industries two-speed recording chassis, comp. with crystal microphone and desk stand. $100.00.

1 Howard R.F. Pre-Selector, Mod. 650, two stage, 1.7 to 43 MC. (new). $30.00.

1 Howard Pre-Selector Loop Kit, 1.7 to 43 MC. (new). $7.50.

1 Factory-built Electronic Mixer for PA use, handles two microphones and one phono-pickup, self-contained power supply (new). $20.00.

1 Triplett Meter, Mod. 321, 0-300 MA DC (new). $5.50.

1 Simpson Meter, Mod. 55-S, 0-10 Volts AC (new). $5.50.

1 Trans. inductor, 8 turns ½ inch edgewise wound copper strip, inside diameter 7 inches, overall length 4¼ inches, yellow bakelite supports, non-shorting cast-aluminum ends, with "flipper" (used). $4.00.

1 Trans. inductor, 30 turns ½ inch edgewise wound copper strip, inside diameter 7 inches, overall length 15 inches, yellow bakelite supports, non-shorting cast-aluminum ends, with "flipper" (used). $10.00.

1 RCA Universal AC Bridge, Model 9600 (fair cond.). $25.00.

1 Supreme RF Signal Generator, Model 189 (good cond.). $20.00.

1 Inca H. V. Trans., Model B-34, 2360-3530 CT (new). $12.00.

1 Inca Fil. Trans., Model J-3, 2.5 volts, 14 amps. (new). $2.25.

1 Inca Fil. Trans., Model J-64, 6.3 volts, 9 amps. (new). $3.25.

1 Peerless Filter Choke, Model 1042, 20 henries, 200 MA (new). $2.75.

1 GE Filter Cond., Model 23F23, 4 mfd., 1500 volts (new). $5.50.

1 UTC Push-Pull Interstage Trans., Model LS-21. $7.50.

1 Kenyon Line-Input Trans., Model KLG. $7.50.

1 Kenyon Push-Pull Interstage Trans., Model KA-22. $7.50.

1 Kenyon Output to Line Trans., Model KPP-500. $7.50.

1 Marlan Electric Rack-Mounting Power Supply, output 350 volts DC-150 MA and 10 volts AC at 8 amp., equipped with double section filter and 3 inch Weston 500 volt DC meter (cond. excellent except panel needs refinishing). $25.00.

2 GE 812 tubes (new), each $3.50.

1 Magnavox PM Speaker, 6 inch, 4 ohm voice coil (new). $2.50.

5 Oxford PM Speakers, 2½ inch, 3¼ ohm voice coils (new). $1.00.

1 Meissner Vibrator, Model 405 (new). $2.00.

1 Inca Vibrator Supply Trans., output 250 volts, 60 MA (new). $2.75.

WILL SELL OR SWAP

KLCN, Blytheville, Ark., will sell

One 204-A RCA tube (new).

Or Swap for

High fidelity recording head with or without cutting mechanism.

WILL BUY

Wanted by WBBB, Burlington, N. C.

Two or more Transcription Filing Cabinets for 16″ disc.

Wanted by WEMP, Milwaukee, Wis.

a. 1 RCA crystal for TMV-129-A without holder, freq. 1340.
b. 1 General Radio or RCA freq. monitor, which will pass FCC rules and regulations.
c. 1 Modulation monitor with FCC approval number.

Wanted by KGEK, Sterling, Colo.

a. One PS-4D Stancor Duel Power-supply comp. with chassis, panel and accessories, 1000 and 400 volts.
b. One PS-8 Stancor Power-supply comp. with chassis, panel and accessories. Units made by Standard Trans. Corp., Chicago, Ill.
c. One BC-6 Bliley oven Mounting 6.3 volts and 2442 Kc Crystal.
State price and condition.

Wanted by WKNE, Keene, N. H.

516C radio freq. bridge (general radio).

Wanted by KFAR, Fairbanks, Alaska

a. 1 G.R. type 376-L quartz plate and holder for G.R. freq. monitor; any freq. up to 660 kilocycles.
b. 1 RCA type 72B or type 72C recording attachment and automatic equalizer for mounting on RCA 70B turntable.
Please airmail replies.

Wanted by WQAM, Miami, Fla.

WE 9A Reproducer.

Wanted by WAGE, Syracuse, N. Y.

Genemotor 6 volts d.c. to 250-300 vdc at 15-25 ma.

Wanted by KWK, St. Louis, Mo.

400 ft. of 7/8″ concentric transmission line, new or used.

Wanted by Prof. S. T. Fife, Univ. of Louisville, Louisville, Ky.

a. One RCA (or equivalent) 3″ Cathode Ray Oscilloscope.
b. Low Range DC Milliameters.

Wanted by WMRC, Greenville, S. C.

Pole trans. 2½ KW, 2200/1100 volts, 220/110 volts high voltage winding center tapped. Also Weston or Triplett "VU" meter, key switches, 200 ohm Faders, UTC, LS trans. any type, microphones.
Address all replies to George Tate, Chief Engineer.

Wanted by KICD, Spencer, Iowa

Crystal or magnetic pick-up with interchangeable needle for playing recordings. One microphone. Give description and price in first letter.

Wanted by WBRW, Welch, W. Va.

4 type 805 tubes.
2 type RK-47 or 814 tubes.
2 type 885 tubes.
2 type 872 or 972 tubes.
Two conductor, shielded microphone cable.

Wanted by KPQ, Wenatchee, Wash.

500′ concentric line—prefer 7/8″.
500′ concentric line—prefer 3/8″.
2000′ single conductor insulated copper wire for installation in conduit. Prefer #10, but can use any size from 8 to 14.

WILL SWAP

WTNJ, Trenton, N. J., will swap

1 WE 212-D tube, 250 watt, used 50 hrs.
FOR WE 9-A reproducer head.

WILL SELL

For sale by WDZ, Tuscola, Ill.

One Onan gasoline driven power plant, Model No. WTC-2, 110 v. A.C., 60 cycle, rated at 2 Kw. Used in truck for relay broadcast purposes only. Very good cond. and well cared for. Cost us $536.00 but will sell for $300.00, F.O.B. Tuscola, Ill.

For sale by KGGF, Coffeyville, Kansas

a. 1 WE low temperature coefficient crystal, unmounted, 1010 KC.
b. 1 WE D-87781 Quartz Oscillator (mounted low coefficient crystal), 1010 KC.
c. 2 WE unmounted Y cut crystals, 1010 KC.

The National Association of Broadcasters

1760 N STREET, N. W. * * * * * * * WASHINGTON, D. C.

January 22, 1943 SWAP BULLETIN No. 27

YOU ARE ESSENTIAL

Men who are occupationally deferred can and should take a justifiable pride in their deferment, Chairman Paul V. McNutt of the War Manpower Commission said on January 20.

> "Although a great deal of emphasis has been laid on the fact that essential workers are vital to war production, there is still much work ahead in registering this fact with the public, and with the workers themselves. Occupational deferment usually indicates that a man is making a more valuable contribution tó the war, right now, than if he were in uniform."

Pass Mr. McNutt's statement along to your men. Let them know they are essential and list your surplus materials in the next issue of the Swap Bulletin. Men and materials are the two big essentials to keep every broadcaster on the air.

Please do your part to keep every broadcaster supplied with essential parts and materials. Check your stock today. List your long items under the heading "WILL SELL" and the items you need under "WILL BUY." Then write: POOL, National Association of Broadcasters, 1760 N Street, N.W., Washington, D. C. Your fellow broadcasters will do the rest.

WILL SELL

For sale by WDEV, Waterbury, Vt.

Quantity	*Type*	*Cond.*	*Net Each*
10	.002 MFD. Sangamo Mica condensers, 5000 v.	good	$1.00
1	.01 MFD. Sangamo Mica condensers, 5000 v.	good	2.00
1	.012 MFD. Sangamo Mica condensers, 5000 v.	good	2.00
1	.0006 MFD. Sangamo Mica condensers, 5000 v.	good	.50
1	.0001 MFD. Sangamo Mica condensers, 5000 v.	good	.50
1	0 to 10 D.C. Milliampere Meter Weston #301	good	5.00
1	Sprague Interference Analyzer	good	6.00

For sale by N. R. Keidan, Manhattan Marine & Elec. Co., Inc., 116 Chambers St., N. Y.

Dynamotors, D.C. to D. C.

24-750 volts, GE 200 mills	$27.50
24-1000 GE 1,000 mills	85.00
12-350 volt, 80 mills	18.00
32-350 volt, 80 mills	9.00
12-750 volt, 200 mills	30.00
32-300 volt, 60 mills	7.50

For sale by General Elec. X-Ray Corp., 2012 Jackson Blvd., Chicago, Ill.

1 RCA 893 tube, used 20 min. F.O.B. New York City.

Address reply to L. L. Ludwigsen, Tube Dept.

WILL BUY

Wanted by WEGO, Concord, N. C.

2 279A WE tubes.

Wanted by WFVA, Fredericksburg, Va.

a. 1 Weston #301 D.C. micrommeter or comp. Field Strength Meter.

b. Oscilloscope in good order. State cash price.

Wanted by WTCN, Minneapolis, Minn.

One WE 9A reproducer head.

Address reply to M. N. Fleming, Supervisor of Controls.

Wanted by WKZO, Kalamazoo, Mich.

One Lux type Fire Extinguisher or one of similar type.

Wanted by WDEV, Waterbury, Vt.

2 WE 77A repeating coils.

Wanted by WHIT, New Bern, N. C.

A portable recorder comp. with mike, amplifier and playback facilities, both speeds, or what have you. State cond. and price.

For sale by WDZ, Tuscola, Ill.

UTC TRANSFORMERS

1	LS-22 P.P. plates to P.P. grids	$13.20
1	LS-47 P.P. plates, 2A3's to class "B" 203A's	13.20
1	LS-65 P.P. plates to line and V.C.	18.00
1	LS-67 Class "B" plates to P.P. grids	42.00
1	LS-100 Modulation choke 50 hy., 100 mils.	18.00
1	LS-101 Modulation Choke	15.00

THORDARSON TRANSFORMERS

1	55C17 Input choke, 25-40 hy.	10.80
2	63C15 Input choke, 12-38 hy.	5.10
2	64C08 Smoothing choke, 23.6 hy.	6.00
16	68C08 Plate filter choke, 22 hy.	1.20
1	75C51 Filter choke, 19.9 hy.	3.30
1	81C15 Audio Reactor, .75 hy.	1.50
1	15D78 C.H.T. Multi-Match Driver	5.40
1	54D63 Interstage Driver	1.50
4	19F81 Single Fil. 6.3V-2A	1.25
2	54F69 Single Fil. 2.5V-5A	1.05
1	61F85 Three Fils.	1.35
3	64F13 Single Fil. 7.5V-2.5A	1.95
2	64F33 Single Fil. 2.5V-10.A	3.60
1	75F84 Two Fils.	3.30
1	79F84 Three Fils.	2.85
1	70M84 Modulation	9.00
1	15P13 Multi-Volt Plate Power	10.80
1	53P03 Plate Power	3.30
1	70P33 Plate Power	18.00
3	89R28 Plate Power, Multiple Fils.	7.20
3	19F97 Single Fil. 6.3V-3A	1.23

JEFFERSON TRANSFORMERS

1	463-261 Power Transformers	3.00
2	463-281 Power Transformers	2.10
1	463-441 Power Transformers	2.40
1	464-211 Single Fil. 2.5V-5.25A	.84
2	464-311 Three Fils.	3.00
1	465-261 Power Transformer	7.50
1	466-125JX Choke	.90

STANCOR TRANSFORMERS

1	A-3841 Single plate to line	2.10
2	A-3883 Line to V.C.	1.35
2	A-4351 Line to single grid	1.26
3	C-1703 Filter Choke, 15 hy.	2.25
1	P-948 Power Transformer	2.40
1	P-6337 Power Transformer	4.50

TUBES

2	Amperex-ZB-120	11.00
3	Sylvania-211	5.00

METERS

1	Jewell Pattern #54, 0-50 Mils. D.C.	5.00
1	Triplett Model 321, 0-100 Mils. D.C.	5.75
1	Triplett Model 321, 0-500 Mils. D.C.	5.75

MISCELLANEOUS

5	2000 Watt Floodlight Bulbs (110V.AC)	7.50
2	Flood reflectors on stands for above	10.00

Terms: C. O. D., F. O. B. Tuscola, Illinois. First wire or letter will be honored for each item.

TUBES AVAILABLE FROM AMATEURS

The American Radio Relay League is cooperating with the NAB Engineering Department in an effort to secure tubes for broadcast stations now in the possession of amateur stations. A notice appeared in QST, official organ of the ARRL, requesting amateurs to list available tubes with NAB. This section of the Swap Bulletin contains some of the offers.

Broadcasters desiring to purchase any of these tubes are asked to correspond directly with the owner.

For sale by Erwin H. Enos, U.S.C.G., RT 1/c, St. George Depot, Staten Island, N. Y.

1 RCA 809, cond. good.

Make offer.

For sale by Roger F. Hamilton, 62 Academy Ave., Waterbury, Conn.

No.	*Type*	*Cond.*	*Price each*
1	811	new	$3.50
2	809	used 300 hrs.	1.50
2	807	new	3.50
1	807	used 300 hrs.	1.50
2	866	new	1.50
2	866	used 300 hrs.	1.00
2	2A3	used few hrs.	1.00
1	203A	new (Museum piece-1922 edition)	

For sale by Joe T. Hargis, WSAQF, Okay, Ark.

a. One WE 242A, used 8 months, good cond., price $9.00.

b. One Sylvania 203A, used 8 months, good cond., price $9.00.

c. Two EIMAC 100TH, used 8 months, good cond., price $10.00 each.

d. One Amperex ZB-120, new, price $10.00.

For sale by Harold E. Jones, Apt. A., 1728 E. Locust, Davenport, Iowa

Two RCA 203A tubes, new, price $5.00 each.

For sale by James M. Welch, W4CBU, 15 Fairview Drive, Chattanooga, Tenn.

a. 1 Eimac 35-T, used, perfect cond., $6.00.

b. 2 Rectifiers, 866-A, used, good cond., $2.75.

c. 3 Amp. tubes, type 203A, filaments good, probably in good cond., $7.50 each.

d. 1 Amp. tube, 204A, filament checks OK, ship on approval. Make offer after check.

e. 1 807. $3.00.

Any tubes will be shipped on approval.

For sale by C. W. Thyberg, W2BWE, 138 Walthery Ave., Ridgewood, N. J.

	Make	*Type*	*Age*	*Approx. use*	*Price*
1	Collins	CK70	2 yrs.	15 hrs.	$12.50
2	RCA	203A	5 yrs.	50 hrs.	7.50 each
2	Taylor	TZ40	1 yr.	new, never used	4.00 each
1	RCA	812	2 yrs.	100 hrs.	3.00
4	Taylor	866	3 yrs.	100 hrs.	1.50 each
2	Lafayette	866A	3 yrs.	50 hrs.	2.50 each

For sale by Harry H. Porter, W8CRI, 707 Eighth St., Marietta, Ohio

	Type	*Make*	*Hrs. used*	*Price*
1	203Z	Taylor	New	$8.00
1	203A	RCA	150	8.00
2	T-40	Taylor	100	3.00
1	T-20	Taylor	25	2.00
1	T-40	Taylor	25	3.25
1	807	RCA	New	3.50
1	TZ-40	Taylor	100	3.25
2	T-55	Taylor	125	5.00
6	866	Taylor & RCA	50-100	1.25
2	TZ-40	Taylor	200	3.00
2	6L6	RCA	75	.75
2	6L6G	RCA	75	.75
1	T-21	Taylor	100	1.50

F.O.B. Marietta, Ohio.

For sale by W. L. Hoss, W4BUC, c/o Hoss & McCall, Jonesboro, Tenn.

a. 1 Taylor T-20, used 2 hrs.

b. 1 RCA 808, used 4 hrs.

Make offer.

For sale by W. Meade Williams, 1040 Rivermont Terrace, Lynchburg, Va.

a. 1 RCA 810 transmitting tube.

b. 1 Thordarson trans. T-7033 500 mil, 1000-1250 v.

Make offer.

For sale by J. B. Gatliff, Jr., High Splint Coal Co., Williamsburg, Ky.

1 807
4 T55
4 TZ40
2 805
1 913
4 6L6
1 6V6
6 866
3 866/866A
4 80
2 T200
7 2A3
4 6L6G
1 6V6G

All tubes in good cond., offered at approx. Amateur Net prices.

For sale by Gerald D. Coleman, W8FRC, Saxonburg, Pa.

2 Type 830-B @ $2.50 (new).
2 Type T-40 @ $2.50 (used 5 hrs.).
2 Type TZ40 @ $2.50 (used 5 hrs.).
1 Type 210 @ $1.50 (Sylvania—New).
3 Type 83 @ $.50 (new).
6 Type 866 @ $1.00 (slightly used).

For sale by M. L. Potter, c/o Dixie-Vortex Co., 401-431 N. Western Ave., Chicago, Ill.

a. 13 866 Rectifiers—some Taylor, some RCA and some Raytheons. About half of these are new, never having been out of their cartons. The others have been slightly used, but all are in good cond. Price for lot—$18.00.

b. 4 Taylor 203A heavy duty. (Carbon plates with plate terminal on top.) Slightly used but guaranteed the same as practically new cond. Price $12.00 ea.

c. 1 Westinghouse AT21. Same as RCA 203A (metal plate).

2 GE PR3-B—same as RCA 203A (metal plate).

The one Westinghouse AT21 and two GE PR3-B have been used in my amateur transmitter, but are in excellent cond. Price $8.00 each.

Will ship upon receipt of money order to cover, subject to a refund within five days if the merchandise is not found to be in the cond. mentioned.

For sale by Frank Van Newkirk, 406 Washington Ave., Haddonfield, N. J.

a. Two Hytron HY-69 tubes (new).

b. One Taylor T-20 (new).

Make offer.

For sale by J. Elmer Newell, Elmer's Shop, 2416 Aberdeen Ave., Aberdeen, Wash.

2 204-A tubes, one almost new, other used, but good cond. Offered for test and approval, at fair price.

For sale by Edwin E. Hood, W8PVG, 99 Evergreen Ave., Elmira, N. Y.

4 Taylor 866A, used about 30 hrs.
4 Taylor 866 Jr., used about 30 hrs.
3 Taylor TZ40, used about 30 hrs.
1 Taylor T21, used about 30 hrs.
2 Taylor T55, used about 20 hrs.
1 Amperex HF100, used about 10 hrs.
1 Amperex HF100, used about 25 hrs.

Good cond. when last used. Offered at 80% of their net price.

For sale by J. M. Danskin, W6NKH, 1810 Cedar St., Alhambra, Calif.

Two HK54 tubes, new. Make offer.

For sale by R. H. Holsclaw, 3807 Kliendale Rd., Tucson, Arizona

2 849 tubes, 500 hrs., good cond.
1 849 tube, 1000 hrs., low.

Make offer.

For sale by D. Estes, W5AEM, 1611 Wilbarger St., Vernon, Texas

Tubes:

2 805, new.
2 805, used 50 hrs.
2 203Z, new.
1 852, new.

Also have:

a. Thordarson power 2250-0-2250 500 Ma. (transformer).

b. One new Clough Brengle Oscilloscope.
All tubes and equip. to be sold at new prices, F.O.B. Vernon, Tex.

For sale by Chester R. Ashby, P. O. Box 300, Farmington, Utah

1 De Forest 872, new, new price.
1 RCA 872, used, ½ new price.
1 RCA 800, used, $7.00.
1 RCA 811, used, $2.50.
3 RCA 812, used, $2.50 each.
1 RK20, used, $8.00.
2 Taylor 203B, used, $6.00 each.
All tubes in good cond.

For sale by Earl M. Reichman, W8NBK, 307 Hanna St., Dennison, Ohio

1 Taylor T200, nearly new.
1 RCA 203A, old type, good cond.
2 De Forest 522, good cond.

Make offer.

The National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON, D. C.

February 5, 1943 SWAP BULLETIN No. 28

THIS *IS* CONSERVATION

When you are able to use parts and material already produced you save man hours and material. That's real conservation.

The broadcast industry now has AA-2X priority. Former rating was A-1-J. See "NAB Reports" of February 5, 1943, for details.

Please do your part to keep every broadcaster supplied with essential parts and materials. Check your stock today. List your long items under the heading "WILL SELL" and the items you need under "WILL BUY." Then write: POOL, National Association of Broadcasters, 1760 N Street, N.W., Washington, D. C. Your fellow broadcasters will do the rest.

WILL SELL

For sale by F. M. Kelly, 949½ West Jefferson, Los Angeles, Calif.

1 Modern DeLuxe three channel remote control amplifier, in sloping front cabinet, comp. with external AC operated power supply, Simpson "DB" meter, GR 50 ohm attenuators, Hubbell plugs. (Amplifier new, attenuators used), $150.00.

1 Modern DeLuxe single channel remote control amplifier, comp. with Remler cond. microphone on deluxe floor stand, external AC operated power supply, volume indicator, tubes and connecting cables. (Amplifier new, microphone used), $100.00.

2 Modern DeLuxe single channel remote control amplifiers, comp. with external AC operated power supplies and with volume indicators. For 30 ohm low-level microphones (new), $75.00 each.

1 Collins 7-H program or monitoring amplifier, comp. with external AC operated power supply, tubes and Jones plugs (used 3 mo.), $85.00.

1 Meissner-Terminal high-fidelity AM/FM tuner, model 9-1067, relay rack mounting, used 2 mo., $85.00.

1 RCA recorder lead-screw, outside-in, MI-12700-A, original net cost $27.81. Slightly used, $12.00.

250′ transposed lead-in cable, new. $7.50.

3 Centralab 1 watt T pads, No. 93002, 500 ohms, used. $2.50 each.

1 Centralab 1 watt T pad, No. 93003, 200 ohms, used. $2.50.

1 Simpson AC voltmeter, model 55-S, 0-10 volts, new. $5.50.

For sale by WKBZ, Muskegon, Michigan

1 RCA crystal unit, model TMV-129B, holder, crystal freq., 1490 kc.
1 Central Motor Repair Co. D.C. generator 500 V, ½ amp., with ½ H.P. 110 V—AC motor mounted on base.
1 Electric Specialty Co. motor generator set, 220 V, single phase, AC motor—1000 V, .55 amp., generator mounted on base.
1 Weston TC RF meter, 0-10 amp., shunt burned out.
2 Jewell, pattern 64, 0-5 amp. Need recalibration.
1 Jewell, pattern 54, 0-500 ma. Needs recalibration.
2 RCA, #AZ-4211-2 transcription pickups with brackets for mounting on RCA 70A turntables — good cond., except being in storage for 3 yrs.
1 WE desk type cond. microphone.
1 General Industries, model N, 78 & 33-1/3 RPM turntable motor with 12″ turntable.
1 Hammond, synchronous phonograph motor, model 600, 78 RPM.
1 WE volume indicator, 518-B. Panel needs slight rewiring.
1 Radio Engineering Lab. cat. #184-98 freq. meter, 1400-1660 kc. Uses a Jewell, pattern 54, TC Galvonometer, 0-115 ma., current squared, scale, for resonance indicator.

For sale by WGBF, Evansville, Ind.

Sangamo 35 Amp. Time Switch.

For sale by WJHP, Jacksonville, Fla.

4 Thordarson type T15A71 trans.
1 Thordarson type T15A66 trans.
3 Stancor Tinytrans type A-8510.
1 Par-Metal cabinet rack type ER-215.
1 Amertran type DA-102.

For sale by KWOS, Jefferson City, Mo.

1 Collins type H.A. Cut crystal with 297 holder. Freq. 1340 KC.

1 GR freq. monitor crystal to monitor, 1340 KC.

For sale by Erwim H. Enos, RT 1/c U.S.C.G., St. George Depot, Staten Island, N. Y.

RCA type 831 used 8½ hrs. Practically new cond.

GE type GL159 used about 2 hrs. Practically new.

2 C-D type TJU 2 mfd. 600 v. cond.

3 C-D type TJU 4 mfd. 600 v. cond.

1 C-D type TJU 2 mfd. 1500 v. cond.

2 Westinghouse 3.8 mfd. 2500 v. filter cond.

1 Sangamo type F21 .001 mfd. 6000 v. cond.

2 Sangamo type HL 2500 v. cond.

5 Sangamo type HL 1000 v. cond.

1 Sangamo type .025 mfd. 2500 v. cond.

6 Sangamo type .01 mfd. 2500 v. cond.

3 Sangamo type .01 mfd. 5000 v. cond.

7 Sangamo .01 mfd. 1000 v. cond.

4 C-D type 4 1000 v. cond.

11 C-D type 9 1000 v. cond.

2 C-D type A2 .02 mfd. 2500 v. cond.

11 C-D type 9 5000 v. cond.

RCA class B output mod. choke for 808.

Cardwell split stator 140 mfd./sect. 12000 v. variable cond. This is commercial model with corona shields etc., heavy built.

Weston #476 0-150 volts AC meter.

" #301 0-300 ma. DC meter.

" #470 0-10 volts AC meter.

" #301 0-200 ma. DC meter.

" #506 0-7 volts DC meter.

" #506 0-50 ma. DC meter.

" #301 0-200 ma. DC meter.

" #425 0-500 ma. thermo-coupled RF meter new.

Weston #425 0-5 amps. thermo-coupled RF meter new.

Weston #301 0-100 ma. DC meter.

Triplet 227A 0-25 ma. DC meter.

Beede 0-15 volts AC meter.

Beede 0-1 ma. DC meter.

Jewell #135 0-15 ma. DC.

Jewell 0-1 amp. thermo coupled RF damaged.

Jewell #54 0-25 ma. DC meter.

Jewell 0-5 amps. thermo coupled RF meter.

Most items are new, others with the exception of the Jewell meters are very slightly used and in good cond. Make offer.

For sale by WNBF, Binghamton, N. Y.

2 RCA 849 tubes, new, never used, in original cartons.

For sale by WBYN, Brooklyn, N. Y.

500 Watt composite trans., comp. with tubes, built into 2 standard racks. Last used by station WLTH.

RCA freq. monitor type EX 4180. Perfect cond.

GR freq. monitor—type 575-E.

2 WE 228A tubes used 1500 hrs.

1 Water jacket for 228A tube, WE perfect.

3 RCA 851 tubes used 500 hrs.

2 GE 860 tubes used 200 hrs.

2 WE 212-D tubes, used 1500 hrs.

1 RCA 854 10,000 watt tube, cond. unknown.

1 RCA 207 10,000 watt tube, good cond.

1 Acme filament trans. 600 watt, 16 v., pri. 110 v.

1 Leeds filament trans. 14 v., 20 amp., good for 212-D tubes.

1 Leeds filament trans. 5 v., 60 amp. for 872 rectifiers.

1 Acme choke 30 H., .5 amp.

2 Dubilier filter cond., 5 mfd., 2500 v. D.C.

1 Jewell 0-6000 voltmeter, D.C. with external resistance.

1 Bristol D.C. recording voltmeter for 110 v.

1 23A WE equalizer.

2 80B WE retard coils.

2 Pyrex 20 inch strain insulators.

1 WE 10A telegraph sounder on stand.

1 Acme 3 phase plate trans. 8000 v., 8 K VA, Pri. 220 v., 3 phase.

Oscillator, Buffer amplifier, and modulator unit built by Piezo Elec. Lab.—last used by station WBBC. Tube line-up 210 osc., 865 buffer, 211 buffer, 211 mod. amp., 50 speech amp., 212-D modulator. Meters in all tube circuits.

For sale by WFTL, Ft. Lauderdale, Fla.

1 310B 100/250 watt WE radio trans. with accessories—used 3 yrs.

2 Collins type 12H studio consoles—used less than a yr.

1 175 ft. Blaw Knox type SE Shunt Excited non-insulated vertical radiator.

1 FCB, Cat #41257C Beacon comp. with red color screen, flasher, also other lights and fittings and cable.

1 #G-2218 type C trans. rack, WE, grey finish.

1 #DE-1210 delux type C metal cabinet, WE, grey finish.

1 731B modulation monitor 900 lbs., 6 in. copper strip.

For sale by KROY, Sacramento, Calif.

1 UTC, type 26883, Fil. trans., high voltage insulation. New. $150.00.

1 WE 220C tube, used. $25.00.

2 GE capacitors, 5 mfd., 7500 volts, New, $70.00 each.

For sale by WAGF, Dothan, Ala.

1 Gates model 10-CH line equalizer. In A-1 cond. Used 6 months. Cost new $60.00. Make offer.

1 Hallicrafters S-20-R receiver. In first-class cond.

WILL BUY

Wanted by KWOS, Jefferson City, Mo.

RK-23 type tubes, Dual speed turntable suitable for use at trans.

Wanted by WKBZ, Muskegon, Mich.

1 RCA type 76-B2 speech input.
1 77-C RCA microphone.
2 RCA or WE 2 channel remote amplifiers.

Wanted by WHJB, Greensburg, Pa.

2 838 tubes, RCA.

Wanted by KRE, Berkeley, Calif.

1 Signal generator (oscillator) range: 30 to 15,000 C.P.S. Clough-Brengle 79-D preferred. Quote make, range, type and price.

Wanted by WGNY, Newburgh, N. Y.

2 type WE 267-B rectifier tubes.
1 type WE 301-A rectifier tube.
1 CD type T-20120, 12 mfd., 2000 V cond. or its equivalent.

Wanted by KFEL, Denver, Colo.

1 piece .001 inch Duraluminum—4 inches by 4 inches sq.

Wanted by KGGM, Albuquerque, N. M.

2 RK 20A, new.

Wanted by KFXJ, Grand Junction, Colo.

Presto Model Y recorder—Please wire price and cond., collect to KFXJ, Grand Junction, Colorado.

Wanted by WFVA, Fredericksburg, Va.

1 WE 320D .0003 mfd. cond., 2.3 amp., 1310-1500 KC, or any similar RF cond. with two terminals and Bakelite case.

Wanted by KPDN, Pampa, Texas

Weston Model 425 Thermocouple type 0-2 amperes RF. Prefer new instrument.

Wanted by KGFF, Shawnee, Okla.

1 wire wound resistor with end supports 5000 ohms, 25 or 50 watt rating.
2 type 884 tubes.
2 type 6C5 tubes.
1 single plate to multiple line audio trans.

Wanted by WLPM, Suffolk, Va.

AC-DC volt ohm milliammeter. Please quote price and cond.

Wanted by KWAL, Wallace, Idaho

150 ft. steel tower.

WILL SELL OR SWAP

KDON, Monterey, Calif.,

Will Sell

3 new 804 tubes.

Or Will Swap

1 804 for 4 807.

Address F. A. Young, c/o KDON, Monterey, Calif.

WILL SWAP

KWAL, Wallace, Idaho, will swap

1420 RCA model TMV crystal unit FOR similar unit 1450 KC or will trade crystals.

TUBES AVAILABLE FROM AMATEURS

The American Radio Relay League is cooperating with the NAB Engineering Department in an effort to secure tubes for broadcast stations now in the possession of amateur stations. A notice appeared in QST, official organ of the ARRL, requesting amateurs to list available tubes with NAB. This section of the Swap Bulletin contains some of the offers.

Broadcasters desiring to purchase any of these tubes are asked to correspond directly with the owner.

For sale by R. E. Leo, RM 2/c, General Delivery, Inverness, Calif.

1 HK257, excellent cond. $20.00.
1 GE 807, excellent cond.
6 RCA 866, all used, fair to good cond.
1 Eimac 100TH, used, cond. unknown.
1 809, excellent cond.
2 809, poor cond.

Make offer on tubes not priced.

For sale by H. M. Saunders, W2KBM, 834 Berckman Street, Plainfield, N. J.

No. of tubes	*Type*	*Approx. hrs. used*
2	Eimac 100TH	75
2	RCA 808	50
2	RCA 801	10
2	RCA 809	15
2	Heinz-Kaufman 54	50
1	RCA 203A	75
1	Sylvania 203A	100
2	Taylor 866	75

Make offer.

For sale by John Edgerton, The Ontario, Ontario Road & 18th St., N. W., Washington, D. C.

1 New H & K Gammatron 354 tube, in original container. Not current model of the 354.
1 RCA 815, used.
1 809 RCA, used.

Make offer.

For sale by Donald C. Weber, W8UWR, Pellston, Michigan

WE 211-D and socket, $10.00.

Thordarson type 6414 filament trans., Pri. for 105, 110 or 115 V, secondary is 10 V.C.T. $3.50. Prices F.O.B. Pellston, Mich. Material sold subject to buyers test and approval.

Used Electro-Voice velocity microphone, model V1, high impedance type. Make offer.

For sale by Bernard Islrtsky, YMCA, Fort Wayne, Ind.

Following new tubes, in original cartons:

2 810 RCA
2 203Z Taylor
2 866A RCA
2 807 RCA
1 HK24

Make offer.

For sale by Dale Broom, 1200 E. Marshall St., Richmond, Va.

2 204A tubes (1 an RCA with 500 hrs. use)

2 805 RCA

1 212D WE

1 211C Sylvania

1 212E Amperex

1 WE 233C microphone input trans.

2 Dubilier mica cond.
.025 mfd. 5,000 V.
.00258 mfd. 3,000 V.

1 Single phase 115-230 V 60 cycle 3 KVA power trans. with sec. 400-3,000 V tapped every 200 V (in case with terminal strip).

1 Large Flechthein trans. filter cond., 1 mfd. at 2,000 V.

1 Grid Cathode mod. trans. (UTC multi-impedance, 1 KW) and input trans. to match.

All equip. in good cond. Priced below original cost. Make offer.

For sale by E. A. Doland, 27 Payne Avenue, Midland Park, N. J.

Following trans. tubes:

3 204A
2 250TH
2 100TH
2 809

1 RK20
1 841
4 866
5 866A
2 211

Make offer.

For sale by Andrew MacLeish, W1MWK, Jamestown, R. I.

1 New RK-18 Raytheon. Price $10.00.

For sale by Cecil R. Malmgren, W9IXR, 2924 Alabama Ave., Minneapolis, Minn.

Type	*Quantity*	*Approx. use*
Taylor 866/866A	4	10 hrs.
Taylor 866 Jr.	2	10 hrs.
Taylor TZ-40	2	50 hrs.
RCA 807	1	10 hrs.
Taylor TZ-20	2	10 hrs.

Make offer.

The National Association of Broadcasters
1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON, D. C.
February 19, 1943 SWAP BULLETIN No. 29

New NAB Service

As stated in the FCC Notice to all Radio Station Licensees (Serial No. 60) dated November 20, 1942, it was the original intent of the Commission to provide each licensee with a copy of the complete catalog. However, the material is so voluminous, approximately 1,100 pages, that this procedure is entirely impractical.

Copies have been located at strategic points throughout the country where the catalog may be inspected by stations in need of materials. According to the Commission,

> "Persons interested should inspect the lists in person and not attempt to correspond with the Commission or the stations in custody of the lists as these include thousands of items and such correspondence is entirely impractical and would constitute an unreasonable burden."

As a service to all broadcast stations the NAB Engineering Department will answer promptly inquiries concerning equipment listed in the catalog. There will be no charge for this service. When requested, replies will be made by collect telegraph. Please do not telephone.

The 1,100 page catalog is a Treasure Chest "chuck full of" essential replacement material and will become increasingly valuable as existing equipment deteriorates.

To indicate the scope of the catalog, there are, for example, 1402 listings of vacuum tubes in quantities varying from 1 to 100 tubes per listing. This is a lot of tubes in any man's language. The offering of some other items is comparable. The FCC catalog is a major contribution to wartime conservation. Use this new NAB service and make the most of the national inventory.

Please do your part to keep every broadcaster supplied with essential parts and materials. Check your stock today. List your long items under the heading "WILL SELL" and the items you need under "WILL BUY." Then write: POOL, National Association of Broadcasters, 1760 N Street, N.W., Washington, D. C. Your fellow broadcasters will do the rest.

WILL SELL

For sale by Ed Pfeiffere, 577 Rahway Ave., Woodbridge, N. J.

1 Plate trans., UTC heavy duty mod. Mod. P.A. 311 1500-1235-0-1235-1500 at .500 amps. Pri. 110-220. $35.00.

1 Swinging choke to match above P.A. 109, 5-25 henries .500 amps., 60 ohms d.c. res. UTC. $20.00.

1 Standard trans. corp. mod. P-6334.110 v. pri., sec. 600-400-0-400-600 at .350 amps. regular duty not amateur quality. $10.00.

1 Thordarson swing choke mod. 7551, 250 mils, 13 hy, 121 ohms.

2 Thordarson chokes Mod. 1998.

1 Thordarson multimatch class "B" trans., Mod. 11M76, 75-125 watts. Pair Thordarson class "B" trans. for 6N7, 53 etc. T 17M59 and 67D47.

1 WE 213D input 200 to 320,000 ohms.

1 Utah line to grid, 0-200-500 to grid #7817.

1 Kenyon parallel plate impedance.

1 UTC CS-293 PP plates to PP grids.

1 WE 261-A input 50 or 200 to 100,000.

1 WE line to line Rep.—118-A, 50 or 200 to 50 or 200.

1 WE interstage 4000 or 16,000 to 8000 or 64,000.

1 Acme filament trans. for 866's, 110 pri.—2½ v. 10 amp. sec., 5,000 v. ins.

1 WE "Saltshaker" dynamic mike.

1 Vibroplex, flat bar, bug.

2 GR "T" pads, 200 ohms type 653 MB.

1 Cardwell variable dual 440 mmfd. at .07 MB spacing.

1 Cardwell variable single 440 mmfd. at .07 MB spacing.

1 Cardwell variable dual 220 mmfd. at .07 MB spacing.

1 Each of Barker and Williamson coils: 40 TL, 20 TL, 10 TL, with plugs and one jack base.

Large selection of midget variables, national, Cardwell, Hammarlund, fixed resistors, small wirewound sizes.

Make offer on items above not priced.

For sale by Norman B. Lyons, 23 Samuel St., Fitchburg, Mass.

Weston mod. 267 0/100 milliamperes DC	$5.00
GE GL 807 used 250 hrs.	2.50
Thordarson 19F89 filament trans.	1.00
Thordarson 17C00B choke	1.25
Kenyon T1 low impedances to grid	1.50
Supreme mod. 570 signal generator	30.00

For sale by KGER, 435 Pine Ave., Long Beach, Calif.

One completely modernized RCA 1 KW trans. together with plenty of spare tubes, ground wire, coaxial line, etc. Also 180 ft. Blaw-Knox self supporting tower. Make offer.

For sale by Kreamer-Weber Co., 313 Factory St., Dover, Ohio

4 Dubilier mica cond. type 596B capacity .025 MFD-18000 v. in cast aluminum cases with large porcelain insulators and safety gaps. Used short time, good cond. Make offer.

For sale by KRLH, Midland, Texas

One Bliley type BC-46-T 1420 KC crystal, oven etc. In very good cond. Complete unit $25.00.

For sale by WHUB, Cookeville, Tenn.

Triplet 0-1 milliampere 4 inch used meter—easily repaired. Make offer.

For sale by WOI, Ames, Iowa

a. 2 New Federal F-1708-14-B water jackets for 220-B tubes.

b. 2 Used WE 124-A water jackets for 220-B tubes.

For sale by Edward S. Gagnon, c/o Radio Station WDEV, Waterbury, Vermont

	Description	*Net Each*
2	0-1 Ma. D.C. with Volts, Ohms, and Milliamperes Scale	$5.00
1	General Electric 8″ Dynamic Speaker with Output Transformer. Primary 8,000 Ohms	3.00
1	Meissner "Align-Aire" Input I.F. Transformer #16-6643. Frequency Range 415-540 Kc. Peak 456 Kc.	3.00
1	Meissner "Align-Aire" Interstage I. F. Transformer. #16-6123. Frequency Range 415-540 Kc. Peak 456 Kc.	3.00
1	Meissner "Align-Aire" Output I.F. Transformer. #16-6645. Frequency Range 415-540 Kc. Peak 456 Kc.	3.00
1	Teleplex Automatic Type Sender with Six Tapes, 2 Lessons each. (Without Oscillator)	10.00
1	Electric Eye Tuning Attachment (Including Tube Mounting Bracket, Socket and 12″ Leads)	2.00
1	GM Lab. Inc., Type F2. Photo Electric Cell	5.00

For sale by E. C. Wenger Co., 15th and Harrison Sts., Oakland, California

A quantity of Eimac 250TH and 100TH tubes for broadcast stations on an A-1-J or higher priority.

For sale by Albert J. Meyer, Box 109, Tonganoxie, Kansas

1 C-D Dykanol filter cond., 2 mfd 1500 volt d.c. type TJU	$3.00
1 C-D Dykanol filter cond., 4 mfd 1500 volt d.c. type TJU	5.00
1 Triplett mod. 326 R.F. ammeter 0-2.5 amps, external couple	6.00
1 RCA Aerodynamic microphone 7 foot cable and plug	11.50
1 UTC filament trans., 115 volts to two 6.3 volt 5 amp center tapped sec.	2.50
2 IRC 5000 ohm 80 watt resistors with sliding tap. Each	1.25
1 Ward Lenard D.P.D.T. and two S.P.S.T. 4 amp contacts, 115 AC operated relay. 5000 volt insulation	6.00

For sale by WDEV, Waterbury, Vermont

	Description	*Net Each*
1	Weston Meter, Resistor. Type 5-2. Max. Volts 1000. Model 301	$10.00
2	Webster Electric Co. Model 50A2X Pickups. Hi-Imp. For 16″ Turntables	5.00
2	Western Electric 7-A Equalizers	10.00
1	Supreme Model 333 Deluxe Analyzer (ohm meter out of order—repairs quoted @	29.00 11.00)
4	250 ohm "t" Pads	3.00
1	Kenyon Audio Parallel Feed Choke 250 hrs. Max. D.C. 15 Ma. Res. 4700 Ohms	5.00
1	Kenyon Center Tapped Audio Choke 280 Hys. Max. D.C. 12 Ma. D.C. Res. 5000 Ohms.	6.00
1	Kenyon PP Plates to PP Grids 1.75; 1 Ratio each side	6.50
1	Deforest Audio Transformer. Pri. 55,000 ohms. Secondary 500,000 ohms	5.00
3	Deforest Audio Transformers. Pri. 400 Ohms. Sec. 200 Ohms	5.00
1	Deforest Audio Transformer. Pri. 500 Ohms. Secondary 50,000 ohms	5.00
1	7.5 Volt Filament Transformer	5.00
2	Thordarson Choke Coils, 30 Hys. 150 Ma. Type 2071	3.00
1	Jewel No. 147 5″ Frequency Deviation Meter from General radio Type 581-A Frequency Monitor	10.00
1	Weston Model 506 0-5 D.C. Milliammeter	5.00
1	Weston Model 506 0-140: 0-7 Volts D.C.	6.00
1	General Radio Type 507-G Non Polar Relay 250 ohms S.P.D.T.	7.00
1	General Radio R.F.C. Coil 60 MHYS. Type 379	1.00
1	Amertran Audio Transformer Type 923-A Input	3.00
1	Amertran Audio Transformer Type 151 Input	3.00

WILL SELL OR SWAP

WFTL, Ft. Lauderdale, will sell

1 WE 250 watt trans.
1 Collins 26C amplifier.
1 Collins 12H console.
1 GR 731-B modulation monitor.
1 GR 475-B freq. monitor.
1 GR 681-A freq. deviation meter.
1 Blaw Knox self-supporting tower.
Tower lighting system.
Approx. 1500 lbs. copper grounding strip in standard 6 inch width rolls.
2 1400 kilocycle crystals in mountings.

OR Will Swap for:

1 GR 608-A or RCA 68-B or equivalent oscillator.
1 GR 732-B distortion and noise meter or RCA 68-B or equivalent.
1 GR 732-P1 range extension filters.
1 GR 400 cycle oscillator.
Standard Variable Line Equalizers.

Address Fred R. Clark, Chief Engineer.

WILL BUY

Wanted by KMBC, Kansas City, Mo.

1 WE KS-7503 power trans., or equivalent, for 5-kw 355-B1 trans.

Wanted by WMMN, Fairmont, W. Va.

1 Weston mod. #476 0-25 AC v. meter.

Wanted by WGRC, Louisville, Ky.

Weston or Triplett "VU" meters and RCA or WE microphones. Advise type and price.

Wanted by WJDX, Jackson, Miss.

2 Greenflyer 33⅓—78 RPM Turntables in good condition and one Microdyne or similar high impedance 16″ pickup. Quote prices.

Wanted by WCED, Dubois, Penna.

1 two or three channel remote amplifier, 50 or 250 ohm source impedance, 600 ohm load impedance with 110 volt AC power supply.
2 RCA 74-B Jr. Velocity Microphones (or equivalent).
2 floor microphone stands.
1 pair Brush Crystal high impedance headphones (or equivalent).

WILL SWAP

WHUB, Cookeville, Tenn., will swap

1370 kc. RCA TMV type crystal unit.
FOR similar RCA unit having 1400 kc. crystal.

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For sale by Ed Pfeiffere, 577 Rahway Ave., Woodbridge, N. J.

1 WE 211-D, used approx. 50 hrs.
4 WE 242-C, used approx. 100 hrs.
2 WE 304-A, used approx. 10 hrs.
2 WE 249-B, used approx. 250 hrs.
2 TZ 40, used 200 hrs.
1 RCA 1623, used approx. 100 hrs.
2 RCA 807, used approx. 100 hrs.

Priced at 25% less than list values.

For sale by Maurice Kraay, 8444 White Oak Ave., Hammond, Ind.

1 RCA 803 tube, used less than 10 hrs. $25.00.

For sale by John Revak, 2209 Columbia Ave., Swissvale, Pittsburgh, Pa.

1 RCA 813 tube, unused, in original carton. $22.50.

For sale by Carlyle Stockslager, W8TQT, 316 Ackton St., Lewisburg, Ohio

1 RCA 838 (new).
2 HY 866 (new).
1 RCA 866 (used approx. 10 hrs.).
2 RCA 811 (used approx. 30 hrs.).
1 HY 61 (used approx. 800 hrs.).

Make offer.

For sale by G. C. Green, W4GBR, Ft. Payne, Ala.

2 new RCA 810 tubes.
2 slightly used Taylor 203B.
1 Taylor T55, new.

Make offer.

For sale by Robert R. Hall, W9CRO, 706 E. 5th St., Redwood Falls, Minn.

2 810 RCA tubes, new, never used. $13.50 each, plus $1 for handling and packing, plus transportation and insurance costs.

For sale by Frank M. Murphy, Beam Engineering Service, 4837 Rockwood Rd., Cleveland, Ohio

2 RCA 849, new cond., apparently unused, carbon plates.
2 RCA 845, carbon plates, in original cartons, unused.
1 RCA 204A, carbon plate, new cond.
1 5 KW screen grid water cooled tube, apparently unused.
1 WE 212A new cond.

Make offer.

For sale by George Fried, Panoramic Radio Corp., 242 W. 55 St., N. Y.

a. 3 new 204A, in original cartons. $92.50.
b. 1 used 204A, excellent cond. $75.00. C.O.D., F.O.B., Brooklyn, N. Y. Responses honored in order.

The National Association of Broadcasters
1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON, D. C.
March 5, 1943 SWAP BULLETIN No. 30

Amateurs Come Through

This issue of the Swap Bulletin is heavy with tubes offered by radio amateurs and a goodly portion of the tubes offered can be utilized by broadcasters.

The amateurs are doing their part to help broadcasters and we want to take this opportunity to thank them and the American Radio Relay League.

Please check your stock today. List your long items under the heading "WILL SELL" and the items you need under "WILL BUY." Then write: POOL, National Association of Broadcasters, 1760 N Street, N.W., Washington, D. C. Your fellow broadcasters will do the rest.

WILL SELL

For sale by WRNL, Richmond, Va.

Transmitter cabinet 72″ high, 48″ wide, 24″ deep. Doors front and rear. WE grey finish. New, never used. Make offer.

For sale by Virgil Evans, Pine Acres, Spartanburg, S. C.

a. 3 sections (20′ each) Wincharger tower, new and never used, galvanized, heavy duty.
b. 4 sections (25′ each) 3 leg V steel tower, galvanized, heavy type.

Make offer.

For sale by KIEM, Eureka, Calif.

RCA relay broadcast trans., type RB-2, 2 watts output on 33740 KCS. Comp. with external box of new heavy duty "B" batteries. Used 4 times, original tubes in use. Spare set of tubes included. Make offer.

For sale by Warren Electric Co., 647-655 Water St., Sioux City, Iowa

3 RCA 1608 tubes.
7 " 1610 "
4 " 1612 "
2 " 956 "

For sale by J. S. Matthews, Matthews Brothers, Inc., 105 W. 9th St., Wilmington, Delaware

2 RCA 810 tubes, used very little, A-1 cond. $12.50 each.

For sale by KOY, Phoenix, Arizona

1 program type 85-A portable recording amplifier (new cond.), $225.00.

For sale by WHAS, Louisville, Ky.

Esco 110 v., 10 amp., 1800 RPM, 60 cycle, self-excited generator. Used approx. 150 hrs.

Make offer.

For sale by Duke's Radio Co., 110 W. 4th St., Sioux City, Iowa

a. 1 803 RCA tube, new, $28.50.
b. 2 807 RCA tubes, new, $3.50 each.
c. 2 838 RCA tubes, new, $11.00 each.

WILL BUY

Wanted by KEVE, Everett, Wash.

2 RCA motor and diamond head lateral pickup assembly, comp. with filter system.

Wanted by WGRC, Louisville, Ky.

WE or RCA (or equivalent) distortion and noise meter.

Wanted by WFVA, Kings Highway Route, Fredericksburg, Va.

Supreme #529 freq. modulator as used with an oscilloscope.

Wanted by WSPA, Spartanburg, S. C.

High fidelity recording head with cutting mechanism. Give comp. description and price in first letter.

Wanted by WFTL, Ft. Lauderdale, Fla.

a. 1 0-24 amp. Thermocouple R.F. Meter.
b. 1 0-12 amp. Thermocouple R.F. Meter.

Wanted by WFMJ, Youngstown, Ohio

a. 1 relay, ½ amp. single circuit contacts, open when coil is energized. Coil to operate from 110 v., 60 cycle.
b. 1 vibrating bell, approx. 3″, to operate from 110 v., 60 cycle.

Wanted by WPDQ, Gulf Life Bldg., Jacksonville, Fla.

Field strength measuring equipment. Address James R. Donovan, Chief Engineer.

Wanted by KFOX, Long Beach, Calif.

1 Power Supply, preferably WE for 1 kw trans.

Wanted by WENY, Elmira, N. Y.

2 WE type 9-A pickups, comp. with filter and switch, either new or used in A-1 cond.

Wanted by KGVO, Missoula, Montana

50-500 ohm to grid trans.
500 ohm output trans. (any value pri.)
805, 872 and 812 tubes.
Mallory type 2190 pushbuttons.
Copper stripping (ground).
Federal Anti-Capacity switches.
Address replies to Fred U. Wamble, Chief Engineer.

Wanted by WHAS, Louisville, Ky.

Hallicrafters S-27 or S-27-B receiver.

Wanted for Rent by KGVO, Missoula, Montana

Field Intensity Measuring apparatus.
Address replies to Fred U. Wamble, Chief Engineer.

Wanted by WMAL, Washington, D. C.

a. 200 ft. 5 pair cable (each pair shielded).
b. 1000 ft. two conductor shielded cable (either lead, copper braid or rubber covered, for microphone circuits).
Will consider suitable substitutes, also interested in smaller quantities. Please reply to Kenneth H. Berkeley, Manager.

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For sale by Dwight Stebbins, 206 East 6th St., Morris, Minn.

2 Eimac 100TH, hardly used, 3 yrs. old, $10.00 each.
2 Taylor 203Z, hardly used, 3 yrs. old, $6.00 each.
1 RCA 802, never used, 2 yrs. old, $3.00.
6 866's, both Taylor and RCA, $1.20 each.
2 45's and many receiving tubes (new).

For sale by Gerhard Legel, 2372A S. Whitnall, Milwaukee, Wis.

2 WE 276A tubes, excellent cond. when last used, $5.00 each, ship on approval.

For sale by Louis W. Seltzer, 2234 Wisconsin Ave., N. W., Washington, D. C.

1 Eimac 35-T, used 35 hrs.
1 RCA 802, used 40 hrs.
1 Thordarson Filament Trans. for 2 35-T tubes.

Make offer.

For sale by W. R. Moths, Springtown, Pa.

1 New T-125 tube, $10.50.

For sale by Melvin Meyer, W9VAE, 614 Coronel St., San Fernando, Calif.

a. 4 New unused RCA type 210 tubes. $1.50 each.
b. 1 WE type 242-A, $10.00.

F.O.B. San Fernando.

For sale by Charles K. Sharar, 142 View St., Oakmont, Pa.

a. 1 RCA 815 tube, new, $4.50.
b. 1 HY 61 used and in good cond. $1.50.

For sale by R. N. Eubank, W3WS, 1227 Windsor Ave., Richmond, Va.

a. 1 New RCA 808, original carton, $7.75.
b. 1 New RCA 807, original carton, $3.50.
c. Also new 954, 955, 956 acorns.

For sale by George Murremburg, 54 Belshaw Ave., Eatontown, N. J.

1 250TH Eimac, never used, $24.50.
1 RK 20 Raytheon, 100 hrs., $10.00.
2 852 RCA, 500 hrs., $12.00 each.
2 503A De Forrest, 500 hrs., $5.00 each.

Subject to approval of purchaser, F.O.B. Eatontown, N. J.

For sale by W. H. Barlow, 904 S. Home Ave., Oak Park, Ill.

1 861 RCA, used approx. 10 hrs.
1 251 WE, used approx. 10 hrs.

Price $450.00 for both.

For sale by Marvin H. Eichorst, Pleasant Rd., Glenview, Ill.

2 204A tubes, one used approx. 200 hrs. other unused. Make offer.

For sale by M. W. Grove, 724 Hill Top Drive, Cumberland, Md.

2 GE 810 tubes, used approx. 1 hr., in original carton. $11.50 each F.O.B. Cumberland, Maryland.

For sale by Willard B. March, 1029 Haskell, Kansas City, Kansas

2 Eimac 250TH tubes, used approx. 500 hrs. $30.00 for the pair, F.O.B. Kansas City.

For sale by Harold Henry, Clarion, Iowa

a. 1 WE 276-A triode. New cond. Used less than 25 hrs., will sell at amateur's net price.
b. 2 WE 249-A rectifiers. Excellent cond. Used approx. 150 hrs., sell at ¾ amateur's net price.

For sale by W. Raymond Tomlinson, 623 East Brown St., Trenton, N. J.

1 RCA 845 tube, new, in original carton, $10.00 F.O.B. Trenton, N. J.

For sale by Frank Kedl, Box 122, Sheridan, Wyo.

a. 2 RCA 809, new, $2.50 each.
b. 2 RCA 816, new, $1.00 each.
c. 1 801, used slightly, $2.00.
d. 1 RK47 pentode, used, $8.00.
e. 2 866A, new, used approx. 10 hrs., $1.50 each.
f. 1 802, used considerably, $2.00.

For sale by Gordan Walter, 1921 Kalorama Rd., N. W., Washington, D. C.

4 872, new.
6 300TL Eimac, new.
1 used 10 hrs.
4 Filament trans. for 2 300TL each.

For sale by Frank Huberman, W2JIL, Box 62, Station P, Brooklyn, N. Y.

2 Eimac 100TH, slightly used.
2 800 (RCA), new.
1 RK39, slightly used.
1 305A, WE, used.
1 305A, WE, new.
1 HK354 (not HF type) used.
4 WE 249B, used.
2 HY615, slightly used.
2 WE 866A, new.

Make offer.

For sale by A. B. Armistead, 908 Rosalind Ave., So. Roanoke, Roanoke, Va.

3 RCA 845	$ 2.00	each
2 RCA 872A	5.00	"
6 RCA 872A	3.00	"
2 RCA 806	10.00	"
5 RCA 805	9.00	"
1 RCA 850	10.00	
3 RCA 865	2.50	"
1 RCA 807	3.00	
2 RCA 812	3.00	"
2 RCA 203A	5.00	"
2 RCA 866A	1.00	"
1 Eimac 150T	7.50	
2 Eimac 250TH	18.00	"
2 Eimac 250TH	12.50	"
2 Eimac 100TH	10.00	"

For sale by W. Raymond Burrows, 1711 Bay Ave., Hampton, Va.

2 Taylor T55, used approx. 200 hrs., $5.00 each.
3 Taylor TZ40, used approx. 200 hrs., $2.50 each.
1 RCA 807, used approx. 50 hrs., $2.50 each.
1 RCA 813, new, $20.00.
1 RCA 837, new, $3.50.
1 Raytheon, RK-25B, used approx. 100 hrs., $2.00.
Raytheon, RK-39, used approx. 150 hrs., $2.00.
1 Raytheon, RK-51, used approx. 30 hrs., $5.00.

Good cond.

For sale by Roy J. Beuerman, 428 Annadale Ave., Glen Ellyn, Ill.

1 Eimac 35T, slightly used.
1 RCA 807, slightly used.
1 Amperex 849A, slightly used.
1 RCA VR 450, new.
2 Taylor 866, slightly used.
2 Taylor 866 Jr., old.
2 Taylor TZ20, old.
1 RCA 809, new.
2 RCA 865, new.

Cond. good, make offer.

For sale by R. H. Asmus, P. O. Box 37, Station P, New York, N. Y.

1 RCA 805, list price, $13.50.
2 RCA 809, list price, $2.50 each.
1 Gammatron HK-24, list price, $4.75.
3 Gammatron HK-54, list price, $8.00 each.
All used approx. 300 hrs.

F.O.B. New York City.

For sale by Clifford C. Peumstar, Supt. Argyle Municipal Electric, Argyle, Wis.

The following Taylor tubes:

1 HD 203-A, used 150 hrs., A-1 cond., $9.50.
1 203-A, used 250 hrs., cond. A-1, $6.00.
2 TZ-40, used 50 hrs., A-1 cond., $2.00.
2 866, used 150 hrs., A-1 cond., $1.00.
2 866, used 350 hrs., fair, $.50.

For sale by Harold Maxfield, 725 Western Ave., Magnolia, Mass.

2 RCA 810, new, sell at full list price.
2 Amperex HF-200, good cond.
4 HF-200.
1 RK-20, new.
2 RK-39, new.

Make offer.

For sale by Nolan S. Walker, 1207 Dueber Ave., S. W., Canton, Ohio

2 RCA 805, excellent cond.
2 RCA 810, excellent cond.
Shipped express collect charges C.O.D.

Make offer.

For sale by G. B. McCloy, W8WHF, R. D. No. 2, Box 96B, Turtle Creek, Pa.

1 RCA 803.
1 RK 20-A, used approx. 100 hrs.
Make offer.

For sale by Joseph P. Jessup, 337 Hamilton Ave., Glen Rock, N. J.

a. 2 Eimac 250TH, never used, $27.50 each, excellent cond.
b. 2 RCA 806, never used, excellent cond., $20.00.
Prefer buyer in vicinity of New York City.

For sale by Henry W. Herman, 3016 Nelson Pl., S. E., Washington, D. C.

a. 2 Taylor 866, used approx. 300 hrs., $1.50 each, cond. good.
b. 1 Eimac 100TH, used approx. 200 hrs., cond. good, $13.00.

The National Association of Broadcasters

1760 N STREET, N. W. * * * * * * * WASHINGTON, D. C.

March 19, 1943 SWAP BULLETIN No. 31

NAB Recruits Technicians

The NAB Engineering Department is recruiting technicians not presently employed in the broadcast industry who desire to utilize their radio training and experience. The March issue of QST, official magazine of the American Radio Relay League, asked amateur operators who are available for employment as broadcast technicians or radio receiver repairmen to register with NAB.

The early response has been most encouraging. Letters are received almost daily from amateurs who are willing to assist with this phase of the war effort. A substantial portion of the applications are from persons already holding commercial operator licenses. Those who are not licensed, in many instances, have an acceptable technical background and have some knowledge of transmitting equipment. Such information as radio background, education, age, sex, draft status, availability for full or part time work, operator licenses, and geographical preferences is catalogued by NAB.

Stations in need of replacement technicians should first make every effort to fill vacancies locally. If it is found impossible to secure the required replacements, stations are invited to write to the NAB Engineering Department for the names of several available persons. NAB has no knowledge of the applicants other than the statements contained in the registration letter and is therefore not in a position to make employment recommendations. The usual employment references should be secured by direct correspondence with the applicants.

The broadcast engineers whose wholehearted cooperation has made the Swap Bulletin effective can also assist with this recruiting effort by inviting men or women who are qualified for technical positions to register with NAB.

Please do your part to keep every broadcaster supplied with essential parts and materials. Check your stock today. List your long items under the heading "WILL SELL" and the items you need under "WILL BUY." Then write: POOL, National Association of Broadcasters, 1760 N Street, N.W., Washington, D. C. Your fellow broadcasters will do the rest.

WILL SELL

For sale by WMC, Memphis, Tenn.

3 WE 267-A tubes (used).
7 WE 267-B tubes (new).

For sale by KFSG, Los Angeles, Calif.

a. 2 New amperex 891-R tubes, in original cartons, $410.00 each.
b. 1 New amperex 892-R tube, in original carton, $410.00.
c. 6 New amperex 575-A rectifiers, in original cartons. $35.00 each.
d. 2 New amperex 845 tubes, in original cartons. $10.00 each.
e. 1 High-Fidelity rack-mounting FM-AM Tuner, super-heterodyne circuit, 30 to 15,000 cycle audio, built by Meissner-Terminal. $85.00.
f. 1 Howard 2-Stage RF pre-selector with full set of loops, covering 1.7 to 43 MC. (new). $30.00.

For sale by Llewellyn Bates Keim, 33 Sunset Drive, White Plains, N. Y.

1 Jensen reproducer type MT-8C stock #ST559 comp. in factory carton, used very few hrs., f.o.b. White Plains. $20.00. First certified check takes it.

For sale by Moen Photo Service, LaCrosse, Wisconsin

1 slightly used model K presto recorder, comp. with type 300A recording equip., crystal microphone, and floor stand. Price $225.

For sale by W. S. Crooks, Kings Highway, Fredericksburg, Va.

a. 1 UC 3342 Faradon Mica cond. .002 MFD, 8000 V., 16 amp. at 3000 KC, like new. $16.00 f.o.b.
b. 1 1000 MFD., 25 V., C-D electrolytic cond., as used in WE 310B trans., good cond. $4.50 f.o.b.

For sale by John B. Heafer, c/o WAVE, Louisville, Ky.

RCA studio recorder, MI-12700A comp. with RCA Junior velocity mike and desk stand—$300.00 f.o.b. Louisville.

For sale by Industrial Electrical Supply Co., Charles W. Schecter, 1839 Peck St., Muskegon, Mich.

RCA Xmtg tubes 810, 811, 812, 815, 816, 866A/866, 8005, VR-105, etc., also acorn and Hytron types. Universal line to grid trans. Sapphire playback and cutting stylus. Make offer.

For sale by John C. Peffer, c/o WTAR, Norfolk, Va.

Meters: Triplett, Model 221—all good.
100, 300, 500 milliamperes.

Triplett, Model 321, bakelite case, 250 milliamperes, 1 ampere.

1 National 101-X communications receiver, new mod., new cond., comp. with tubes, speaker, crystal, R-meter, $95.00.

1 Patterson PR-16-C, five yrs. old, good cond., tubes, crystal and unmounted speaker needing new cone, $50.00.

2 uncased pole trans., 3 KW 110/220 pri., 2000 sec., $10.00 each.

1 Thordarson modulation trans. 82M25, 500 watts audio, 600 milliampere sec., matches 805, 810, 203-A tubes to 4,000, 6,000 and 8,000 ohm RF loads, $30.00.

1 Thordarson 2389-A power trans., 1 KW, 1500 and 2000 v. sec., $15.00.

1 rack and panel mounted power supply unit comp. with extra heavy filter, 600 v., 300 MA and 1200 v. 250 MA, 83 tubes, with tubes, $35.00.

6 Isolantite 203-A type sockets, $.50 each.
Filament trans., 2.5, 5, 6.3 and 10 v.
Barker and Williamson 1 KW coils 10 to 80 meters.
1 National 100-100 split-stator high voltage variable cond., $7.00.
1 National single cond. 50 mmfd, $7.00.
1 National single 200 mmfd, $7.00.
1 Custom-built split stator 35-35 mmfd. 0.600 inch spacing, $10.00.
Few fixed mica cond.
Few filter cond. 2,000 and 3,000 v., 2 and 4 mfd.
1 Meissner 78 RPM recorder and playback, single turntable, small public address, Shure 70-S crystal mike, 1 yr. old, no discs or needles, good cond., $60.00.
1 heavy duty antenna relay Isolantite insulation, 110 v., AC coil double pole double throw, $5.00.
Tubes:
4 RCA 810, used but perfect cond., $10.00 each, $35.00 for 4.
4 RCA 807, used but OK, $2.50 each, $9.00 for 4.
2 RCA 833, used few hrs., good as new, $50.00 each.

Make offer for items not priced.

WILL BUY

Wanted by WMIN, St. Paul, Minn.

1 Federal recorder with radio tuner, mike input, 78 and 33⅓ rmp, either 16 or 12 inch size. Address reply to Warren B. Fritze, Chief Engineer.

Wanted by WBRW, Welch, West Virginia

Non-directional, low impedance (200 ohms preferred) microphone. Will swap other mikes for or buy.

Wanted by WJDX, Jackson, Mississippi

1 High impedance pickup, with 16″ arm. Tru-Tan B-16, or similar crystal pickup. State make and type number. Quote price.

Wanted by WIBA, Madison, Wisconsin

Fairchild recorder. Will consider other makes.

Wanted by KICD, Spencer, Iowa

4 sets of headphones as light as possible, don't prefer crystal type. Also desire phone cords.

Wanted by WGOV, Valdosta, Ga.

4 Taylor 866 Jr. tubes.
1 Late model tube tester.

Wanted by WIL, St. Louis, Mo.

1 portable 78-33⅓ play back machine with good quality speaker. Advise price, cond. and full details.

Wanted by Llewellyn Bates Keim, 33 Sunset Drive, White Plains, N. Y.

1 Hickok type 188 or 188X signal generator.

Wanted by Charles W. Schecter, Industrial Electric Supply Co., 1839 Peck St., Muskegon, Mich.

2 806 tubes (or equal) urgently needed, high priority.

WILL SWAP

KFYO, Lubbock, Texas, will swap

1 unused RCA 813 tube
FOR 1 unused RK48A.

TUBES AVAILABLE FROM AMATEURS

The American Radio Relay League is cooperating with the NAB Engineering Department in an effort to secure tubes for broadcast stations now in the possession of amateur stations. A notice appeared in QST, official organ of the ARRL, requesting amateurs to list available tubes with NAB. This section of the Swap Bulletin contains some of the offers.

Broadcasters desiring to purchase any of these tubes are asked to correspond directly with the owner.

For sale by E. Jay Bissell, 704 E. Thomas St., Seattle, Wash.

2 204A, serial #32384 & 19656, good cond. at $10.00 each.
2 872, one good cond. at $5.00, the other with loose top but still serviceable $2.50.
1 212D with small hole in plate, $5.00.
3 R2 Rectobulbs, 2 fair cond., 1 brand new, 3 for $5.00.
1 R3 Rectobulb, fair cond. at $1.50.
2 866 nearly new at $1.00.
1 203A fair cond. at $4.00.

Prices f.o.b. Seattle.

For sale by A. R. Dean, Portland, N. Y.

2 RCA 810, new, $13.50 each.
2 RCA 811, new, $3.50 each.
2 RCA 812, used 3 weeks, $3.50 each.
2 RCA 809, used 3 weeks, $2.50 each.
2 RCA 807, used 3 weeks, $3.50 each.

For sale by Ralph Powers, 959 Jewel, Pacific Grove, Calif.

1 Hammarlund Super Pro $200.00, slightly used, SPKR-power supply all comp. ready to go.
2 250TH Eimac, new, $24.00 each.
1 Thordarson C.H.T. series power trans., new, 500 mill 3000-2500-2000-1500 each side center.
1 Thordarson filter choke, new, 500 mills.
1 Mallory, 2 mfd, new, oil capacitor, 5000 W.
1 Thordarson fil. trans. for above tubes.
Items not priced offered at original cost.

For sale by Mahlon J. Brush, 109 Prospect St., Schenectady, N. Y.

2 RCA 211, used 2 hrs., perfect cond., $5.00 each.
2 RCA 211, used 1 yr., good cond., $2.00 each.
1 RCA 807, new, $3.00.

For sale by Carl W. Carlson, 9033 W. 24th St., Los Angeles, Calif.

2 WE 270-A tubes, used approx. 500 hrs., cond. good. Make offer.

For sale by Henry Laird, 526 Elizabeth St., Beaumont, Texas

1 new Ken-Rad type 10 tube. Make offer.

For sale by Murray C. Flanders, W. Main St., Niantic, Conn.

1 HK 254, used approx. 30 hrs., $5.00.
2 RCA 845, used approx. 2 hrs., $5.00 each.
1 GE 812, used approx. 100 hrs., $1.00.
1 RK 39, used approx. 500 hrs., make offer.
2 809, used approx. 300 hrs., make offer.

For sale by Lt. Edward D. Windsor, 28th A.A.R.T. Bn., Camp Wallace, Texas

2 RK 38, 1 used approx. 30 hrs., other approx. 60 hrs., excellent cond. Price $10.00 each.

For sale by Fred Craven, 2216 So. 7th St., Philadelphia, Pa.

1 Sylvania 860 tube, used approx. 100 hrs., good cond., $25.00 f.o.b. subject to buyer's approval.

For sale by E. C. Lanning, Box 195, Schenectady, N. Y.

1 WE 212D tube, perfect cond., $50.00.
2 RCA-DeForest type 203A, never used, $10.00 each.

For sale by C. D. Larimore, 408 E. 11th St., North Platte, Nebr.

1 WE 212D, $15.00.
2 RCA 800, $8.00 each.

For sale by Myron E. Lawson, 341 Spring Ave., Weloster Groves, Mo.

2 Taylor T55, new, $6.00 each.
2 Taylor T55, 150 hrs., $4.00 each.
2 Taylor 866, 200 hrs., $1.25 each.
1 Taylor 866, new, $1.50.
2 Taylor 866 Jr., 200 hrs., $.75 each.
2 Taylor T20, 80 hrs., $1.75 each.
1 GE 860, 20 hrs., $10.00.
1 GE 211, 20 hrs., $5.00.
2 RCA 807, 80 hrs., $3.25 each.
1 RCA 809, 10 hrs., $2.50.

For sale by Robert W. Wood, 10950 Longview Ave., Detroit, Mich.

1 Eimac 450TL, used slightly, $45.00.
2 RCA 811, brand new, $7.00.
2 RCA 807, brand new, $7.00.
1 Jewell Model 301 meter with scale of 0-200 microamps., new cond., $10.00.
1 Model D-2 Astatic Xtal mike, new cond. and comp. with black crackle stand, $12.50.
2 RCA Thyratron rectifiers #2050 (new), $6.00.
1 UTC midget "A20" line to line trans. (new cond.), $5.00.
1 Thordarson 70A83 trans. Xtal mike to line, new, $1.75.
1 Thordarson 55A16 trans. line to single or PP grids, new, $1.25.
1 Thordarson 6226 trans., plate to line, new cond., $1.50.

For sale by Rex M. Ackley, c/o WJAC, Locust St., Johnstown, Pa.

2 845, used approx. 300 hrs. Make offer.

For sale by Robert C. Lanik, 7203 Dunglen Court, Dundalk, Md.

1 WE 261-A, used approx. 12 hrs., excellent cond., $15.00.
1 Raytheon RK-65, used approx. 7054 hrs., good cond., $20.00.
2 Eimac RX-21 rectifiers, used approx. 7748 hrs., satisfactory performance, $2.50 each.
All prices F.O.B. Baltimore.

For sale by Reeve O. Strock, 178-15 Henley Rd., Jamaica, L. I., N. Y.

2 RCA 866 Rect. (new).
1 RCA 809, new.
1 Taylor T40, new.
2 Sylvania type 10, in original cartons.
2 Taylor T200, used approx. 200 hrs.
2 RCA 866, used approx. 300 hrs.
2 Taylor 866, used approx. 200 hrs.
2 RCA 807, used approx. 100 hrs.
1 RK 25, used approx. 100 hrs.
1 RK 39, used approx. 100 hrs.
2 Taylor T20, used approx. 200 hrs.
2 Taylor T200, used approx. 300 hrs.
2 Taylor 866, used approx. 300 hrs.
1 Thermionic 866, new.
2 United 967 Grid keying Rect., used approx. 150 hrs.
2 Sheldon 967 grid keying Rect., used approx. 100 hrs.
1 RCA 866 Rect., used approx. 500 hrs.
1 Ajax 866 Rect., 500 hrs.
Make Offer.

For sale by S. J. Mallery, 21 Preston St., Ridgefield Park, N. J.

4 204A tubes with RCA holders.
1 852 tube with REL holder.
All about 12 yrs. old but used very little. Make offer. F.O.B. Ridgefield Park, buyer must provide packing for shipment.

For sale by Philip M. Hamlin, 157 Wood St., Rutherford, N. J.

Type	*Hours used*	*Cond.*	*Price*
RK 49	new	New	$1.00
RK 49	new	New	1.00
RCA 802	ten	Good	2.50
RCA 807	twenty	Good	2.50
RCA 807	one hundred	Fair	2.00
Eimac 35TG	five	Good	6.00
Eimac 100T	one hundred	Good	8.00
Eimac 150T	one hundred	Good	12.00
Eimac 150T	two hundred	Fair	8.00
RCA 866-A	new	New	1.50
RCA 866-A	new	New	1.50
United 966	one hundred	Fair	.75
United 966	one hundred	Fair	.75
United 966	new	New	1.50

For sale by Joseph H. Harms, 122 Riverside Dr., Florham Park, N. J.

2 Eimac 304T, practically new.
1 Eimac 150T, good cond.
1 Eimac 150T, fair cond.
2 Raytheon RK37, very good cond.
2 Raytheon RK38, very good cond.
1 Raytheon RK47, practically new.
1 Raytheon RK48, practically new.
2 DeForest 545, good cond.
7 WE 284-B, very good cond.
5 WE 276-A, very good cond.
1 WE 304-B, very good cond.
1 WE 212-E, good cond.
Make offer. Tubes subject to buyers approval.

For sale by D. M. Davis, 1707 31st St., Lubbock, Texas

1 Amperex UV 849, $20.00.
1 Amperex 204A, $15.00.
1 RCA, 204A, $15.00.
1 Collins, 204A, $15.00.
2 Raytheon RK 20A, $5.00 each.
3 RCA 868, $5.00 each.
2 RCA 203A, $5.00 each.
2 RCA 845, $5.00.
2 RCA 872A, $5.00 each.
1 RCA 860, $5.00.
1 DeForest 560, $5.00.
1 WE 261A, $5.00.
1 WE 212D, $5.00.
1 WE 276A, $5.00.
6 Taylor 866 Jr., $1.25 each, new.

For sale by Frank Huberman, 673 Connecticut Blvd., East Hartford, Conn.

4 WE 249C, used.
2 WE 242C, used.
3 RCA 807, used.
2 RCA 802, used.
2 210, new.
3 Taylor 866, used.
3 WE 300, new.
1 RCA 6N7, new.
3 RCA 6L6G, new.
1 RCA 6V6G, new.
1 RCA 6F6G, new.
Make Offer.

The National Association of Broadcasters
1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON, D. C.
March 26, 1943 SWAP BULLETIN No. 32

ENGINEERS AND THE WAR CONFERENCE

Broadcast engineers will have an important part in the NAB War Conference in Chicago, April 26 to 29. Manpower, replacement materials and servicing of home receivers head the agenda of war problems scheduled for discussion by the engineers, and occupy a prominent position on the War Conference program. Speakers from government and industry, well qualified to talk on these topics, will address the general sessions.

Although the industry has successfully coped with these three factors, vital to effective operation, the coming year will present new difficulties as reserves are depleted. The solution of these problems is dependent upon an accurate knowledge of local conditions throughout the nation and a full exchange of individual experience among engineers. It is imperative that representative engineers from each NAB district attend the special engineering meetings.

The Director of Engineering is anxious to establish immediate contact with engineers expecting to attend the War Conference. If you cannot attend, it will be very helpful to have first hand knowledge of conditions in your area submitted by mail. Engineers who are planning the trip to Chicago and those willing to help by correspondence prior to the Chicago conference are invited to offer their cooperation to the NAB Engineering Department via air mail. Please address Howard S. Frazier, National Association of Broadcasters, 1760 N Street, N. W., Washington, D. C.

Please do your part to keep every broadcaster supplied with essential parts and materials. Check your stock today. List your long items under the heading "WILL SELL" and the items you need under "WILL BUY." Then write: POOL, National Association of Broadcasters, 1760 N Street, N.W., Washington, D. C. Your fellow broadcasters will do the rest.

WILL SELL

For sale by E. W. Jacker, WAIT, Chicago, Ill.

1 kilowatt WE Co. D-94994 (modified 6-B) trans. comp. with high voltage rectifier unit to match, all accessories including tubes. Available immediately. Make offer.

For sale by WBEN, Buffalo, N. Y.

RCA type 100-F, UHF trans. comp. with tubes and crystal for operation on 43.7 megacycles. Excellent cond.—could be converted for use as auxiliary trans. on broadcast band. Make offer.

For sale by Laurence Smith, Route #2 East, Missoula, Mont.

a. 1 Mallory model #VP-552 Vibrapack, used 5 hrs., excellent cond., $10.00.

b. 1 Bakelite cased Weston mod. #301 DC voltmeter, 1000 ohms per v., 0-50 and 0-250 v. scale. 250 v. scale requires external resistor (resistor not included.) Cond. good, $7.00.

c. 1 Amateur type CW trans. 6L6G crystal osc. 807 buffer, WE 276-A final. Comp. with tubes, power supplies, various coils, etc. Has 4 Weston Model #267 milliammeters. 1 Weston AC voltmeter. Steel sub-base and standard steel rack panels. Comp. individual shielding on osc. and buffer. Excellent construction, price $75.00.

For sale by KGER, Los Angeles, Calif.

1 comp. broadcasting equip. consisting of modernized 1,000 watt RCA trans. with rectifier. 180 ft. Blaw-Knox self supporting tower. In A-1 cond. with spare tubes, etc.

Make offer.

For sale by J. S. Matthews, Matthews Brothers, Inc., 105 W. Ninth St., Wilmington, Delaware

1 new RCA 802, $3.50.
1 new RCA 842, $2.25.
1 new RCA 59, $.60.
2 new RCA 6L6, $.60 each.
3 used 47, $.35 each.
3 used 46, $.35 each.
2 used 281, $.50 each.
2 used 866, $1.25 each.
2 used HF100 (150 hrs.), $6.00.
4 new Taylor 866, $1.50 each.
1 Weston Thermo Galvanometer current squared 0-100 scale deflection Res. 5.2 ohms

1- 115 M.A. New meter and works but case is not new, $20.00.

For sale by KWTO, Springfield, Mo.

1 Collins Type 20D 1 Kilowatt Trans. with tubes and Type 40-D oscillator unit. Oscillator crystals for 1230-1260 or 560 kilocycle operation, $5,000.00.

1 Composite 100 watt Trans., Motor Generator power supply, high level Class "A" modulation, $300.00.

1 RCA Type EX-4180 Freq. Monitor for 560 kilocycle operation, $150.00.

1 GR Freq. Monitor Type 575-E for 1230 kilocycle operation, $60.00.

1 GR Standard Signal Generator Type 601A, $80.00.

1 GR Modulation Monitor Type 457A, $30.00.

1 Gates Remote Amplifier Type B-94, three position mixer, battery operated, $40.00.

Weston Round Surface Mounting Meters:

1 D C Voltmeter, Mod. 431, 4", 5000 v., $25.00.

1 D C Voltmeter, Mod. 431, 4", 2500 v., $20.00.

1 D C Voltmeter, Mod. 431, 4", 500 v., $15.00.

2 D C Voltmeter, Mod. 431, 4", 25 v., $10.00 each.

1 A C Voltmeter, Mod. 429, 4", 15 v., $15.00.

1 D C Ammeter, Mod. 431, 4", 2 amp., $10.00.

1 D C Milliammeter, Mod. 431, 4", 800 ma., $10.00.

1 D C Milliammeter, Mod. 431, 4", 200 ma., $10.00.

2 D C Milliammeter, Mod. 431, 4", 25-0-25 ma., $10.00 each.

2 D C Milliammeter, Mod. 301, 100 ma., $6.00 each.

1 D C Milliammeter, Mod. 301, 1-0-4 ma., $6.00.

4 D C Milliammeter, Mod. 301, 2.5-0-2.5 ma., $6.00 each.

1 Faradon Mica Cond. #UC2231, .002 mfd, 6000 v., 7.5 amps., $8.00.

1 Faradon Mica Cond. #UC1884, .001 mfd, 4000 v., 6 amps., $8.00.

3 Faradon Mica Cond. #UC2219, .002 mfd, 5000 v., by pass, $4.00 each.

1 Faradon Mica Cond. #UC1805, .001 mfd, 5000 v., by pass, $4.00.

1 Faradon Mica Cond. #UC3004, .01 mfd, 2000 v., by pass, $4.00.

1 Faradon Mica Cond. #UC2311, .02 mfd, 1500 v., by pass, $4.00.

1 Faradon Mica Cond. #UC2984, .1 mfd, 750 v., by pass, $4.00.

2 Aerovox Mica Cond. .0015 mfd, 5000 v., by pass, $4.00 each.

7 Dubilier Filter Cond., Type 688, 2 mfd, 2000 v., $3.00 each.

2 Dubilier Filter Cond., Type 686, 2 mfd, 1000 v., $1.00 each.

1 Cardwell Variable Cond., 23 plates, air gap ½″, Type S, 300 mmfd., $25.00.

2 Cardwell Variable Cond., Type 3720, 14 plates, split-stator .294 air gap, 90 mmfd. total, $15.00 each.

2 E. F. Johnson fixed air cond., Type 600-FB-120 air gap ½″, 600 mmfd., $35.00 each.

1 D. & F. R F Tank Coil 5″ Diameter, 40 turns, ¼″ ribbon, $8.00.

1 D. & F. R F Tank Coil, 5″ Diameter, 37 turns, ¼″ ribbon, $8.00.

1 D. & F. R F Tank Coil, 5″ Diameter, 10 turns, ¼″ ribbon, $4.00.

4 GR R F Chokes, Type 379, 60 mhs., $1.00 each.

1 GR R F Choke, Type 379, 8 mhs., $1.00.

2 Jenkins & Adair Modulation Retards, Type 2473M, .25/.5 amps, 60/15 henries, $25.00 each.

1 Jenkins & Adair Filament Retard, Type 2552, 30 amps., $5.00.

1 International 500 ohm to grid Trans., Type 501A, $5.00.

1 GR Matching Trans., Type 585-DS3, 16 ohms to 250/500 ohms, $2.00.

1 Thordarson interstage Trans., Type T-45892, ratio 1 to 1, 50,000 ohms, $8.00.

1 Amertran Deluxe 500 ohm line to grid Trans., Type P-482, $6.00.

1 Uptegraff Filament Trans., Pri. 220 v., Sec. 11 v. at 50 amps., $15.00.

1 G. E. overcurrent Relay Type PQ, 1.5 amp. DC Maximum, $10.00.

1 G. E. Time Delay Relay Type PQ, coil 15 v. DC, $12.00.

3 WE #112A 50 watt tube sockets, $2.00 each.

G.E. Enclosed Resistors Type CR-9158, 75 watt:

2 14,000 ohms, $2.00 each.
1 4,000 ohms, $2.00.
3 3,000 ohms, $2.00 each.
3 1,000 ohms, $2.00 each.
1 800 ohms, $2.00.

Miscellaneous Resistors:

75 watt, 6000 ohms, $1.50.
75 watt, 4000 ohms, $1.50.
75 watt, 500 ohms, $1.50.
3 50 watt, 5000 ohms, $1.00 each.
50 watt, 3500 ohms, $1.00.
50 watt, 300 ohms, $1.00.
50 watt, 16 ohms, $1.00.
3 25 watt, 100 ohms, C. T., $1.00 each.
3 25 watt, 100 ohms, $1.00 each.
25 watt, 50 ohms, C. T., $1.00.
25 watt, 10 ohms, $1.00.
25 watt, 2½ ohms, $1.00.
3 25 watt, ½ ohms, $1.00 each.
1 Bronze Cooling Water Filter, $5.00.
1 WE Water Flow Protective Relay, $20.00.

Motor Generators:

1 Roth, 220 v. AC to 1500/3000 v. at 1 amp. DC. Make offer.

1 Roth, 220 v. AC to 14 v. at 53 amp DC. Make offer.

1 Roth, 220 v. AC to 250 v. at 3 amp. DC. Make offer.

1 Robbins-Meyers 220 v. AC to 320 v. at 1 amp. DC. Make offer.

1 ESCO 220 v. AC to 24 v. at 40 amp. DC. Make offer.

1 ESCO 220 v. AC to 1000/2000 v. at 1 amp. DC and 14 v. at 50 amp. DC. Make offer.

Also considerable quantity of used bakelite in sheets and rods, angle brass trans. frame, aluminum and copper shield cabinets, etc. Information upon request.

For sale by KICA, Clovis, New Mexico

Greenflyer Turntable Motor, $5.00.

GR 547A Temp. Control Box #111, $20.00.

Thordarson Plate Trans. #64P11, $30.00.

Thordarson Choke #4461, $25.00.

Thordarson Choke #2073, $10.00.

SP-6246 J & A Output Trans., $25.00.

Johnson Induction Tank Coil, used to resonate 1400 kc., $2.50.

National Type TML Variable Cond. 350 mmf. 7500 V., $20.00.

SP-6246 J & A Plate Choke, $25.00.

Acme Filament Trans. #12 taps for 2.5V-10A, 10V-3.25A, 10V-3.25A, $10.00.

Acme Filament Trans. #10 taps for 2.5V-3.5A, 2.5V-3.5A, 2.5V-3.0A, $5.00.

Acme DA-3 Modulation Trans., $5.00.

Thordarson Filament Trans. #2382, $2.00.
Cond. XP-3002 2Mfd. 3000V., $4.00.

Condensers (eight of them) XP-2002 2Mfd 2000V, each, $4.00.

Condensers (two) Cardwell Variable 440 Mmfd, each, $4.50.

Condensers, Cardwell Variable 480 Mmfd #123B, $4.00.

Condenser, Airvox 1 Mfd. 1000V. #1003, $2.00.

Input Trans. J & A-Type SP-38, $3.00.

AmerTran Reactor 45 Hy. .060 Amp. Type 854, $3.00.

Condenser, National 7 plate, low cap. High Voltage (Two) each, $1.50.

3 Crystals, ? cut, approximately 1400KC. Make offer.

WILL BUY

Wanted by WMOB, Mobile, Ala.

Line signal, shutter type, to operate on 20 cycle ringing current. WE 34 type preferred.

Wanted by KPMC, Bakersfield, Calif.

1 United type 973 rectifier tube.

Wanted by KFAR, Fairbanks, Alaska

1 GR type 376-L quartz crystal and holder for GR freq. monitor; any freq. below 660 kilocycles.

TUBES AVAILABLE FROM AMATEURS

The American Radio Relay League is cooperating with the NAB Engineering Department in an effort to secure tubes for broadcast stations now in the possession of amateur stations. A notice appeared in QST, official organ of the ARRL, requesting amateurs to list available tubes with NAB. This section of the Swap Bulletin contains some of the offers.

Broadcasters desiring to purchase any of these tubes are asked to correspond directly with the owner.

For sale by H. S. Gartsman, 1312 E. 53 St., Chicago, Ill.

1 Sylvania 203-A tube, never used.
1 RCA 802, never used.

Make offer.

For sale by Arthur B. Chapelle, P. O. Box 588, Fresno, Calif.

2 Federal F-123-A tubes, new, in original carton, sell at current market price.

For sale by Eugene Black, Jr., 85 Fuller St., Waltham, Mass.

2 Eimac 35T, $5.00 each, cond. good.
3 Taylor TZ-40, $2.50 each, cond. good.
3 Taylor 866, $1.00 each, cond. fair.
2 Taylor 866, $1.25 each, cond. good.
2 RCA 802, $3.00 each, cond. good.
1 RCA 879, $1.25, cond. good.
1 RCA 807, $2.50, cond. good.
1 Raytheon RK39, $2.50, cond. good.
1 Raytheon RK34, $3.50, new.

F. O. B. Waltham, Mass.

For sale by J. B. Catliff, Jr., High Splint Coal Co., Williamsburg, Ky.

2 T200
4 T55
4 TZ40
2 HK24
6 866

Make offer.

For sale by Frederic C. Hoffman, Algoma, Wis.

2 Taylor TW-75, used approx. 200 hrs., price $7.00 each.
2 Taylor 866, used approx. 75 hrs., price $1.25 each.
2 Taylor TZ-40, used approx. 125 hrs., price $3.00 each.
2 Hytron HY-30Z, one unused—Price $2.50, one used approx. 25 hrs., price $2.00.
1 Westinghouse WL-807, used approx. 125 hrs., price $3.00.
4 Taylor 66 Jr., used approx. 350 hrs., price $.80 each, 4 for $2.80.

For sale by Joseph P. Jessup, 337 Hamilton Ave., Glen Rock, N. J.

1 RK 28, new, sale price, $27.50.
2 250TH tubes, new, $24.50 each.

The National Association of Broadcasters
1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON, D. C.
April 9, 1943 SWAP BULLETIN No. 33

KEEP RECEIVERS PERCOLATING

Engineers are already coverage conscious—now is the time to get circulation conscious. Your coverage does no good unless the receivers to hear your programs are working properly. Under wartime conditions it is not enough to be merely conscious of service problems. Broadcasters must assume leadership. With additional men going into military service, it is more than probable that local broadcast interests will have to organize the work of local radio repairmen. Contact Art Stringer at NAB about service problems as they develop in your coverage area. There are certain things that he can do and there are other things that can be done only on the local front.

Please do your part to keep every broadcaster supplied with essential parts and materials. Check your stock today. List your long items under the heading "WILL SELL" and the items you need under "WILL BUY." Then write: POOL, National Association of Broadcasters, 1760 N Street, N.W., Washington, D. C. Your fellow broadcasters will do the rest.

WILL SELL

For sale by N. R. Keidan, 515 W. 110th St., N. Y. C.

20 Dubilier Mica Cond., type CD 1494, working voltage 25,000, .0006 MFD. Will sell any part at $50.00 each, F.O.B., N. Y. C.

For sale by Charles H. Monroe, 26 S. Delaware Ave., Atlantic City, N. J.

24 Duo-vac type 242A tubes, New.
1 Webster remote amplifier, for 1 microphone no volume indicator, used.
1 Collins remote amp. type 12Y in leather case for 1 microphone, no volume indicator, used.
1 tripod type microphone stand, used.
1 RCA round base microphone stand, like new.
1 RCA inductor microphone, used.
1 WE salt shaker microphone, used.
1 RCA P.A. amp. 20 watts, uses 6L6 tubes in output, has input for phono and crystal mike, used.
1 RCA P.A. amp. 20 watts uses 2A3 tubes in output, has input for phono and low impedance mike, used, excellent cond. Also 200 ohm RCA mike to go with it.
3 15 ohm p.m. RCA speakers in cabinets.
1 Shure lapel crystal mike with trans. to use mike in 200 ohm input position. Make offer.

For sale by WMRC, Greenville, S. C.

1 Presto model "K" recorder. Make offer.

For sale by WIS, Columbia, S. C.

a. 3 Faradon type UC-3095-K, .0005 Mfd., 5,000 v., Mica trans. cond., rated 4 amps. at 300 kc/s. New. $6.00 each net.
b. 1 Faradon type UC-3054-K, .002 Mfd., 5,000 v., Mica trans. cond., rated 1.8 amps. at 300 kc/s. New. $6.00 net.
c. 1 GE #4358410, type M, form B, isolation trans., rated .1 Kva., 60 cycles, 115 v. pri., 115 v. sec. In excellent cond. $10.00 net.
d. 1 Stancor type P-6007 power trans., $3.00 net.

For sale by WHAM, Rochester, N. Y.

a. 1 RCA 49-A, Cathode ray modulation indicator with tube.
b. 1 RCA 904, 5″ Cathode ray tube.
c. 4 Cornell 409-56, Capacitors .0004 MFD. 30,000 v.
d. 1 Weston 301 D.C. voltmeter 0-10 v.
e. 1 Weston 400 Thermo-ammeter 0-50 amp. Ext: Thermocouple.
f. 1 Thordarson 2204, choke coil 10 Henry 400 mills.
Make offer.

For sale by WHIO, Dayton, Ohio

a. 2 RCA vertical reproducers, removed from type 70A turntables. Good cond., $25.00 each.
b. 2 Fairchild VHAAM crystal reproducers with equalizing trans. 200 or 500 ohms output. Good cond., $15.00 each.
c. 10 type 204A tubes suitable for rebuilding. Make offer.

For sale by Phil Daviss, 3106 Tenth Street, Wichita Falls, Texas.

A. *Transformers:*

1 Thordarson, plate supply, 1875-0-1875 and 1560-0-1560 v., 500 MA, #T-19P64, used 25 hrs., price $18.00.
1 Thordarson, filament, 2.5 V, 10 amp., #T-19F90, used 25 hrs., price $2.00.
1 Thordarson, filament, 7.5 V, 5 amp., #T-19F94, used 15 hrs., price $2.00.
1 Thordarson, filament, 5 V CT, 13 amp., #T19F85, used 25 hrs., price $2.00.
1 Thordarson, modulation, 175 watts. Pri. 6900 ohms, sec. 2850, 4500, 6500, #T14M49, used 15 hrs., price $10.00.
1 Stancor, modulation, 175 watts, Pri. 6900 or 9000 ohms, to 3300, 4000, 5000, 6250 ohms. To carry .28 amp. DC. Mfr. #A-3829, used 3 hrs., price $9.00.
1 Stancor, PP driver, Mfr. #A-4212, used 15 hrs., price $1.75.

B. *Chokes:*

1 Thordarson, 5-20 hy, 75 ohms, 500 MA, swinging choke, #T-19C38, used 25 hrs., price $8.40.
1 Thordarson, 12 hy, 90 ohms, 400 MA, smoothing choke #T-19C44, used 25 hrs., price $6.00.

C. *Condensers:*

2 Aerovox (round), 2 MMF, 2000 volts, used 25 hrs., price $6.00.
1 Bud variable condenser, Type JC562, split stator, 150 MMFD., slightly used, price $5.00.

D. *Resistors:*

1 Utah, 25000 ohm, 200 watts, used 25 hrs., price $2.00.
1 Utah, 2500 ohm, 200 watts, used 5 hrs., price $2.00.

E. *Relays:*

1 Allied, DPDT, 6 volt DC, not RF type, slightly used, price $3.00.
1 Staco, DPDT & SPST, 110 volt, not RF type, slightly used, price $4.00.
1 Ward Leonard, DPDT, 110 volt, RF type, slightly used, price $4.00.

F. *Coils:*

1 Bud, VLS 160 meter final tank, 500 watt, slightly used, price $2.25.
1 Bud, VLS 40 meter final tank, 500 watt, slightly used, price $1.75.
1 Bud, VLS 20 meter final tank, 500 watt, new, price $1.65.
1 Bud, VLS 10 meter final tank, 500 watt, new, price $1.45.
1 Bud, OCL 20 meter buffer, 50 watt, new, price $1.65.

G. *Crystals:*

1 Bliley, Type HF-2, Freq. 14,328 KC, slightly used, price $5.00.
1 Bliley, Type HF-2, Freq. 14,525 KC, new, price $5.00.
1 Bliley, Type CM-2 holder with 2032.5 KC crystal, comp., new, $3.00.
1 Bliley, Freq. 3663 KC, slightly used, price $1.50.
1 Bliley, crystal & holder comp., Freq. 1990 KC, good cond., price $2.50.
1 Bliley, crystal freq. 7233 KC, with holder, comp., good cond., price $2.50.
1 P-R, crystal, freq. 7276 KC, new, price $2.50.

H. *Tubes:*

2 Hytron, Type 40-Z, used 10 hrs., price $7.00.
2 Gammatron, Type HK-54, used 25 hrs., price $14.00.
1 Taylor, Type TZ-40, used 20 hrs., price $3.50.
2 Hytron, 866, used 10 hrs., price $3.00.
1 Hytron, 866-A, new, price $1.50.
1 RCA 807, new, price $3.50.
1 Sylvania, Type 30, new, price $.50.
1 RCA, 6L6-Gx, new, $1.25.
2 RCA, 6L6 metal, new, price $2.50.

I. *Meters:*

1 Triplett, Model #321, 0-150 MA, very slightly used, price $5.00.
1 Triplett, Model #321, 0-500 MA, very slightly used, $5.00.
1 Triplett, Model #321, 0-400 MA, very slightly used, price $5.00.

J. *Miscellaneous:*

1 Astatic microphone, crystal type, model number JT-30, with table stand, good cond., price $12.00.
1 Speedex Hi-Speed bug, Model #515, slightly used, price $5.00.
1 Bud, DPDT switch, 12 amp at 125 V, #1270, new, price $2.00.
1 Bud cabinet, color black, 47″ x 21″ x 17″, panel space 42″, #CR-874. Like new, slightly used, price $21.00.
1 Bud, dolly for above cabinet, #RD-505, slightly used, price $3.50.
3 Bud, dials, diameter 4″, scale 0-100, #D-1734, like new, price $4.50.

For sale by WCRW, 2756 Pine Grove Ave., Chicago, Ill.

1 Taylor T-125 tube, used approx. 100 hrs. $8.00.

For sale by WIBX, Utica, N. Y.

a. Composite 100 watt trans. Coils may be changed to convert for use as a "Relay Broadcast Station." Will make coils for this freq. R. F. line-up. 6L6 Osc. 807 Buffer, 812 P.P. final amp. speech amp line up—high impedance input to 6L7—6C5 into a pair of 6A3 P.P. (Class B modulators) one 600 v. power supply and rectifier. One 1250 v. power supply and 8 66's rectifiers. Comp. with all tubes. 4 Weston and Jewell milliammeters. All units mounted on separate chassis and standard panels. Mounted in a 36 in. Par-Metal enclosed steel cabinet. Black finish. $300.00 cash. If interested, will supply photographs.

b. 1 Jewell pattern #54 front panel mount 0 to 750 v. meter, with external resistor (cased) $5.00.

c. 1 Jewell pattern #54 flush panel mounting 0 to 3,000 v. meter, with external resistor (cased) $8.00.

For sale by E. L. Pfeiffer, 577 Rahway Ave., Woodbridge, N. J.

WE 9-A reproducer 30 ohm for vertical and lateral cut (head only).
Gen—Rad #635 MB 200 ohm variable PAD.
WE salt shaker mike, baffle, and swivel joint.
WE Cardoid mike, jack, & desk mounting.
Hallicrafters receiver SX25 (no speaker),
212-E vacuum tube (un-used).
Vertical cut reproducer WE 7-A no equalizer.
339-A vacuum tube, WE.
TL-100-US Cardwell Cond.
284-A WE tube.
242-C WE tube.
TL-160-US Cardwell Cond.
3 WE 304-B Vac tubes.
WE 285-F input 30-200 to grid.
WE 285-K line to P.P. grid.
Weston tubular resistor 5 KV, 5 meg.
C-D Cond. 986-6 .01-.01, 1500 v.
364-6 250 mmf., 5000 v. (2).
366-6 125 mmf., 5000 v.
162-6 .008, 3000 v.
Weston mod. 301 flush bakelite 4000 v., type 4-1 external multiplier.
Weston mod. 425 flush bakelite 0-3 amps R.F. external flat thermocouple.
Weston mod. 425, 0-3 amp. R.F. flush bakelite integral thermocouple.
Weston mod. 425 flush bakelite 0-5 amps. R.F. integral thermocouple.
Weston mod. 862 illuminated VU meter.
Weston model 640 flush bakelite, full scale deflection on 2 R.F. amps., scale reads 0-10 amps. R.F. integral thermocouple.
Westinghouse type R X 0-1 amp. R.F.
Westinghouse type R X 0-3 amp. R.F.
Foll: WE trans. 144-G output, 139A output, 131A output, 118A repeat coil. Make offer.

WILL BUY OR SWAP

Wanted by WDEV, Waterbury, Vt.

RCA type 74-B junior velocity and RCA type 44-BX, senior velocity microphones.
Also looking for 1, 2, or 3 channel remote amplifiers, Gates preferred.

Or Will Swap

WE "salt shaker" microphones.

WILL BUY

Wanted by WFLA, Tampa, Florida

2 Steel type transcription filing cabinets.

Wanted by WLVA, Lynchburg, Va.

2 UTC type LS-31 or LS-31X trans.

Wanted by WKMO, Kokomo, Ind.

1 portable 78-33 1/3 portable recorder. Advise make, price, cond. and full details.

Wanted by WMRC, Greenville, S. C.

RCA or WE 250 ohm microphones. State type, impedance and price. Also want Weston or Triplet "VU" meter.
RCA compressor amplifier or Collins 26-C amplifier.

Wanted by WPAD, Paducah, Ky.

2 Dual-speed turntables in good cond. New or used. Wire collect.

Wanted by KFSD, San Diego, Calif.

1 WE 110-A limiting amplifier. Give comp. description and cond. and price in first letter.

Wanted by KXRO, Aberdeen, Washington

a. 1 type 12H Collins studio console or similar type by RCA, WE or other manufacturer.
b. 1 type 301 volume indicator, WE, or similar meter suitable for reading DB.
Address reply to Kenneth Grinde, Chief Engineer, KXRO, Box 1120, Aberdeen, Wash. Give full details.

Wanted by KEVR, Seattle, Washington

Gates Mod. 30 or Collins 12-H or similar mixer.

Wanted by WHIT, New Bern, N. C.

1 new or good RK-48A tube.
1 pair of Trimm Featherweight phones (High impedance type).

WILL SELL OR SWAP

WMSL, Decatur, Alabama

Will sell

2 RK-47 (814) used but good. $8.00 each, both for $15.00.
1 WE-262-A, apparently new, make offer.
2 Weston model 301 old style surface mounting, 0-50 Ma. DC.
1 Weston model 301 old style surface mounting, 0-500 v. DC (for use with external resistor. No resistor.)

Or Swap for

807s, 866s and a plate trans. approx. 800 to 1000 v. total sec. voltage, centertapped, 125 to 250 ma. Prefer one with 5v rectifier filament winding.

TUBES AVAILABLE FROM AMATEURS

The American Radio Relay League is cooperating with the NAB Engineering Department in an effort to secure tubes for broadcast stations now in the possession of amateur stations. A notice appeared in QST, official organ of the ARRL, requesting amateurs to list available tubes with NAB. This section of the Swap Bulletin contains some of the offers.

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For sale by Irving Megeff, 1429 Carroll St., Brooklyn, N. Y.

WE 322-A new
" 307-A "
" 284-B "
" 249-C "
" 287-A "
" 339-A "
" 277-A "
" 254-A "
" 254-B "

WE 300-A used
" 242-C "
" 249-C "
" 304-B "
Amperex ZB-120 used
RCA 809, used
GE FG-17 used.

All tubes guaranteed perfect and reasonably priced.

For sale by H. R. Blain, Powerhouse #2-2A, Big Creek, Calif.

2 Eimac 250 TH trans. tubes, $24.50 each. Used approx. 300 hrs., excellent cond. Subject to buyer's approval.

For sale by Sgt. M. Michaylytza, Co. A Vint Hill Farms Station, Warrenton, Va.

2 250 TH, new, $20.00 each.

For sale by Wm. G. Darrall, 247 James St., Springdale, Pa.

8 RCA 204A, used approx. 500 hrs., $30.00, fair cond.
Several RCA 203-A, new cond., some are DeForest, $8.00 each.

For sale by P. Nutter, M. D., 1200 E. Marshall St., Richmond, Va.

a. 1 UTC amplifier with power supply on panel rack—1 6C5, 2 6C5, 2 6L6. Price $25.00.
b. 1 RCA 807, $3.00, almost new.
c. 1 RCA 808, $7.00, almost new.

For sale by Sid Lohmann, 12132 Greenlawn, Detroit, Mich.

4 845 tubes, RCA, new, $10.00 each.

For sale by George P. Maerkle, W2HAW, Elm Place, East Northport, N. Y.

a. 1 Gammatron HK 254, never used, perfect cond.
b. 2 Gammatron HK-254, 50 hrs. use., perfect cond., $35.00 for all 3.
c. 1 Gammatron HK-54, approx. 200 hrs., good cond., $6.00.
d. 1 Lafayette 203-D, approx. 200 hrs., good as new, $8.50.
e. 2 GE 866-A, excellent cond., approx. 25 hrs., $1.25 each.
f. 2 Lafayette 866-A, good cond., approx. 200 hrs., $1.00 each.

Also have Thordarson high voltage trans. 3000-0-3000 at 500 mills, 1 Thordarson 12.5 henry 500 mill choke and 2-2 mfd. 3000 v. filter cond.-Aerovox. Make offer.

For sale by Frank B. Uphoff, 101 Park Blvd., S. E., Anacostia, D. C.

2 813
2 808
2 828
2 809
3 807

Slightly used, good cond. Sell at list price.

For sale by R. T. Redpath, 2412 Maple Ave., N. S., (14), Pittsburgh, Pa.

1 RCA 807, good cond.
1 Raytheon 83, good cond.
1 6L6G Raytheon, good cond.
Make offer.

National Association of Broadcasters

1760 N STREET, N. W. * * * * * * * WASHINGTON, D. C.

April 23, 1943 **SWAP BULLETIN** No. 34

Buying—Selling—Swapping IS Helping Stations

Please do your part to keep every broadcaster supplied with essential parts and materials. Check your stock today. List your long items under the heading "WILL SELL" and the items you need under "WILL BUY." Then write: POOL, National Association of Broadcasters, 1760 N Street, N.W., Washington, D. C. Your fellow broadcasters will do the rest.

WILL SELL

For sale by KEFV, 1825 Montana St., El Paso, Texas

a. 2 Model 725 "Cardak" Microphones (mfd. by Electro-Voice).
b. 5 Tech type B.T. 95 attenuator, imp. 500/500 ohms, 30 steps.
c. 1 Simpson D. B. meter, mod. 47, rectangular case—3", resistance 5,000.
d. 3 Electro-voice microphone to grid matching trans., mod. 502, 500 ohms.
Make offer.

For sale by WKNY, Kingston, N. Y.

3 838 RCA 100 watt tubes. New. $11.00 each.

For sale by WDAN, Danville, Ill.

1 Bliley type VP4 crystal, freq. 1622 kc, $24.50.

For sale by KTAR, Phoenix, Arizona

Roth motor generator unit.
Generator shunt wound 1800/1000/800 v., 1.25 amps DC.
Exciter 125 v., 2.4 amps DC.
Motor, 220 v., 3 phase, 60 cycle, 3 HP.
Mounted on heavy base 5′ 2½" X 1′ 3½".
Make offer.

For sale by WMAM, Marinette, Wis.

a. 1 12 watt amplifier with 2 mike input, high impedance, 2 Phono inputs, 1 control, dual fader, bass and treble attenuators, with 2 6V6G's in push-pull, has a volume indicator meter. Output impedances: 2, 4, 6, 8, 16 & 500 ohms.
b. 2 PM type speakers: 1 12 inch Jensen, 1 10 inch Cinaudagraph. 6-8 ohm voice coils. Case for speakers.
c. 1 Amperite velocity microphone, mod. RBHk, Hi Imp., with acoustic compensator, with 25 ft. mike cord. This mike overhauled by factory recently. Also a heavy base floor stand.

For sale by KTSM, El Paso, Texas

6 RCA 810 new and unused. $13.50 each.

For sale by Frank Huberman, 673 Connecticut Blvd., E. Hartford, Conn.

1 General Industries motor, 78 and 33⅓ RPM speeds, with turntable. Make offer.

For sale by WROL, Knoxville, Tenn.

16 Eimac 250 TH tubes 100-150 hrs. use, tested and guaranteed at $17.50 each.
8 RCA 848.

For sale by W. S. Crooks, Box 94, Kent, Ohio

Following for sale F. O. B. Kent, Ohio:
1 546 Supreme Oscilloscope, 3" tube, very fine. $85.00.
1 801 Radio City Product tube and set tester (perfect). $30.00.
1 OD Clough Brengle RF Sig. Generator (newly calibrated). $30.00.
1 Superior 1280 tube and set tester, good order. $20.00.
1 Audio oscillator approx. 20 to 15,000 cps. (home built). $14.00.
1 Home built grid shift tube tester for 242-249B trans. tubes. $15.00.
2 CD 2mfd 2000 v. Dykand trans. filter cond., good as new. $382 each.
1 Mod. 74-A Jewel 3" AC voltmeter 0-3, 0-15, 0-150. $5.00.
1 Mod. 54 Jewel 3" DC Mils 0-15. $5.00.
Also few 5000 v. mica cond. at net prices.
If inquiring please send self-addressed stamped envelope.

For sale by WHEB, Portsmouth, N. H.

Westinghouse 15 kw pole trans., style 400766, serial 1281691, 13800 v. to 230 and 115.
Continental motor generator, 220 v., 3 phase, 60 cycle motor. Generator is 14 v., 35 amp., dc.
Make offer.

WILL BUY

Wanted by ***KTSM, El Paso, Texas***

1 set National HRO coils. .5 to .9 MC (500 to 900 KC).

Wanted by ***WROL, Knoxville, Tenn.***

Weston 772 test set.
RCA UT 103 mountings for 833A.
Thordarson T6F71 filament trans.
Thordarson T-4M55 modulation trans.

Wanted by ***WMBG, Richmond, Va.***

806 tubes, new, used, or repairable.
Address replies to Wilfred H. Wood, Chief Engineer.

Wanted by ***WPDQ, Jacksonville, Fla.***

Federal field strength measuring meter.

Wanted by ***KVFD, Fort Dodge, Iowa***

Single channel AC remote amplifier.

Wanted by ***KMA, Shenandoah, Iowa***

RCA studio recorders MI-12700A with or without microphone. Will buy 1 or more.
Address reply to J. C. Rapp.

Wanted by ***KGVO, Missoula, Montana***

Noise and distortion meter with oscillator.
Field intensity measuring equip.
Address Fred U. Wamble, Chief Engineer.

Wanted by ***WHEB, Portsmouth, N. H.***

Low impedance velocity microphone.

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The American Radio Relay League is cooperating with the NAB Engineering Department in an effort to secure tubes for broadcast stations now in the possession of amateur stations. A notice appeared in QST, official organ of the ARRL, requesting amateurs to list available tubes with NAB. This section of the Swap Bulletin contains some of the offers.

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For sale by Leslie S. Couch, 178 Spring St., Albany, N. Y.

Make	*No.*	*Quantity*	*Price*
RCA	904	1	$26.25
RCA	841	2	3.00 each
RCA	872A	1	9.00
RCA	803	1	23.50
RCA	852	1	10.00
RCA	850	1	30.00
RCA	217A	1	15.00
RCA	845	1	9.00
RCA	211	3	8.00 each
RCA	211A	1	5.00
RCA	800	3	6.00 each
RCA	801	1	3.00
RCA	843	1	9.00
RCA	844	1	2.00
Hytron	HY60	2	2.00 each
RCA used	852	1	5.00

All tubes above except last one never used.

For sale by Louis N. Seltzer, 2234 Wisconsin Ave., Washington, D. C.

35 T, used 90 hrs. $6.00.

For sale by Frank P. Dane, 3852 Eagle St., San Diego, Calif.

Quantity	*Type*	*Cond.*	*Net each*
9	Acorn 954 tube	New	$5.00
6	" 955 "	"	3.00
4	" 956 "	"	5.00
4	" 959 "	"	5.00

Will ship on receipt of money order.

For sale by Elliott A. Henry, 37 N. Dudley St., Camden, N. J.

Quantity	*Type*	*Manufacturer*	*Hrs. use*
2	T-125	Taylor	200
1	T-125	Taylor	500
1	204-A	RCA	5
1	204-A	RCA	50
1	211	RCA	100
2	872-A	RCA	1000
2	203-Z	Taylor	200
3	866-A	Taylor	200
2	866	Taylor	500
2	T-55	Taylor	100
1	HY-25	Hytron	10

Make offer.

For sale by Claude B. Green, Jr., 553 E. Tennessee St., Tallahassee, Fla.

1 RCA 203-A tube. Good cond.

For sale by William Bunkard, W6ODW, 10400 Sunland Blvd., Sunland, Calif.

Type	*Approx. use*
Eimac 35-T	50 hrs.
HK-24	5 hrs., almost new
RCA 809	35 hrs.
Taylor 866	New
Taylor 866	10 hrs., almost new
Heintz & Kaufman 24	Can be repaired
Heintz & Kaufman 354	

Make offer.

National Association of Broadcasters
1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON, D. C.
May 14, 1943 SWAP BULLETIN No. 35

RECORD ENGINEERING ATTENDANCE AT NAB WAR CONFERENCE

The Engineering Committee Meeting at Chicago was attended by engineers from all but three of the seventeen NAB Districts. Many who were unable to be present cooperated by mailing an advance report on conditions in local areas.

The Executive Engineering Committee appreciates the efforts of all who contributed to the success of the meetings dealing with wartime technical problems.

A detailed report will be forwarded to all NAB member stations after review of the stenographic transcripts of the meetings is completed.

A list of those participating follows:

Attending at Chicago

G. P. Adair, FCC, Washington, D. C.
Ernest L. Adams, WHIO, Dayton, Ohio
Harry E. Adams, WIBC, Indianapolis, Ind.
J. J. Beloungy, WBT, Charlotte. N. C.
Leonard T. Carlson, WKBB, Dubuque, Iowa
E. K. Cohan, Director of Engineering, CBS, New York, N. Y.
Wayne N. Cook, WCAR, Pontiac, Mich.
Roy C. Corderman, OWI, Washington, D. C.
John Creutz, WPB, Washington, D. C.
C. F. Daugherty, WSB, Atlanta, Ga.
Robert A. Dettman, KDAL, Duluth, Minn.
Frank A. Dieringer, WFMJ, Youngstown, Ohio
Franklin M. Doolittle, President WDRC, Hartford, Conn.
Perry W. Esten, WGRC, Louisville, Ky.
Howard S. Frazier, NAB, Washington, D. C.
A. Friedenthal, WJR, Detroit, Mich.
Fay Gehres, WGBF, Evansville, Ind.
D. W. Gellerup, WTMJ, Milwaukee, Wisc.
E. L. Gemoets, KTSM, El Paso, Texas
Ted A. Giles, WMBD, Peoria, Ill.
O. B. Hanson, Vice President, NBC, New York, N. Y.
William J. Harris, WCHS, Charleston, West Va.
Harry Harvey, KMOX, St. Louis, Mo.
Karl B. Hoffman, WGR-WKBW, Buffalo, N. Y.
Royal V. Howard, KSFO, San Francisco, Calif.
Wilbur E. Hudson, WAVE, Louisville, Ky.
Edward W. Jacker, WAIT-WGES-WSBC, Chicago, Ill.
C. M. Jansky, Jr., Jansky & Bailey, Washington, D. C.
L. L. Lewis, WOI, Ames, Iowa
George M. Lohnes, Jansky & Bailey, Washington, D. C.
F. H. McIntosh, WPB, Washington, D. C.
Italo A. Martino, WDRC, Hartford, Conn.
Walter F. Meyers, WJJD, Chicago, Ill.
M. R. Mitchell, WJR, Detroit, Mich.
S. Robert Morrison, WMRN, Marion, Ohio
J. F. Novy, WBBM, Chicago, Ill.
Bernard C. O'Brien, WHEC, Rochester, N. Y.
George J. Podeyn, KQV, Pittsburgh, Pa.
Charles F. Quentin, WMT, Cedar Rapids, Iowa
George P. Rankin, Jr., WMAZ, Macon, Ga.
N. J. Richard, WISN, Milwaukee, Wisc.
A. D. Ring, Secretary Committee IV, BWC, Washington, D. C.
Robert J. Sinnett, WHBF, Rock Island, Ill.
Cecil E. Smith, KUOA, Siloam Springs, Ark.
Kirby Smith, KBUR, Burlington, Iowa
Herbert F. Tank, WWJ, Detroit, Mich.
Herman D. Taylor, WTIC, Hartford, Conn.
Victor H. Voss, WIND, Gary, Ind.
Charles W. Wirtanen, WIBM, Inc., Jackson, Mich.
Lt. Col. L. McC. Young, AC, KMOX, St. Louis, Mo.

Participating by Mail

Leo W. Born, KGLO, Mason City, Iowa
Lee Clough, KLUF, Galveston, Texas
R. F. Crossthwaite, KWYO, Sheridan, Wyo.
Amos Dadisman, KFH, Wichita, Kans.
W. R. Harmon, WMVA, Martinsville, Va.
Scott Helt, WIS, Columbia, S. C.
Roger W. Hodgkins, WGAN, Portland, Me.
Robert D. Hough, WMMN, Fairmont, W. Va.
Vernon Hughes, KICA, Clovis, N. M.
Thomas R. Humphrey, WHYN, Holyoke, Mass.
August Jarvi, WJMS-WATW, Ironwood, Mich.
Paul G. Lindsay, WHEB, Portsmouth, N. H.
H. J. Lovell, WKY, Oklahoma City, Okla.
John C. McCormack, KWKH-KTBS, Shreveport, La,
Noel A. Martin, WALB, Albany, Ga.
Albert F. Mason, KOCA, Kilgore, Texas
Herbert J. Mayer, WHBL, Sheboygan, Wisc.
Ronald Oakley, KGER, Long Beach, Calif.
A. W. Oschmann, WARM, Scranton, Pa.
Harold C. Singleton, KGW-KEX, Portland, Oreg.
R. C. Porter, KVSF, Santa Fe, N. M.
L. J. Rolfe, WCMI, Ashland, Ky.
Richard T. Sampson, KFXM, San Bernardino, Calif.
Wilfred T. Siddle, WRBL, Columbus, Ga.
Alvin H. Smith, KSCJ, Sioux City, Iowa
Jno. W. Smith, WMSL, Decatur, Ala.
Ray C. Spence, WAJR, Morgantown, W. Va.
Vernon Stahl, WCED, Dubois, Pa.
R. B. Sutton, KPQ, Wenatchee, Wash.
William H. Torrey, KGNC, Amarillo, Texas
Earle Travis, KVEC, San Luis Obispo, Calif.
J. M. Troesch, WSTV-WJPA, Steubenville, Ohio
J. C. Vessels, WDOD, Chattanooga, Tenn.
Harold Walker, KADA, Ada, Okla.
Fred U. Wamble, KGVO, Missoula, Montana
H. T. Wheeler, KPRC, Houston, Texas
C. C. Williams, WRGA, Rome, Ga.
D. E. Yates, KRBA, Lufkin, Texas

Please do your part to keep every broadcaster supplied with essential parts and materials. Check your stock today. List your long items under the heading "WILL SELL" and the items you need under "WILL BUY." Then write: POOL, National Association of Broadcasters, 1760 N Street, N.W., Washington, D. C. Your fellow broadcasters will do the rest.

WILL SELL

For sale by William C. Uzzell, 85-12 165th St., Jamaica, N. Y.

a. 1 GE 4.25 KVA trans., 110 v. pri. output 2000 to 4000 v. with 6 step switch, oil filled type, price $50.00.
b. 1 Acme filament trans., 300 watts, for 10/12 v. filament, price $9.00.
c. 1 Thordarson type 5448 trans., 800 v., each side of center tap.
d. 1 Thordarson type 2073 filter choke, 300 H., 500 MA, $15.00.
e. Several filament and plate trans., various voltages and sizes, what do you want?
f. 50 ft. Bassett concentric cable, 64 ohms, 1000 watts, 20 meters, price $10.00.
g. Several sets of head phones.
h. 1 amateur type trans. for C. W. only, final stage input power 450 watts with coils for 10, 20, 40, 80, and 160 meter bands. Entirely self contained in a broadcast station type trans. rack with 2 doors. Priced not as a complete trans. but for the parts only at $300.00. Detailed information upon request.
i. Battery charger, Forest Electric Co., for several auto type storage batteries or equivalent, output to 46 v. at 6 amps, 10 step regulator switch and meter, Tungar bulb burned out. $15.00.
j. Flechtheim 4 mfd 1500 v. Filter Cond. $3.50.
k. Tobe 2,000 v. 2 mfd. Old style very large, $2.25.
l. Aerovox .002 plate blocking cond. in aluminum case for 5,000 v., $2.50.
m. National type DX 100 mmf 6,000 v. trans., variable cond., $6.50.
n. Allen Bradley Rheostat, 500 watts for use in pri. of trans.
o. Following are older style meters in metal cases, all repaired, but in good cond.
    2 Jewell #74, 15 v. AC, each $5.50.
    1 Jewell #454, 200 Ma, DC, $5.50.
    1 Jewell #54, 300 MA, DC, $5.50.
p. 2 WE 304B, used 1 hr., $18.00.
    1 WE 242A, well used, $2.00.
    2 WE 242B, $12.00.
    2 WE 258B, mercury vapor rectifiers, new, $24.00.
    1 WE 258A, mercury vapor, almost new, $10.00.
q. 2 new Johnson 50 watt sockets.
    All are subject to prior sale and any offer may be refused.

For sale by KIUP, Durango, Colo.

10 type 203-A tubes. Some new. $5.00 each for the lot.
1 GE FG17 tube, new. $10.00.

For sale by WMRF, Lewistown, Penna.

100 watt, 120 v., A21, clear, tower lights, up to 6 doz., $.45 each.

For sale by KWLM, Willmar, Minn.

7 1609 tubes, make offer. Address replies to Vernon Baumgartner.

For sale by KWKW, Pasadena, Calif.

235′ #8 Lead covered wire at $.08 foot.
143′ #8 " " " " .08 "
120′ #14 " " " " .07½ "
221′ #14 " " " " .07½ "

For sale by Dukes Radio Co., 114 West 4th St., Sioux City, Iowa

1 860 RCA tube, $32.50.

For sale by Frank Huberman, 1256 Main St., East Hartford, Conn.

a. 1 Meissner AC-DC FM tuner (no cabinet), in perfect cond.
b. 1 Abbott DK3 (2½ M. transceiver), comp. with batteries, antenna and microphone.
c. 1 Astatic D104 microphone with desk stand. Make offer.

For sale by WASK, Lafayette, Indiana

1 Thordarson type T65 mike trans. $2.00.
1 U T C type HA 101X mike trans. $10.00.

For sale by WLAK, Lakeland, Florida

RCA instantaneous recorder, type 72-A, price $75.00.
2 old style WE turntables, comp. with lateral and vertical pickups, make offer.

For sale by WELL, Battle Creek, Mich.

1 Dumont type 54-XH 5″ C. R. tube, used. Address reply to Earl J. Stone.

For sale by KGER, Long Beach, Calif.

1 RCA 1000 watt trans., type 1-B (modified).
1 RCA type EX 4180 freq. monitor.
Complete description and photographs available upon request. Address Ronald Oakley, Chief Eng.

For sale by KILO, Grand Forks, N. Dak.

1 RCA model ACR-175 communications receiver with spare tubes, $35.00.

WILL BUY

Wanted by WELL, Battle Creek, Mich.

a. Fairchild unit 220-3 or 199-3 recorder.
b. Fairchild 214-3A cutterhead.
c. Uni-directional mikes.
    Address reply to Earl J. Stone.

Wanted by WMRN, Marion, Ohio

1 to 4 Hi-quality input trans. 250 ohms (balanced) to grid.
1 Output trans. for 6J7 (triode connected) to 500 or 250 ohms.

Wanted by KWFT, Wichita Falls, Texas

2 HRO national coil 175 to 400 KC, also 900 to 2000 KC.

Wanted by KGKY, Scottsbluff, Nebr.

A Presto 10A trans. reproducing turntable, new or used.

Wanted by WDEV, Waterbury, Vt.

RCA instantaneous recording and playback equip., type No. MI 4822.

Wanted by WLVA, Lynchburg, Va.

1 RCA 40-C amplifier in good cond.

Wanted by WRDW, Augusta, Ga.

1 Dummy antenna for 5,000 kilowatt. 200 to 240 ohms.

Wanted by WIS, Columbia, S. C.

New RCA type 1603, non-microphonic type, vacuum tubes.

Wanted by WDEV, Waterbury, Vt.

Portable recorder for 16″ discs with amplifier preferred.

Wanted by WBML, Macon, Ga.

RCA 70-C turntable with 72-c recorder attachment or similar combination. Line trans., 1 to 1 ratio. Address reply to H. S. Goodrich, Chief Eng.

Wanted by W67NY, 500 Fifth Ave., N. Y.

WE type 300A turntables with extra RCA MI-4875 or WE9A heads, or RCA type 70. Give price and cond. of units.

Wanted by WLPM, Suffolk, Va.

An A.C. remote amplifier preferably with 3 channels. State full particulars including whether a meter is available with the above.

WILL SWAP

WIBC, Indianapolis, Ind., will swap

5 Cannon P3-CG-12S cord plugs used but good cond. and

8 Cannon P3-13 panel receptacles used but good cond.

FOR VU meter or vertical pickup with arm.

TUBES AVAILABLE FROM AMATEURS

The American Radio Relay League is cooperating with the NAB Engineering Department in an effort to secure tubes for broadcast stations now in the possession of amateur stations. A notice appeared in QST, official organ of the ARRL, requesting amateurs to list available tubes with NAB. This section of the Swap Bulletin contains some of the offers.

Broadcasters desiring to purchase any of these tubes are asked to correspond directly with the owner.

For sale by W. W. Bingham, 2706 Warren Blvd., Chicago, Ill.

1 807, new
2 TZ20, new
1 TZ40, new
2 T-866, new
3 T-866, used approx. 50 hrs.

Sell at amateur net price.

For sale by Darl F. Wood, Science Dept., Mishawaka High School, Mishawaka, Ind.

1 RCA 810, in original carton, never used. $13.50.

For sale by George E. Rehl, 627 S. Market St., Galion, Ohio

1 HK 354-E tube, 100 hrs. use, $22.00 f.o.b., Galion, Ohio.

Subject to buyer's approval.

For sale by John Fontana, West River Road, Grand Island, N. Y.

1 Eimac 150T, new, $12.00.
4 RCA 807, new.
Several 6L6.
Make offer.

For sale by Bart J. Geib, 324 W. Crawford St., Findlay, Ohio

1 RK-28
1 RK-23
4 866

All tubes used 1 yr. $32.50 f.o.b. Findlay for all 6, otherwise $27.50 for RK 28.

For sale by V. DeMai, Naval Radio Station, Amagansett, N. Y.

2 Taylor 866 tubes, good cond., new, $1.50 each.

For sale by Alvin C. Demmin, 705 Grinnell St., Peoria, Ill.

2 Amperex HF-100 tubes, used few hrs., $15.00 for both.

For sale by Kenneth C. Kirkland, Box 428, Mt. Vernon, Ill.

2 Hytron 866 tubes, $1.50 each.
1 Taylor T-200, used 50 hrs., $14.00.

For sale by Frank H. Carlson, 112 N. Maple St., New London, Iowa

1 RCA 809 tube, new, in original carton, $3.50.

For sale by F. H. Bailey, 251 Delaware Ave., Elsmere, N. Y.

2 204A tubes, used approx. 3 yrs., good cond. Make offer.

For sale by Jerome B. Abernathy, 1850 34th Ave., San Francisco, Calif.

a. 8 866-A mercury vapor rectifiers. 4 used approx. 250 hrs., other 4 used 5 hrs. $1.00 each.
b. 1 GE 203-A, used approx. 75 hrs., good cond., $7.50.
c. 1 National Union 211, used approx. 175 hrs., good cond., $5.00.
d. 2 210 Raytheon tubes, new and unused. Make offer.

F. O. B. San Francisco, Calif.

For sale by P. Arthur Smoll, Alamogordo, New Mexico

6 Eimac, 35-T, new.
2 “ 100-TH, new.
2 “ 250-TH, used 100 hrs.
2 “ RX-21, new.

1 RK-39, new
1 HK-54, “
2 802, “
2 805, “
12 866, “

Sell at current list price.

For sale by J. C. Nelson, 75 Minaville St., Amsterdam, N. Y.

1 803 tube, also 802 and 807. Several 814. Make offer.

For sale by Frank Huberman, 1256 Main St., East Hartford, Conn.

4 WE 249C (rectifiers), used
3 RCA 807, used
2 RCA 802, used
2 Acratone 210, used
1 RK39 (807), used

2 RCA 800, new
1 HK354 (not HF type) used
2 Eimac 100TH, used
1 GE 80 rectifier, new

Make offer.

For sale by E. G. Bentley, c/o Brown & Williamson Tobacco Corp., 1600 West Hill St., Louisville, Ky.

2 Taylor 822, 30 hrs. use, $17.50 each.
2 Taylor 200, 20 hrs. use, $20.00 each.
2 RCA 872, 75 hrs. use, $6.00 each.
1 Eimac 250TH, 200 hrs. use, $12.50.

For sale by Lee G. Davy, 1604 Pineola Ave., Kingsport, Tenn.

1 RK48-A, new, never used, in original carton. $25.00 f.o.b. Kingsport, Tenn.

For sale by John O. Bondy, 93 New St., Belleville, N. J.

3 RCA 865, 2 are new, one used. $26.50 for all 3.

For sale by George Waslovas, 2728 Robert Ave., Cincinnati, Ohio

1 RCA 803 tube, new, never used. $20.00.

For sale by Albert F. Hill, Jr., P. O. Box 297, Leevining, Calif.

a. 1 Eimac 100TH, 2 yrs. old, 15 hrs. use, new cond., $10.00.
b. 1 Eimac 35T, 2 yrs. old, 30 hrs. use, excellent cond., $4.00.
c. 2 RCA 866-866A, 2 yrs. old, 15 hrs. use, new cond., $1.00 each.

For sale by L. T. Phelan, 1637 Hobart St., N. W., Washington, D. C.

2 RK-20 tubes, excellent cond. in 1941, not used since.
Make offer.

For sale by John H. Elrod, 2500 K Street, N. W., Apt. 308, Washington, D. C.

1 Taylor TZ-40, 100 watts, new, in original carton. Make offer.

For sale by Harold Slaydon, P. O. Box 1208, Martinsville, Va.

1 new 866-866A . . $1.50
2 used 866 . . . . 2.50
2 new 816 . . . . 2.00

1 used 807 . . . $3.00
1 used 203-A . 8.00

For sale by Linwood Cook, 1302 Broadway, S. Portland, Maine

2 RCA 211, used 100 hrs., $5.00 each.
3 RCA 865, good cond., make offer.

For sale by Robert J. Robinson, 102 Lyon Place, Lynbrook, N. Y.

1 100TH, good cond., $15.00.

For sale by Clarence Seid, 513 Crown St., Brooklyn, N. Y.

851 tubes, several 204A, and 1 849. Good cond.
5 oil condensers, .25 mfd 10,000 v.d.c. working voltage, Dubilier make.
Make offer.

For sale by Shovel Hodge, W9NBV, 1916 Nebraska Ave., St. Louis, Mo.

2 WE 212 at $25.00 each, used 1500 hrs.
3 276-A.
2 242-C.
Make offer for last two items.

For sale by Hobart Price, 317 Leah St., Utica, N. Y.

1 GE pliotron PR 11-A, new, never used.
Make offer.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON, D. C.

May 28, 1943 **SWAP BULLETIN** No. 36

WILL SELL

For sale by KVOE, Santa Ana, Calif., Wallace S. Wiggins, Chief Operator

1 Composite broadcast trans., power output 100 to 200 watts, power supply half-wave 6 phase rectifier using 872 tubes, power source 220 V., 3 phase A.C. Trans. contained in all steel welded frame with 2 plate glass front panels, back and side screens equipped with interlocks. Power supply unit contained in separate frame, matching trans. in appearance. The individual components of this trans. are valued in excess of $650. Comp. trans. is offered at $450, F. O. B. Santa Ana, Calif. Available for immediate delivery. Full description upon request.

For sale by Hilton Remley, 1571 Thacker Street, Des Plaines, Ill.

1 Comp. A.C. operated composite remote control amplifier described as follows:
2 inputs—250 ohms each—Daven type 330 "T" pads.
Output—500 ohms. Gain at 1000 cycles and 6 milliwatts out—85 Db.
Distortion—less than 2.1% at all freq. from 50 to 7,500 C.P.S. at 6 milliwatts out.
Freq. response—flat within 1 Db. from 40 to 12,000 C.P.S.
The unit has UTS trans. and uses feedback for stability. Separate A.C. power supply. Tubes used are 1 type 6Sj7, 1 6F5G, 1 6G6G, 1 84.
Control—2 mixers and 1 master gain. Weston 301 sq. face output meter. Hubbell Twistlock inputs and output.
All metal case for both amplifier and power supply.
Priced comp. at $100.00, F. O. B. Des Plaines, Ill. Subject to approval of buyer.

For sale by WBBB, Burlington, N. C.

2 RCA type 2050 tubes (Hot-Cathode Gas Tetrodes), slightly used, $3.00 each.
2 RCA type 2050 tubes (Hot-Cathode Gas Tetrodes), new, $3.50 each.

For sale by F. M. Brown, 239 Alameda Street, Klamath Falls, Ore.

Instruments

1 Triplett Model 1696-A modulation monitor.
1 Guthman Model U-10 freq. meter.
1 Meissner Model 9-1001 signal shifter.
1 Dumont Model 148, 5-inch oscillograph.
1 National Model NTE exciter-amplifier kit (Comp., but not wired).

Miscellaneous Parts

1 National XR-14-A Coil Form
1 National XR-10-A Coil Form
2 Centralab Steatite Wave Change Switches.
2 Johnson 210 Tube Sockets
2 Johnson 250 Tube Sockets
75 National and Johnson misc. Standoff and Feedthrough Insulators.

Audio—Filament and Misc. Trans.

1 Inca I-33
2 Inca L-43
1 Inca L-41-A
1 Inca J-15
1 Inca J-5
1 Inca J-34
1 UTC FT-4
1 UTC S-57
1 Kenyon T-800
2 Thordarson T-19F90
1 Thordarson T-6185
1 Thordarson T-67S48
1 Thordarson T-57A41
1 Thordarson T-84D59
1 Thordarson T-9225

Modulation Transformers

1 Thordarson T11M77
1 Thordarson 84M70
1 Thordarson 15D78

Filter Chokes

1 Thordarson 16C22
2 Inca D-40
1 Utah 4667
2 UTC 302
2 UTC PA-44
2 UTC S-36
2 Thordarson 19C42

Filter Cond.

2 CD TJ-20020 2Mfd. 2000VDC.
2 SRT 22 2Mfd. 2000VDC
1 CD TJ-150-20 2Mfd. 1500VDC
1 CD TJ-15040 4Mfd. 1500VDC
2 Aerovox 1511 2Mfd. 1500VDC
1 CD 686-A 2Mfd. 1000VDC

Meters

1 Simpson 500Ma DC Model 26-S
1 Triplett 200Ma DC Model 321
1 Triplett 100Ma DC Model 321
1 Triplett 300Ma DC Model 321
1 Triplett 100Ma DC Model 326
1 Triplett 10Ma DC Model 326
1 Triplett 1Ma DC Model 229-A
2 Hickok 50Ma DC Model 46
2 Jewell 5Amp RF Model 64

Make offer for items desired.

For sale by Arthur Wright, 5027 Oakley St., Duluth, Minn.

The following equipment is in good condition. Most items were used less than 50 hours in a low powered amateur transmitter: Prices are F. O. B., Duluth, Minn.

1 Jewell Model No. 88, 0-200MA, Milliammeter, $5.00.

1 United Trans. Co., 750 V. and 1000 V. each side of CT. In ventilated Steel Case. Rated at 300MA Pri. Voltage 115V, $5.70.

1 Thordarson Type 6094 Filament Trans., 115V Pri., 5 V. winding, 2.5V center tapped winding, 1600 V Insulation, $2.50.

1 Thordarson Type 6778 Modulation Trans., $2.15.

1 Thordarson T-86A02 Mike Trans., $1.60.

1 Stancor P 4098 Filament Trans., 115V Pri., 6.3V Center Tapped at 3 Amps, 7.5V Center Tapped at 4 Amps, $2.50.

1 United Trans. Co., Type S32, 5 to 25 Henry Swinging Choke. Rated at 225 MA, $2.10.

1 Stancor, C1001, 30 Henry Choke. Rated at 110 MA, $1.55.

1 C-D XP 1004 Cond., 4 Mfd., 1000 V., $2.00.

1 C-D XP 1504 Cond., 4 Mfd., 1500 V., $3.25.

Vacuum Tubes

2 Taylor T40, $3.50 each.

1 Taylor T21, $1.95.

2 RCA 6L6, $1.00 each.

1 Cunningham 6L6 G, $1.00.

1 Cunningham 5Z3, $.57.

2 Taylor 866 Jr. (Rectifier-Merc. Vapor type), $1.00 each.

Variable Air Condensers

1 National Type DX Isolantite Insulated Split Stator 50 mmfd., 3000 V. Spacing, $3.00.

2 Bud MC 567 Neutralizing Cond., 6 mmfd., 3000 V. Spacing, $1.25 each.

2 Hammarlund Star SM50X (Midget), 50 mmfd., $.80 each.

1 Hammarlund MC 75-3 Isolantite insulated Midget 75 mmf., $1.50.

6 C-D Cond., .006 Mfd., 500V DC Type 1-W, $.45 each.

1 Sangamo Cond., .0005 mfd., 5000V DC, $.90.

2 Dubilier Type 4 Cond., .001 mfd., 2500V DC, $1.10 each.

Wire Wound Resistors

1 IRC Type HAA, 100 watt, 50,000^w. Slide wire, $1.65.

6 IRC Type AB, 10 watt, 350^w, 10,000^w, 10,000^w, 5,000^w, 20,000^w, 15,000^w, $.24 each.

5 IRC Type DG, 20 watt, 2000^w, $.40 each.

1 IRC Type DG, 20 watt, 100,000^w, $.65 each.

1 IRC Type DG, 20 watt, 50,000^w, $.60 each.

4 Hammarlund, 4 prong Isolantite sockets, $.36 each.

1 Hammarlund, 5 prong Isolantite sockets, $.36.

1 Hammarlund, 6 prong Isolantite sockets, $.36.

2 Hammarlund, 8 prong Isolantite sockets, $.45 each.

2 National, 4 prong Isolantite sockets, $.20 each.

1 National R 154 R.F. Choke, 600MA, $1.35.

3 National R 100 R.F. Chokes, 100 MA., $.30 each.

1 X cut 7019 KC with Bliley Type BC2 40 Meter holder, $2.75.

1 X cut 7194 KC with Bliley Type BC 2 40 Meter holder, $2.75.

1 Standard Floor Type Bay—6 feet high. Fully drilled for 19 inch panels, heavy channel iron. Weight approx. 150 lb., $5.00 F.O.B. Duluth.

For sale by Phil Daviss, 3106 Tenth Street, Wichita Falls, Texas, Amateur Call W5IJZ

A. *Tubes*

1 Taylor, Type TZ-40, used 20 hrs., price $3.50.

2 Hytron, Type 40-Z, used 10 hrs., for both, price $7.00.

2 Gammatron, Type HK-54, used 25 hrs., both, price $14.00.

1 RCA, 6F5, Metal, slight use, price $1.00.

1 RCA, 6L6-Gx, New, price $1.25.

B. *Meters*

1 Triplett, Model #321, 0-500 MA (round), very slightly used, like new, price $5.00.

1 Triplett, Model #321, 0-400 MA (round), very slightly used, like new, price $5.00.

C. *Transformers*

1 Thordarson, plate supply, 1875-0-1875 and 1560-0-1560 v., 500 MA, #T-19P64, used less than 25 hrs., price $18.00.

D. *Condensers*

2 Aerovox (round), 2 mmf, 2000 v., used less than 25 hrs., both, price $6.00.

E. *Resistors*

1 Utah, 2500 ohm, 200 watts, used 5 hrs., price $2.00.

F. *Relays*

1 Allied, DPDT, 110 V, 10 amp contacts, not RF type, very slight use, price $3.00.

1 Advance, SPDT, 110 V, 10 amp contacts, not RF type, very slight use, price $2.00.

G. *Coils*

1 Bud, VLS 40 meter final tank, 500 watt, slightly used, price $1.75.

1 Bud, VLS 20 meter final tank, 500 watt, new, price $1.65.

1 Bud, VLS 10 meter final tank, 500 watt, new, price $1.45.

1 Bud, OCL 20 meter buffer, 50 watt, new, price $1.65.

H. *Crystals*

1 Bliley, freq. 3663 KC, slight use, comp. with Bliley holder, price $2.50.

1 Bliley, freq. 7233 KC, slight use, comp. with Bliley holder, price $2.50.

1 Bliley, freq. 14,525 KC, Type HF-2, new, price $5.00.

1 P-R, freq. 7276 KC, new, with holder, price $2.50.

I. *Wire*

25 feet, rubber covered cable (not shielded), 5 lines #18 wire, new, price $1.00.
50 feet, EO-1, 72 ohm line, new, price $2.00.

J. *Insulators*

12 Johnson, stand-off, ¾″ x 3″ white porcelain (8 new, 4 slightly used), the lot, price $2.00.
3 Johnson, ¾″ x 7″, white porcelain (transmitting), slight use. The lot, price $1.00.
1 Bud 10″ cross, white porcelain (for 600 ohm feed line), length 10″. Slight use, price $1.00.
2 Johnson feed-thru, length white porcelain 3″, length 10/32 threaded shaft 12″, both, price $1.00.

H. *Miscellaneous*

1 Bud, completely assembled 500 watt RF amplifier kit, less meters, cable-wired conventional push-pull circuit. Kit includes 1 variable cond. #JC 1569 (200 MMFD; 1 JC 1526 variable cond. (100 MMFD); 2 neutralizing cond. #BPA 500-LF, 160 to 10 meters. Slight use. With #AM-1352 coil base and link assembly. Price $20.00.
2 Mimms "Signal-Squirter" antennae elements, length 8′3″, diameter 1″, corrugated steel, new, never used. Both $4.00.
2 Mimms, "Signal-Squirter" antennae elements, length 8′5″, diameter 1″, corrugated steel, new, never used. Both $4.00.
1 Bud, DPDT switch, 12 amp at 125 V, #1270, new, $2.00.
3 Bud dials, diameter 4″, scale 0-100, #D-1734, like new, slightly used, $4.50.

F.O.B. Wichita Falls, Texas. All subject to prior sale.

WILL BUY

Wanted by WBBB, Burlington, N. C.

a. 1 Relay broadcast trans., portable type, with power supply. Will consider any make but must be comp. Also freq. monitor for checking trans. Write full details.
b. 40 pair of headphones, magnetic type, comp. with cords. Will buy odd lots.
c. 40 headphone jacks.
d. 40 headphone plugs.

Wanted by WWSR, St. Albans, Vt.

4 500-500 ohm attenuators.
1 V. I. meter for 500 or 600 ohm line.

Wanted by WKNE, Keene, N. H.

200 micro-amphere meter. Current squared galvanometer.

Wanted by WMRN, Marion, Ohio

RCA MI-4821 "outside-in" lead screw for RCA recording attachment MI-4820. Power trans, for use with 3″ Cathode Ray Oscilloscope.

Wanted by WQAM, Miami, Fla.

Field Strength measuring equip.

Wanted by KRSC, Seattle, Wash.

Weston Mod. 691 type 2 elapsed time indicator. Address replies to George A. Freeman. State price.

Wanted by WAGE, Syracuse, N. Y.

GR 516-C bridge and accessories.

Wanted by WAYS, Charlotte, N. C.

1 RCA 44BX microphone or 77C with boom or 1 of RCA's biggest jobs, new or used.

Wanted by KEYS, Corpus Christi, Texas

1 recorder, either RCA or Presto
2 RCA 810 tubes.

Wanted by WKIP, Poughkeepsie, N. Y.

4 1609 RCA tubes, address chief Engineer.

WILL SWAP

WKNE, Keene, N. H., will swap

Type 69-B RCA noise level and distortion meter FOR GR type 516-C RF bridge.

WILL BUY OR SWAP

Wanted by KICA, Clovis, N. M.

1 7 pin trans. tube socket to fit 813 tube.

Or Will Swap, for equivalent value

Greenflyer turntable motor, $5.00.
GR 547A temp. control box #111, $20.00.
Thordarson plate trans. #64P11, $30.00.
Thordarson choke #4461, $25.00.
Thordarson choke #2073, $10.00.
SP-6246 J & A Output trans. $25.00.
Johnson Induction Tank Coil, used to resonate 1400 kc., $2.50.
National type TML variable cond. 350 mmf, 7500 V., $20.00.
SP-6246 J & A Plate Choke, $25.00.
Acme Filament trans. #12 taps for 2.5V-10A, 10V-3.25A, 10V-3.25A, $10.00.
Acme Filament Trans. #10 taps for 2.5V-3.5A, 2.5V-3.5A, 2.5V-3.0A, $5.00.
Acme DA-3 modulation trans., $5.00.
Thordarson Filament trans. #2382, $2.00.
Cond. XP-3002 2 mfd. 3000 V., $4.00.
8 Cond. XP-2002 2 mfd, 2000 V., each, $4.00.
2 Cond. Cardwell, Variable, 440 mmfd, each $4.50.
Cond., Cardwell variable, 480 mmfd, #123B, $4.00.
Cond., Airvox 1 mfd. 1000V. #1003, $2.00.
Input Trans. J & A type SP-38, $3.00.
AmerTran Reactor 45 Hy. .060 Amp. type 854, $3.00.

Above items for sale or swap.

TUBES AVAILABLE FROM AMATEURS

The American Radio Relay League is cooperating with the NAB Engineering Department in an effort to secure tubes for broadcast stations now in the possession of amateur stations. A notice appeared in QST, official organ of the ARRL, requesting amateurs to list available tubes with NAB. This section of the Swap Bulletin contains some of the offers.

Broadcasters desiring to purchase any of these tubes are asked to correspond directly with the owner.

For sale by Jay S. Buckley, c/o Ansonia National Bank, Ansonia, Conn.

1 Eimac 100TH, never used, $13.00.

For sale by Harold J. Mabes, 260 N. Roxford Rd., Syracuse, N. Y.

1 new 808 tube, $7.00.
2 used 808 tubes, used 200 hrs., $5.00 each.

For sale by Lewis E. McLeroy, Box 591, Livermore, California

a. 2 852 RCA tubes, good cond., $8.00 each.
b. 1 211C Amperex, used short time, excellent cond., $8.00.
c. 1 211 RCA, condition unknown, $5.00.
d. 1 807 RCA, excellent cond., $3.00.
e. 1 T20 Taylor, excellent cond., $2.00.
f. 1 HK24, used, excellent cond., $3.50.
g. 2 866/866A, in original cartons, new, make offer.

For sale by Wesley E. Kidd, 355 Duane St., Glen Ellyn, Ill.

1 RCA 810 tube, new $13.50.
1 RCA 810 tube, used 4 hrs., $12.50.
1 RCA 203A tube, new carton plate, $10.00.
2 Raytheon 866A rectifier tubes, new, $1.50 each.
1 RCA 155A oscilloscope 3″, new, instruction book included, $65.00.
F.O.B. Glen Ellyn, Ill.

For sale by James F. Burnes, 231 N. Marsalis Ave., Dallas, Texas

2 RCA 804, perfect cond., $14.00 each.
2 RK 31, perfect cond., $9.00 each.
1 Taylor 203A, perfect cond., $9.50.
1 Collins C-100A, perfect cond., make offer.

For sale by C. J. Ribera, 620 East 16th St., N. Y. C.

1 RCA UV204A, good cond., $25.00.
1 RCA 852, good cond., $20.00.
2 WE 242-A, new, $10.00 each.
2 WE 282-A, new, $9.00 each.
1 WE 212-D, good cond., $18.00.
1 GE Mercury arc rectifying tube, large size, $10.00.

For sale by W. H. Barlow, 904 S. Home Ave., Oak Park, Ill.

1 861 RCA, used approx. 10 hrs.
1 251 WE, used approx. 10 hrs.

Make offer.

For sale by Oscar A. Neumer, Jr., P. O. Box 111, Lawrenceville, N. J.

1 WE 241-B, 100 hrs. use, good cond.
3 WE 211-E, new.
2 RCA 801, practically new.

Make offer.

For sale by Alonzo Wierenga, 402 S. Haven Street, South Haven, Mich.

1 DeForest type 503-A tube, perfect cond.

Make offer.

For sale by A. V. Tronske, 725 Dixter Street, Los Angeles, Calif.

2 Eimac 150T
2 Eimac 100TH
1 Amperex 801 spec.
1 WE 211-D
1 RCA 815

All are new, in original carton. Make offer. F. O. B. Los Angeles, Calif.

For sale by P. R. Clark, 215 D St., Salt Lake City, Utah

2 Amperex HF-100 tubes, used approx. 6 hrs., pair for $15.00.

For sale by William Derrick, 120 Mountainview Ave., Nutley, N. J.

4 UV845 tubes, unused, $5.00 each.
4 UV843 tubes, unused, $2.00 each.
4 UV841 tubes, unused, $2.00 each.
2 UV203A tubes, unused, $5.00 each.
1 UV211 tubes, unused, $5.00.

For sale by Albert C. Edwards, 436 S. 4th St., Darby, Pa.

3 RCA 211 tubes, new.
2 RCA 211 tubes, used approx. 200 hrs.
4 RCA 203-A tubes, used approx. 50 hrs.

Make offer.

For sale by Harold Ramsey, W8TGU, Bethesda Hospital, Zanesville, Ohio

2 100TH tubes, new, $13.50 each.
1 35T tube, used approx. 10 months, $4.00.
2 811 tubes, used approx. 25 hrs., $3.00 each.
4 866 tubes, good cond., $1.00 each.

For sale by Darrel J. Hunter, W8UVI, RR#3, Van Wert, Ohio

2 Westinghouse 866A/866 tubes, $1.50 each.
2 Taylor 866 tube, $1.50 each.
2 GE 812 tubes, $3.00 each.
2 RCA 811 tubes, $3.00 each.

Tubes have never been used.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

June 11, 1943 SWAP BULLETIN No. 37

—— Do Your Part ——

Please do your part to keep every broadcaster supplied with essential parts and materials. Check your stock today. List your long items under the heading "WILL SELL" and the items you need under "WILL BUY." Then write: POOL, National Association of Broadcasters, 1760 N Street, N.W., Washington 6, D. C. Your fellow broadcasters will do the rest.

WILL SELL

For sale by F. M. Brown, 239 Alameda Street, Klamath Falls, Ore.

Plate Supply Transformers

1 Thordarson T19P58
1 Inca R-33
1 UTC S-48
1 UTC S-50

Variables—Condensers (New and used)

1 Johnson 70DD70, 3500 volts
1 Johnson 100DD35, 3500 volts
2 Cardwell 407-B
1 Bud 1534
1 National TMSA-35 (New)
1 National TMS-50-D (New)
1 National TMSA-50-D
2 National ST-100
2 National TMA-50-A (New)
4 National STH-250
1 National STH-335 (New)

For sale by John H. Elrod, 2500 K Street, N. W., Apt. 208, Washington 7, D. C.

1 Hallicrafter S-31-A high fidelity 25 watt amplifier push-pull 6L6 output, new.
1 Webster deluxe record changer in portable leather case, new.
1 Jensen CA-12 reproducing cabinet (bass reflex) comp. with 12″ jensen PM12C speaker.
1 GE 0-150 v., AC 3″ circular meter, excellent cond., crackle gray meter case with output receptacle so that any voltage between 0-150 can be drawn off.

Make offer.

For sale by WWSR, St. Albans, Vt.

1 Foxboro pressure type recording thermometer for outdoor temperatures, 7 day revolution, size 12″ range, minus-50° to plus 120° F.
1 Weston Model 301 0-10 milliampere meter.

For sale by Southwestern Broadcasting Co., 1825 Montana St., El Paso, Texas

5 Tech type BT95 Attenuators, Imp. 500/500 ohms., Step—30 (with knobs and indicator dials).
1 Simpson D.B. meter, 6 milliwatts, 500 ohms. Res. 5000 ohms. 3″ sq. case.

All new, will not sell separately, $100 for lot.

For sale by Frank Huberman, 1256 Main St., E. Hartford, Conn.

a. 1 GE 4.25 KVA trans., 110 V., 50-60 cycles. Pri. output is 2,000 to 4,000 v. with 6 step switch, oil filled type, weight is 300 lbs., 25″ high, 18″ in diameter and oil capacity is 17 gallons (oil inside).
b. 1 National velvet "B" supply comp. (commercial) 105-220 V., 50-60 cycles pri. 35 M.A. at 180 V. outputs at 22-45-67-90 and 180 V., excellent for bias supply.
c. 1 Thord. type T16P02 trans. 3130 CT; 2530 CT at about 300 M. A.
d. 1 Stancor filament trans. P4097.
e. 1 Thord. choke T44C02, 12H. at 80 M.A.
f. 1 Thord. trans. T70R61, 770 V. C. T. at 70 M. A.; 6.3 V. at 2.5 A; 5 V. at 2A.
g. 1 National 7 prong isolantite socket.
1 Hammarlund 4 prong isolantite socket.
h. 1 RME (DM36) (5 and 10 meter converter).
i. 1 RME (DB20) (550-30000 kcs. Pre-selector).
j. 1 Eimac 450TL trans. tube, new.
k. Crystals on freq. of 1754, 3955, 7076 and 14251 kilocycles.
1 Mims deluxe 20 meter, 3 element beam. comp. with motor, elements, center section, cross arms, direction indicator and hardware.
l. 2 Flectheim filter cond., 5000 V. at 2 mfd.
m. Numerous 2 and 6 inch isolantite spreaders. Few 6 inch polysterene.

Make offers.

For sale by Robert W. Wood, 10950 Longview, Detroit, Mich.

Quantity	*Type No.*	*Description*	*Cond.*	*Price each*
1	600A	WE Carbon Microphone (Comp. with stand)	Good cond.	$11.50
1	****	RCA DB Microphone (Comp. with stand)	Good cond.	5.00
1	****	WE SB Microphone (No stand)	Brand new	4.00
1	T19P55	Thord. 200 VA Plate Trans. 1100 & 1320 V. C.T. Bias Tap	Good	5.00
1	T75R47	Thord. Power Trans., 6.3 V. Filaments	Good	4.00
1	*****	Thord. Power Trans., 25 Cycle with 6.3, 2.5, 5 v.	Good	6.00
1	S-31	UTC Filter Choke, 15 Hys at 225 Ma., 120 ohms res.	Brand new	3.00
1	T15A66	Thord. C.H.T. Trans., Line to Single Grid	Good	4.25
1	P-3060	Stancor Fil. Trans., for 866 Rectifier Tubes	Brand new	3.00
1	6194	Thord. Trans., Line to P.P. Grids	Good	2.50
1	R-200	Thord. Audio Trans., Single Plate to Single Grid 3:1	Good	1.50
1	7083	Thord. Trans., Xtal Mike to Line	Very good	2.00
1	6372	Thord. Trans., Line to Single Grid	Good	2.50
1	467-263	Jefferson Mike Trans., D.B. Mike to Single Grid	Good	2.75
1	14A90	Thord. Trans., Single or P.P. Plates to Line	Good	2.00
1	6226	Thord. Trans., Plate to Line	Good	1.50
1	68C08	Thord. Plate Impedance or filter choke 22 Hy, 35 Ma.	Good	1.25
1	T18C92	Thord. Plate Impedance or filter choke 22 Hy, 35 Ma.	Good	1.00
1	2357	Thord. Mike Trans., S.B. Mike to Single Grid	Brand new	1.50
1	2357	Thord. Mike Trans., S.B. Mike to Single Grid	Good	1.25
1	T29C27	Thord. Plate Impedance for S.G. Detector, 700 Hys. .5 Ma.	Good	1.00
1	2219A	Philco Power Trans. for 6 V. Auto Radio	Brand new	2.00
1	T-70A83	Thord. Crystal Mike to Line Trans.	Brand new	2.75
1	T-55A16	Thord. Line to Grid Trans.	Brand new	3.00
1	TQ-20020	C-D Dykanol Cond. 2000 V. D.C. at 2 Mfd.	Brand new	3.00
1	*******	ELECTRAD Bleeder for power supply 20,000 ohms at 200 watts		2.00
2	866	TAYLOR RECTIFIER TUBES, brand new, never out of cartons		1.50
2	T-20	TAYLOR TRANS. TUBES, brand new, never out of cartons		2.25
2	210	RCA, RAYTHEON TRANS. TUBES, Isolantite Base Type	Very good	1.50
2	46	RCA CLASS "B" MODULATOR TUBES	Good	.50
1	45	RCA, Trans. Type with Isolantite Base	Good	1.00
2	811	RCA, Trans. Type with Isolantite Base, never out of boxes	Brand new	3.50
1	D-2	Astatic "Watch-case" Xtal Microphone comp. with stand	Brand new	14.50
1	"B"	National Velvet Vernier Dial	Brand new	1.75
1	***	WE Dial Unit	Good	1.50
1	RK-49	Raytheon Trans. Tube with Isolantite Base	Brand new	1.25
2	TMS-50D	Split Stator National Trans. Cond. In box	Very good	2.50
3	MR-50-BS	Cardwell Midway Cond.	Like new in every respect	1.50
2	TMH-25	National High Voltage Neutralizing Cond.	Good	2.00
1	A-100	Guardian Antenna Relay, D.P.D.T., 110 V. Coil	Very nice	4.00
1	501	Weston Meter, 0-50 V.D.C.	Good, but has cracked glass	6.00
1	301	Weston Meter, 0-200 Ma. D. C.	Good, but has cracked glass	5.00
1	301	Weston Ohmeter, 0-10,000 ohms	Good	4.00
1	201	Weston Meter, 0-8 V. D. C.	Very good	3.00
1	201	Weston Meter, 0-800 Ma. D. C.	Very good	3.00
1	201	Weston Meter, 0-3 Amp. D. C.	Very good	2.50
1	201	Jewell Meter, 0-5 Volts D. C.	Very good	5.00
1	301	Jewell Meter, 0-150 V. A. C.	Very good	10.00
1	301	Jewell Meter, 0-25 M. D. C.	Good	5.00
1	301	Jewell Meter, 0-10 Ma. D. C.	Good	5.00
1	301	Jewell Meter, 0-1000 Ma. D. C.	Good	5.00
1	201	Sterling Meter, 0-10 Ma. D. C.	Good	1.50
1	201	Sterling Meter, 0-15 Ma. D. C.	Good	1.00
1	201	Sterling Meter, 0-3-15 V. A. C.	Good	1.75
1	201	All-American Meter, 0-2 V. A. C.	Good	1.00
1	201	Readrite Meter, 0-200 Ma. D. C.	Good	Make offer
2	2050	RCA Thyratron Rectifiers	New, never used	3.00
1	****	5-Tube Superheterodyne Receiver, 700-2050 Kcs.	Very good	15.00

The following receiving tubes are all new in factory sealed cartons. Net amateur prices apply.

1	80	RCA receiving tube	1	12SA7	RCA receiving tube
2	45	" " "	1	12SC7	" " "
1	76	" " "	1	6B8	" " "
1	6A7	" " "	1	84-6Z4	" " "
1	78	" " "	4	6K7	" " "
1	6C8G	" " "	2	12SQ7	" " "
1	6V6G	" " "	3	6V6GT	" " "
2	6G7	" " "	1	6N7	" " "
2	12C8	" " "	1	VR-150	" " "
2	12SK7	" " "	1	6AC7	" " "

All prices listed herein are F.O.B. Detroit. Any merchandise will be sent C.O.D. upon request by mail or telegram. No preference ratings are necessary. No junk is included, everything is in good condition.

For sale by KVOE, Santa Ana, Calif.

PARTS FOR 100-200 WATT TRANSMITTER

OSCILLATOR UNIT:

1	Nat. 23-plate tank cond., .0005 Mfd.	$ 4.00
1	Nat. 23-plate coupling cond., .00025 Mfd.	3.00
1	Nat. 4-in. vernier dial	1.50
1	Johnson socket (for 210)	0.75
1	20-gauge copper can, 12 x 8 x 8 ins.	2.50

FIRST BUFFER:

1	Nat. 23-plate tank cond., .0005 Mfd.	4.00
1	Nat. 23-plate coupling cond., .00025 Mfd.	3.00
1	Nat. 4-in. dial, vernier	1.50
1	Johnson socket (for 210)	0.75
1	Nat. choke, 500 mils.	2.00
1	copper shield can, 20-gauge, 12 x 8 x 8 ins.	2.50

POWER SUPPLY for Osc. Unit and First Buffer:

	Power trans., socket, filter, copper can, etc.	6.00

SECOND BUFFER:

1	Nat. 23-plate tank cond., .0005 Mfd.	4.00
1	Nat. 23-plate coupling cond., .00025 Mfd.	3.00
1	Nat. 4-in. vernier dial	1.50
1	RCA UT-541 socket (for 203-A)	1.75
1	Nat. choke, 500 mils.	2.00
1	copper shield can, 20 gauge, 12 x 8 x 8 ins.	2.50
2	copper ovens, 1½-in. walls, solid copper, weight about 20 lbs. each. In balsa boxes @ $5.00	10.00
2	Aminco sealed type mercury, adjustable thermostats. Style C, 6-in. @ $10.50	21.00
2	Aminco thermometers, "L" type, 35 to 55 degrees Centigrade, 4¾ in. long, 8 in. high, graduated in tenths @ $7.50	15.00
1	L-type thermometer, 35 to 45 degrees Centigrade, in fifths. Outside oven	5.00
1	Mechanical thermostat for outside oven	3.00
1	Complete dry-rectifier type oven relay, three pilot lights, etc.	5.00
1	Transmitter all-steel frame, welded, with screen doors two plate glass front panels, double Bakelite meter panel, dimensions	20.00
	Miscellaneous resistors, fittings, mountings, etc. Switches, boxes, etc.	10.00
3	Inca trans., B-26, 220-1300 volts under load, @ $10.00	30.00
1	filament trans., 300-watt, 220 to 5 v., 10,000 v. insulation	10.00
6	E. F. Johnson "50-watt" sockets @ $1.75	10.00
1	square-D Automatic motor-starter switch, with push-button station. Type H32B. Three-phase, 5 H.P., 220-volt, 50-60 cycles	8.00
1	Safety Electric 3-pole power switch, 30 amp. snap action, cartridge fuses	3.00
	All-steel welded frame, steel panel, screens, pilot lights, boxes, etc.	15.00
1	3-phase composite rheostat, 35 steps, 3-gang control, nichrome wire resistors	10.00
2	2-H chokes, 2 amperes	4.00
1	Acme choke, 6 H, 0.6 amps. Mounted	8.00
1	Inca choke, D-45, 60/12 H at 50/500 mils.	14.00
2	Igrad cond., 2 Mfd. 2000 v. @ $2.00	4.00
2	Dykanol cond., 2 Mfd. each, 2000 v. @ $5.00	10.00

POWER—AMPLIFIER UNIT:

1	22-gauge copper shield, 7 x 21½ x 26 inches	$ 4.00
2	tank and load induct., 16 turns each, solid copper ⅛" x ¼". 8 in. diameter. Spacing ¼ in. Mounted. @ $4.00	8.00
2	Nat. variable cond., Type DX, 42-plate, high-voltage, @ $10.00	20.00
1	Nat. variable cond., Type DX, 11-plate, double-spaced	4.00
2	Nat. vernier dials, 4-in. @ $1.50	3.00
1	Nat. vernier dial, 3-in.	1.00
2	RCA "50-watt" sockets, UT 541 @ $1.75	3.50
1	Nat. variable cond., DX type, 23-plate, medium voltage	5.00
1	Karas Type 17, .00037 Mfd.	2.00
2	Hammarlund RF chokes. 500 mils. @ $2.00	4.00
1	C-D Type 86 mica plate blocking cond., 7 amp. at 1875 kcs. .0005 Mfd.	12.00

MODULATOR UNIT:

1	22-guage copper shield (same as P.A.)	4.00
1	modulation trans., Inca T425786, T-42. Four 845's in parallel push-pull to two 203-A's in parallel. Impedances available 4500, 5000 and 5500 ohms. 100 to 200 watts	45.00
1	Inca T-22 input trans., T5862, two 6L6 to four 845's	17.50
1	Inca driver input trans., T-6	5.00
2	Inca filament trans., J-25, 110-v. line to 10 v. 10 amp. sec. @ $4.30	8.60
1	Inca J-18 fil. trans. for drivers	1.00
4	E. F. Johnson "50-watt" sockets @ $1.75	7.00
1	Inca D-46 choke, 40/S H at 75/750 mils.	36.50
2	Faradon mica cond., 0.1 Mfd., 1000 volts, 10 amp. at 300 kcs., @ $14.00	28.00
1	C-D Dykanol cond., 4 Mfd., 2500 volts	18.00
2	Ohmite 5000-ohm pots. for variable C-bias control, @ $2.00	4.00
1	cadmium-plated chassis for unit	5.00

METERS:

1	Weston 301, 0-500 mils. DC. Metal case	9.00
1	Weston, 476, 0-15 volts AC. Bakelite case	9.00
1	Jewell, Pattern 53, 0-300 mils. DC. Metal case	4.50
3	Weston, 301, 0-200 mils. DC. Metal cases @ $9.00	27.00
2	Weston 301, 0-50 mils. DC. Metal cases, @ $9.00	18.00
1	Weston 301, 0-100 mils. DC. Metal case	9.00
1	Weston 476, 0-10 volts AC. Metal case	9.00
1	Weston 476, 0-300 volts AC. Metal case	16.50
1	Weston 301, 0-1 amperes DC. Metal case	9.00
1	Weston 425, 0-3 amperes RF. (No thermocouple), Bakelite case	8.00
1	Jewell, Pattern 54, 0-2000 volts DC. External resistor. Bakelite case	15.00

Please address Wallace S. Wiggins, Chief Operator.

For sale by Benjamin W. Hespen, Box 2, Livingston, Montana

6 866 Rectifiers (Taylor), $1.00 each.
2 T55 Triodes (Taylor), $5.00 each.
4 TZ40 Triodes (Taylor), $1.50 each.
4 TZ20 Triodes (Taylor), $1.00 each.
2 T20 Triodes (Taylor), $1.00 each.
1 809 Triode (RCA), $1.50.

Tubes used less than 50 hrs.

For sale by WKNE, Keene, N. H.

1600 v., 1.5 ampere motor generator, less exciter, excellent cond. 3 type 222-A tubes used. 5 h.p., 3 phase 220 v. 1800 RPM motor.

For sale by Alexander Schiffner, Box 7, Spokane, Wash.

Y4 Presto Recorder and 87B Presto amplifier comp., new cond., make offer.

For sale by WJHP, Jacksonville, Fla.

1 Collins type 32-G trans. comp. with tubes, lord mounts, and crystals for 1622, 2058, 2150, 2790 kilocycles.
1 Kato model 23A gasoline motor-generator 500 w., 110 v., 60 cycles.
1 Lampkin freq. meter, type 105.

Make offer.

WILL BUY

Wanted by WCOU, Lewiston, Maine

1 Webster Chicago amplifier, type W-814, W-830 or W-860 or equiv. standard makes.
1 Portable 110-v. AC portable light plant PINCOR, KATO or equiv.

Address all replies to John T. Duty, Chief Engineer.

Wanted by KPQ, Wenatchee, Wash.

Coaxial line, 7/8″ or larger. Pieces 10 ft. or longer.

Wanted by KOME, Tulsa, Okla.

RCA type 44-BX or RCA type 74-B microphone.

Wanted by KVAK, Atchison, Kansas

1 speech input studio console.
2 Turn-tables (for studio use).

Give model, make and full description. Address replies to Charles L. Giles, Chief Engineer.

Wanted by WHP, Harrisburg, Pa.

1 Boom type mike stand for heavy type RCA microphone.

Wanted by KVEC, San Luis Obispo, Calif.

1 906 Cathode ray tube.

Address reply to Hyrum Larsen, 238 Sandercock.

Wanted by WMRC, Greenville, S. C.

RCA 44-BX microphones.
2 or 3 collapsible stands.
VU meter, RCA, Collins, or WE Peak limiting amplifier, 500 ohm line to 15 ohm voice coil high quality trans., 250 ohm DAVEN faders, Key Switches, 40-C program amplifier, either in good or poor cond.

Address reply to George Tate, Chief Engineer.

Wanted by WSJS, Winston-Salem, N. C.

1 Field strength set. Prefer Federal Telegraph Co. make.

TUBES AVAILABLE FROM AMATEURS

For sale by G. G. Farnsworth, 623 Jefferson St., Waterloo, Iowa

New RCA 828 tubes.
New RCA 814 tubes.
New Westinghouse 872-A.
New Raytheon 807.
1 Large portable Leach recorder:
  16″ cast aluminum turntable.
  Cuts either in-to-out or out-to-in.
  Has built-in radio.
  Cuts 78 or 33-1/3 RPM.
  10 watt amplifier. Used approx. 1 yr. $385.00.
  Has dual channel mike input, can be used as fair sized P.A. (10″ speaker). Has very good play-back characteristics.
New Westinghouse 866-A.
Various P.A. amplifiers, speakers and monitor equipment. Few types of Thord. CHT line trans.
1 each 2 channel and 1 new 4 channel broadcast pre-amplifiers (straight A.C. operation).

For sale by C. A. Lanham, 404 W. Union, Bloomington, Ill.

1 RCA 1627 tube, never used, $13.50.

Will ship on approval.

For sale by Chester R. Ashby, P. O. Box 300, Farmington, Utah

1 DeForest 872, new, $7.50.
1 RCA 800, almost new, $5.00.
1 RK20, almost new, $7.50.
1 RCA 811, almost new, $2.00.
2 Taylor 203-B, new, $6.00 each.

All tubes guaranteed.

For sale by David B. Levine, 919 Forest Ave., Bronx, N. Y.

2 805 tubes, used few months. $10 each.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

July 9, 1943 SWAP BULLETIN No. 38

NAB TECHNICIAN POOL

The registration and placement with broadcast stations of technicians, not presently employed in the broadcast industry, continues at a lively pace. As this issue of the "Swap Bulletin" goes to press the supply of replacements exceeds the requests from stations. This condition may be due to a lack of familiarity with this NAB service.

The FCC in response to the NAB request has approved and is conducting the mail survey of all first and second radiotelephone operators. Operators indicating a desire to secure broadcast employment will receive a registration form from NAB. Already the test survey of only 1100 licensed operators has increased the NAB Pool of replacement technicians.

Applicants for employment are well distributed geographically. Some are living within reasonable traveling distance of every broadcast station. Check the availability in your State and nearby areas from the following tabulation of employment applications now filed with the NAB Engineering Department:

Alabama	12
Arizona	0
Arkansas	0
California	24
Colorado	2
Connecticut	3
Delaware	1
District of Columbia	5
Florida	5
Georgia	1
Idaho	0
Illinois	28
Indiana	6
Iowa	6
Kansas	4
Kentucky	15
Louisiana	3
Maine	2
Maryland	4
Massachusetts	13
Michigan	10
Minnesota	6
Mississippi	1
Missouri	10
Montana	4
Nevada	0
Nebraska	1
New Hampshire	1
New Jersey	21
New Mexico	0
New York	43
North Carolina	1
North Dakota	3
Ohio	20
Oklahoma	1
Oregon	3
Pennsylvania	18
Rhode Island	1
South Carolina	1
South Dakota	0
Tennessee	3
Texas	4
Utah	1
Vermont	0
Virginia	11
Washington	2
West Virginia	1
Wisconsin	11
Wyoming	0

Qualifications and salary requirements of the applicants vary over a wide range, most have either 1st or 2nd radiotelephone licenses, some have restricted permits and a few have no license at the present time. In all instances these men and women have some previous radio training or experience.

When it is impossible to obtain replacements locally and assistance is desired from NAB, your request for replacement personnel should state the number and types of positions open and the salary range.

This information makes possible a more effective selection of applicants.

This NAB service is available to all broadcasters. There is no charge either to the applicant or the station.

Please address all communications to Howard S. Frazier, Director of Engineering, National Association of Broadcasters, 1760 N Street, N. W., Washington 6, D. C.

WILL SELL

For sale by W. R. Carmean, c/o KRGV, Weslaco, Texas

1 Stancor Model 69 trans. kit. New cond. Original factory cartons, never unpacked. List $75.00, make offer.

For sale by WLW, Cincinnati, Ohio

2 Fairchild type 214-3A cutterheads comp. with type G214-A28 equalizers and type F-43-33 trans. These in new cond., price $125.00 per set.

For sale by W. R. Selden, 73 Court St., Keene, N. H.

4 WE repeat coils type 67C 600-600 ohms, $12.00 each.

6 WE repeat coils type 82C 600-600 ohms, $10.00 each.

8 sets WE input and output trans., high quality, 600 ohms to grid and plate to 600 ohms. $10.00 per set.

3 WE repeat coils 200-200 ohms, $8.00 each.

3 WE input trans. 50 ohms to grid, $4.00 each.

5 WE input trans. 5 ohms to grid, $4.00 each.

For sale by Chauncy Hoover, Care KXEL Transmitter, Box 341, Dysart, Iowa

1 Philco model 027 V.-ohm-amp.-Ma.-Vt. vm. $45.00.

1 KVA Thordarson type R trans., pri. 110 v. 60 cycle, sec. 25,000 v. (spark type), suitable for tube rejuvenator, $35.00.

1 ½ KVA Thordarson type R trans., pri. 110 v. 60 cycle, sec. 10,000 v., $18.50.

F.O.B. Dysart, Iowa.

For sale by KFMB, San Diego, California

1 Public address amplifier or modulation unit for 125 to 500 watts. Thordarson trans. throughout, comp. with mixer. Extra Thordarson Multi-Match modulation trans. available.

For sale by F. M. Brown, 239 Alameda St., Klamath Falls, Oregon

INSTRUMENTS

1 Model 79-B beat freq. oscillator (like new), $55.00, Clough Brengle.

1 GR model 338-L string oscillograph (like new), $200.00.

RELAYS. All new or like new at catalog net prices.

1 5000 ohm ER-12 EBY, new, SPDT.

1 10,000 ohm ER-12 EBY, new, SPDT.

2 110 v. 60 cycle SIGNAL B11-XI, DPST, new.

1 110 v. 30 amp contact H-B Electric Co., type MP-1M Mercury, new.

1 Ward-Leonard RF relay #507-531 DPDT.

1 Cutler-Hammer #9575H650A 220 v. 60 cycles, SPST.

3 Cutler-Hammer #9575H202A 12 v. 60 cycles, SPST.

1 10 ohm Guardian, SPST.

1 10 ohm Guardian, SPDT.

1 10 ohm Guardian, DPDT.

2 10 ohm Guardian, DPST.

3 12 ohm Guardian, DPST.

1 12 ohm Guardian, 4PST.

1 550 ohm Guardian, SPST.

1 100 ohm Guardian, DPST.

For sale by KFAB, Lincoln, Nebr.

29 Spun Aluminum cond. plates for 2 split tank circuits for 50 KW or lower, with 2″ round corner posts and insulators formerly used in mounting them. Lot $300.00.

For sale by Savannah Broadcasting Co., Savannah, Ga.

1 Wincharger tower, 280′ guyed with beacon and flashing mechanism, new.

40′ Victor J. Andrew co-axial copper conductor, 20′ lengths 1⅜″ outside diameter, new.

140′ Co-axial conductor as above but used, good serviceable.

2 insulators with bolts for RCA six-wire trans. line, new.

For sale by Llewellyn Bates Keim, 33 Sunset Drive, White Plains, N. Y.

1 RCA 3″ oscillograph, type TMV122-B, has new 906 tube with less than 10 hrs. use, installed. Price $85.00, crating and shipping to be paid by buyer.

2 speed turntables, all cast aluminium construction, include GE motors, mounted in 2 wooden gray floor cabinets, 31″ tall, rear access door ample space for pre-amplifiers inside. Price as described, no pick-ups, crating and shipping extra, $450.00. Available immediately.

For sale by WSPA, Spartanburg, S. C.

1 807 tube, used 15 hrs., $2.50.

For Sale by Arthur C. Egan, 226 Chestnut St., Northampton, Mass.

1 motor generator set—output of 500 watts —1000 and 1250 volts—110 and 220 A.C. 1 horse motor. Used very little. Original price was $185.00. Make offer.

For sale by W41MM, Winston-Salem, N. C.

Four (4) RK-22 Raytheon Rectifier tubes. Never used.

For sale by G. M. Watkins, c/o WLAC, Nashville, Tenn.

3 Westinghouse 25 KVA Plate Transformers. 60 cycles. Pri. voltage, 220 Sec. two windings of 13,500 volts each. Oil filled.

1 Westinghouse type SK D.C. Generator, 2,000 volts, 1½ amperes of 1,000 volts, 3 amperes.

1 Westinghouse D.C. Generator, 125 volts, 11.5 amperes.

WILL BUY

Wanted by WMRC, Greenville, S. C.

RCA type 77-B1, 77-C1 and 44-BX microphones, any kind of cond., also 33⅓ R.P.M. turntable motor, any kind.

16″ crystal pick-up. RCA 59-B portable mike stand. RCA 40-C-D amplifier, any cond. Address replies to George Tate, Chief Engineer.

Wanted by KGFW, Kearney, Nebr.

Collins 12X remote amplifier in good cond. Will consider other good makes with 3 channel input.

RK23 tubes or similar type.

Wanted by WGY, Schenectady, N. Y.

2 Constant voltage 110 v., 60 cps generators of approx. 350 watts rating, for mobile use. Can be Esco type RLS4 or equivalent.

Wanted by WMBH, Joplin, Mo.

1 .002 MFD, mica cond., 6000 v. Give full particulars and price. Address replies to R. P. Meek, Chief Engineer.

Wanted by WSPA, Spartanburg, S. C.

1 pack trans., RCA RB-2 or equivalent.

Wanted by WHAS, Louisville, Ky.

GR 732B distortion and noise meter.

GR 733A 400 cycle oscillator.

Wanted by Llewellyn Bates Keim, 33 Sunset Drive, White Plains, N. Y.

1 Thordarson type T2A36 input Tru-fidelity trans.

1 Thordarson type T3S22 output Tru-fidelity trans.

1 Thordarson type T87R85 power trans. or

1 Thordarson type T15R05 power trans. or equivalent.

Wanted by KFAB, Lincoln, Nebr.

1 or 2 portable collapsible mike stands, preferably RCA.

Wanted by Savannah Broadcasting Co., Savannah, Ga.

Any quantity of 802 tubes up to six.

Wanted by KWNO, Winona, Minn.

WE 119-C or equiv. 600 ohm to 1600 ohm repeat coil. Give price and details in first letter. Address reply to R. A. Johnson, Chief Engineer.

Wanted by WTMA, Charleston, S. C.

1 or 2 RCA MI-4856 or MI-4856-A lateral reproducers. If not in good cond. will purchase provided they can be repaired.

Wanted by WIBA, Madison, Wisconsin

Fairchild recorder. Will consider other makes.

Wanted by KWOS, Jefferson City, Missouri

1 Weston modulation meter, as used in GR 731-A modulation monitor. Address reply to Harold White, Chief Engineer.

Wanted by WJR, Detroit, Mich.

Honeycomb coils—any size—also Morris coil winding machine. Address reply to A. Friedenthal.

Wanted by WCED, DuBois, Pa.

33⅓—78 R.P.M. professional recorder with amplifier and 2 turntables. Presto Model Y or equiv. Male and female Cannon microphone cable connectors.

Wanted by W4IMM, Winston-Salem, N. C.

General Radio Model 732-A or 732-B Distortion and Noise Meter.

Wanted by WGRC, Louisville, Ky.

250 W. Broadcast transmitter, any make or model, but must be in good condition.

Wanted by WCAP, Asbury Park, N. J.

1 500/1000 Watt Broadcast transmitter, audio equipment, frequency and modulation monitors.

Please address Thomas F. Burley, Jr., Technical Adviser.

Wanted by WISR, Butler, Pa.

Type UC condensers, 5,000 volts, three amperes, of the following capacities:

.01/ .03 mfd
.001/ .005 mfd
.0001/ .0005 mfd

WILL SWAP

Llewellyn Bates Keim, 33 Sunset Drive, White Plains, N. Y.

Will Swap

1 RCA type 885 gas triode, new, in original carton, never used.

FOR new RCA type 884 tube, in sealed carton.

WHAS, Louisville, Ky.
Will Swap

1 Bliley VP4 2PPM/Deg. C. 5970 Crystal.
FOR similar crystal 7705 KC or 5136.67 KC. (Relay broadcast group D).

WOC, Davenport, Iowa

Will Swap

2 new RK-48 tubes
FOR 2 new RCA 813 tubes.

TUBES AVAILABLE FROM AMATEURS

The American Radio Relay League is cooperating with the NAB Engineering Department in an effort to secure tubes for broadcast stations now in the possession of amateur stations. A notice appeared in QST, official organ of the ARRL, requesting amateurs to list available tubes with NAB. This section of the Swap Bulletin contains some of the offers.

Broadcasters desiring to purchase any of these tubes are asked to correspond directly with the owner.

For sale by H. R. Bauer, 714 Klemont Ave., Bellview Bra., Pittsburgh, Pa.

2 100TH, used slightly.
2 51Z, new.
1 35T, used slightly.
1 HF100, new.

Make offer.

For sale by Robert Small, 2064 Pennington Road, Trenton 8, N. J.

1 WE 240-B water cooled trans. radio tube.

For sale by Esca Forgy, W5GKB, 312 W. 3rd St., Ft. Worth, Texas

1 RCA type 808 tube, used approx. 75 hrs., $7.75.

1 EIMAC, type 250TH, used approx. 10 hrs., $24.50.

Price F.O.B. Shamrock, Texas.

For sale by Ed Christner, c/o Robertson's Shop, 1724 Central Ave., Middletown, Ohio

2″ oscilloscope, good cond. Make offer.

Please do your part to keep every broadcaster supplied with essential parts and materials. Check your stock today. List your long items under the heading "WILL SELL" and the items you need under "WILL BUY." Then write: POOL, National Association of Broadcasters, 1760 N Street, N.W., Washington 6, D. C. Your fellow broadcasters will do the rest.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

July 23, 1943 SWAP BULLETIN No. 39

ENGINEERS MAKE GOOD

The ingenuity of the nation's broadcast engineers and the cooperative helpfulness which they have demonstrated through the medium of the Swap Bulletin are responsible for the industry's present high rate of technical efficiency. What they have done is almost like pulling themselves up by their own boot straps.

Please keep on listing your WILL SELL and your WILL BUY items. Check your stock today. Then send the information to SWAP BULLETIN, National Association of Broadcasters, 1760 N Street, N. W., Washington 6, D. C.

WILL SELL

For sale by Myron C. Schoonmaker, Jr., Apartment 32, 645 Academy St., New York, N. Y.

4 WE 100 watt trans. tubes, type 276-A. Unused and in new cond. Tubes in original cartons. Price, $40.00 for all 4.

For sale by Elwin B. Dell, Kalskag, Alaska

2 RK-28 tubes. 7 years old but used short time. In excellent cond., $20.00 each.

1 Thordarson T-15P19 trans., pri. 115 or 230 v., sec. 2950 or 2365 each of which is center tapped. Good cond., $25.00.

Prices F.O.B. Kalskag, Alaska.

For sale by F. M. Brown, 239 Alameda St., Klamath Falls, Oreg.

Model 301 Weston Black Bakelite cases.

1 100 ma DC
3 1 ma DC (new)
1 1.5 ma DC
1 10 ma DC
1 300 ma DC
1 50 ma DC
1 10 amp DC
1 3-0-3 amp DC
1 100 micro amp DC (new)
1 125 micro amp DC
1 250 v. DC 1000 ohms per v.
1 200-0-200 micro amps DC
1 300 micro amps DC fast movement with
1 mill scale
1 300 micro amps DC fast movement with TU scale (no thermocouple).

Model 476 Weston Black Bakelite Cases

1 8 v. AC
1 5 v. AC
1 250 v. AC
1 25 ma AC
1 250 ma AC
1 150 v. AC (metal case).
1 Model 425 Thermo Galvanometer.

Model 643 Weston Black Bakelite Cases

1 1 mill DC (new) knife edge pointer.
1 200 micro amps (new) knife edge pointer.
Perfect cond. Price, catalog list price less 25%, F.O.B. Klamath Falls.

For sale by KROD, El Paso, Texas

1 RCA cutter Float Stabilizer. Mi-4888 for use with 72-B recording head.

Address E. P. Talbott, chief engineer.

For sale by Adelbert Dreesen, Mansfield Center, Conn.

Western Electric Co. material:

No. 100-F terminal block.
No. 39-W terminal block.
No. 82-C repeat coil.
No. two 76-A repeat coils.
No. 8-A repeat coils, 2.
No. 215-A relay with 18-B socket, 2
No. 2 type switchboard lamps, 100.
Strip of 20 heat coils and lighting arresters.
No. 206-AH relay.
No. 118-AN relay, 8
No. 186-A relay
No. 118-B relay
No. B-10 relay
No. O-C condensers, 10 mounted on rack mtg. strip.
P.B.X. jack and lamp panel for 10 trunks and 40 lines.
No. 13 lamp sockets, 30
  jacks three circuit with other contacts—30
No. 5T four diget counter
Magneto desk phone
Wall dial phone
No. 554-C telephone wall box.

The following are mounted on a standard 3½" rack panel:

B-151 relay, 2 type E relays, flat resistors 19-DR, 19-KW, 19-DU, 10-N, 19-N, 2 of each.
R-131 relays strip of 10 for rack mtg. with can cover.
214 relays strip of 10 for rack mtg. with can cover.
149-T relays strip of 8 for rack mtg. with can cover.
139 terminal blocks—5 on rack mtg. strip.
2 strips of 24 jacks for rack mtg.
1 strip of 48 jacks for rack mtg.
514-A panel with 0-100 milamp, 0-10 milamps, 0-4 amps, meters for standard rack mtg.
555-W loud speaking receivers, 3
518-B volume indicator, rack panel mtg.
200-A output panel.
241-A patch cords.
KS-5258 motor with 709B motor control cabinet.
Common battery P.B.X. switchboard, 20 lines, 10 trunks, 10 cord circuits.

Amplifiers:

41-A, 42-A, 43-A, 17-B, 8-B, 90B.
22-A horn with double throat.

D. C. supply:

Delta Electric Co., Cambridge, Mass., No. 1008.
110 a.c. to 15v. 9a. pure d.c.
Standard 3 section rack 6 ft. high, WE drilling nonsync—F.D.—managers announcing switching panel, relay mic. control.
$500 for the lot or make offer on individual items wanted.

For sale by Timothy P. Galvin, Receiver, 5231 S. Hohman Ave., Hammond, Indiana, on July 27, 1943, and from day to day thereafter, the following assets of the Hammond-Calumet Broadcasting Corp. (formerly Station WJWC). Bona-fide bids on the entire list as a package solicited.

1 WE Model 355-E-1 five kilowatt broadcast trans., freq. 550 to 1600 KC. AC operated—220 v.—3 phase—50/60 cycles. Comp. with set of tubes—1520 KC crystal—interlocking switches—tube cooling system—3 WE 7-5 K.W. plate trans.—WE retard coil—insulators and miscellaneous fittings.
1 WE Model 110A program amplifier comp. with set of tubes.
1 GR Model 731 modulation monitor comp. with set of tubes.
1 RCA Model AA-4194B monitoring amplifier comp. with set of tubes.
1 Doolittle Model FD-1A freq. monitor comp.
1 Doolittle crystal oscillator unity for trans.
2 3-inch channel iron racks—20½" x 68½"—mounting jacks, patchcord, terminal strips, telephone type switches, monitoring speaker, etc.
1 Box miscellaneous variable condensers, coils, etc.
2 Lehigh 200 foot steel self-supporting square slightly tapered 4-leg insulated vertical radiators, each mounted on four base insulators. Each lighted with 4 sidelights and 1 flashing electric top beacon.
2 Tower lighting cabinets, containing fusing, choke coil, H & B relay, isolation trans., 2 large condensers, Square D safety switch, etc.
2 Tower tuning cabinets, containing 2 tuning coils, 2 variable condensers, 2 R. F. ammeters, etc.
2 Mole-Richardson flood lamps comp. with G.E. bulbs.
500 feet used co-axial transmission line—1¼" diam. copper tubing outside shield and ⅜" diam. copper tubing conductor.
1 Part roll stranded messenger cable (new).
1 Spool 5/16" steel stranded hoist cable (used).
100 feet Collins co-axial cable (new).

10,000 feet #10 solid copper insulated wire.
3500 feet #12 solid copper insulated wire.
375 feet triple conductor BX cable.
5000 feet heavy solid copper insulated wire.
1 Part roll double strand lead-in wire.
1 Ohio DC/AC motor generator.

New Tubes

3 Type 212 E
2 Type 310 A
3 Type 287 A
15 Type 258 B

Used Tubes

4 Type 343 A
9 Type 295 A
1 Type 310 A
4 Type 287 A
10 Type 258 B
7 Type 315 A
2 Type 212 E
5 Type 271 A
1 Type 242 C

Cornell Dubilier Mica Condensers

8 PI 316-51 (20,000 v.), .00015 MFD
4 PI 262-51 (20,000 v.), .0008 MFD
1 PI 252-51 (10,000 v.), .001 MFD

Type GI Sangamo Mica Condensers

1 6000 v., .0001 MFD
1 6000 v., .000375 MFD
2 6000 v., .0002 MFD

Western Electric Filter Condensers

9 No. D-96887, 3500 v., 1 MFD

Aerovox Condensers

1 Type 3009, 3000 v., 2 MFD
2 Type 2009, 2000 v., 2 MFD
1 Type 1509, 1500 v., 4 MFD
1 Type 1009, 1000 v., 2 MFD
1 Type 608, 600 v., 2 MFD
1 Type 2505, 2500 v., 2 MFD

Eimac Vacuum Condensers

1 VC, 12 MFD
1 VC, 10 MFD
1 VC, 25 MFD
1 VC, 50 MFD

CD—Type 86—Mica Condensers

9 12500 v., .001 MFD
1 12500 v., .002 MFD
2 12500 v., .0005 MFD
4 7000 v., .001 MFD
2 7000 v., .005 MFD
1 5000 v., .001 MFD

Miscellaneous Small Mica Condensers

4 Sangamo, .0005 MFD
15 Sangamo, .005 MFD
1 Sangamo, .00007 MFD
2 Sangamo, .001 MFD
1 Sangamo, .00035 MFD
1 Sangamo, .00004 MFD
1 Sangamo, .000125 MFD
4 Sangamo, .00025 MFD
5 Aerovox, .02 MFD
8 Dubilier, .001 MFD
1 Dubilier, .005 MFD
1 Dubilier, .0001 MFD

Ohmite Resistors

6 No. 2005, 100 Ohm, non-inductive.
5 No. 2011, 1000 Ohm, non-inductive.
2 No. 2003, 25 Ohm.
1 No. 2004, 50 Ohm.
3 No. 1169, 30000 Ohm, Dividohm.
3 No. 1361, 500 Ohm, 200 Watt Dividohm.
1 No. 1362, 1000 Ohm, 200 Watt Dividohm.
2 No. 0961, 500 Ohm, 100 Watt Dividohm.

Fuses

9 2500 v., 3 amp.
1 2500 v., 1 amp.
1 250 v., 45 amp.
9 250 v., 60 amp.
7 250 v., 40 amp.

For sale by Irving Megeff, 1429 Carroll St., Brooklyn, N. Y.

2 WE 100 watt pentode tubes, type 332A, new, $45.00 each.
2 WE 284D tubes, new, $15.00 each.
2 WE 304B tubes, new, $10.00 each.
1 Hytron HY69 tube, $3.00.
6 Triad, 6D5 tubes, new, $1.00 each.
4 RCA, 1612 tubes, new, $3.25 each.
1 RCA, 1620 tube, new, $2.50.
2 RCA 6Ag7, new, $2.30.
3 GE 1853 tubes, new, $1.50 each.
1 Janette type C13 110 DC to 110 AC .3 KVA converter, $35.00.
1 Parmetal type CA104 cabinet in original wrapping, $6.00.
1 Parmetal type CA100 cabinet in original wrapping, $3.00.
1 Parmetal type CA105 cabinet in original wrapping, $7.00.
1 Green Flyer 33-1/3 turntable motor, $8.00.
1 National PW dial, new, $12.50.

WILL BUY

Wanted by Northern Broadcasting and Publishing Limited, Toronto, Ontario.

5 kw or 1 kw trans. Interested in balance equip. necessary for complete station.

Wanted by KOCA, Kilgore, Texas

a. 500 ft., single conductor, shielded and rubber covered microphone cable.

b. 1000 ft. of speaker or lamp cord, or any combination of the two to make up the 1000 ft. Pieces as short as 15 ft. will be accepted toward the total. Please give description and price of what you have.

Wanted by WMRC, Greenville, South Carolina

Crosley facsimile printer. Will pay cash or trade. Address George Tate, chief engineer.

Wanted by WSGN, Birmingham, Ala.

1 or 2 Uni-directional microphones.

Wanted by WJLD, Bessemer, Ala.

250 watt broadcast trans., any make or model, in good cond. Also audio equip., freq. and modulation monitors. Address C. M. Callicott, 1523 Arlington Avenue, Bessemer, Ala.

Wanted by WKMO, Kokomo, Ind.

1 lateral pickup head for RCA type 70-C turntable.

Wanted by WFTC, Kinston, N. C.

Late model 3″ oscilloscope, Hickok preferred.

4 base insulators for 200 ft. self-supporting tower.

Wanted by WHLN, Harlan, Kentucky

One half wave 1450 kilocycles tower, any type, comp. with guys and insulators and lighting system.

Wanted by WTOL, Toledo, Ohio

Good used RCA type AZ-4217-2 pickup head. Address J. Sheehan, Chief Engineer.

Wanted by WEDC, Chicago, Ill.

1 Aerovox mod. 95 LC checker OR

1 Solar mod. CE capacitor "EAM-ETER" OR

1 C-D mod. "BF 50" capacitor analyzer.

Address Chester Lewicki, Chief Engineer.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

August 20, 1943 SWAP BULLETIN No. 40

OLD TUBES WANTED

Sell your surplus old junk tubes through the Swap Bulletin. (Transmitting tubes, 250 watts or more, that are in repairable condition.) Your junk, properly repaired, may keep some station on the air. Remember—"teamwork does the trick."

WILL SELL

For sale by WIBX, Utica, N. Y.

100 watt Radiotelephone trans. Sylvania model 130 A. comp. and in perfect operating cond. Ready for delivery in 2 wks. Can be used for auxiliary broadcast trans.

Address replies to John T. Dowdell, Chief Engineer.

For sale by Harris A. Thompson, Fargo, N. Dak.

GE Pyranol capacitors, new.
2 9CEA51 similar to 23F122 2 mfd 2000 V DC, $7.50.
2 9CE5A5 same as 23F43 2 mfd. 2000 V DC, $7.50.
2 9CE1A305 4 mfd 330 V AC 1000 V DC, $4.50.
1 23F59 .5 mfd 1000 V DC, $2.25.
1 9CE6A10 .5 mfd 1000 V DC, $2.25.
3 9CE1A112 10 mfd 330 ac 1000 dc (these have been used on low voltage dc), $7.00.
1 9CE1A108 7 mfd 330 ac 1000 dc (these have been used on low voltage dc), $6.50.
1 Thordarson 37C36 choke, $2.50.
1 Thordarson T-19F90 fil. trans. Pri. 110 V 50/60 cy, sec. 2.5 V CT 10 amp. Ins. 7500 V new, $3.60.
2 Thordarson T64F14 Pri. 105-110-115 V 60 cy, sec. 10 V CT 8 amp. Ins. 1600 V (never used), $6.00.
1 Thordarson 19C45 choke, 500 ma, new, $18.00.
1 Thordarson 19C38 choke, 500 ma, new, $18.00.
1 Thordarson T19P67 trans. 1380 V A pri. 115 V sec. 4250, 4900 V CT 500 MA DC, new, $60.00.
1 UTC type LS-12, $20.00.
1 UTC type LS-21, $17.00.
1 UTC type VT-1 (have been soldered in circuit but never used), $10.00.
1 UTC type LS6L3, $25.00.
1 National X mtg cond. TMC-100 (new), $3.00.
1 National dial type N Scale 3, new, $4.15.
Material is guaranteed in excellent cond., shipped postpaid in U.S.A., except trans. and chokes, which will be shipped according to instructions. Many parts in original cartons.

Please address all inquiries to Mr. Clinton A. Thompson, 815 7th Street, South, Fargo, N. Dak.

For sale by KTSW, Emporia, Kansas

1 used and 1 unused trans. tubes, type T-55.

Address replies to Harold C. Davis.

For sale by KGGM, Albuquerque, New Mexico

3 Visasig VI-B recorders, used for visual reception of transradio Press news, used. Make offer.

Address replies Attention Chief Engineer.

For sale by O. L. Short, 1115 Pine Hgts. Ave., Baltimore 29, Md.

1 RCA 828 tube, used 3 hrs., excellent cond. Make offer.

For sale by KTKC, Visalia, Calif.

4 GE 806 tubes, new.
1 modulation choke 100 h 1.3 amps 35 KV insulation.
1 modulation trans. suitable for 1KW operation with 833A etc.
2 Collins oscillator tubes, type 100D, used.
1 C-D 1MF 10 KV, new.
20 C-D 21-A-86 .001 12.5 KV mica conds.
2 Crocker-Wheeler 78RPM turntable motors with starting capacitors.
2 813 tubes 100 hrs.
1 Composite trans. 25 watts plug in coils could be used for relay (photo and description on request).
Make offer.

Address Bert Williamson, Chief Engineer.

For sale by Edmun B. Lemon, 621 Carolina Ave., S. R., Roanoke 14, Va.

1 RCA 892 tube, $100.00.
1 RCA 905 tube, $35.00.
1 RCA, Faradon cond., type UC 3097-K .0005 mfd., $25.00.
4 Allen Bradley Rheostats, 500 watts, $3.50 each.

For sale by Harris A. Thompson, % Sperry Gyroscope Company, Clinton Rd. and Stewart Ave., Garden City, N. Y.

2 RCA 805, $15.
3 RCA 813, $24.00.
2 RCA 807, $4.00.
1 RCA 802, $4.00.
2 RCA 874, $1.65.
3 RCA 866A, $1.75.
1 BR2S Brush sound cell mike, condition like new, $29.00.

Tubes never used, some cartons not even opened. Prices include insurance and shipping charges in the U. S. and guarantee that goods are as represented.

For sale by KGFF, Shawnee, Okla.

GR type 581-A freq. deviation meter with GR type 575-D oscillator. Crystal ground to 1449 kc. Will sell very cheap.

For sale by Laurel Keene, 107 E. Paw Paw St., Paw Paw, Mich.

1 RCA 833-A tube, new, in original carton, $85.00, F.O.B. Paw Paw.

For sale by WGAL, 4-10 W. King St., Lancaster, Pa.

1 WE 228-A tube, in original carton, $249.00.
1 Westinghouse 204A tube, in original carton, $85.00.
1 RCA 204-A tube, in original carton, $85.00.

Address reply J. E. Mathiot.

For sale by Jack Harwood, 1353 Kelton Ave., Los Angeles 24, Calif.

3 WE 261-A, new, $6.00 each.
1 RK-10, new, $2.00.
4 210-T Sylvania, Avg. 300 hrs., $1.00 each.
2 WL-872, cond. good, $6.00 each.
1 WE 212-D (#1), like new, used 10 hrs., make offer.
1 WE 212-D (#1), rebuilt, good cond., used about 500 hrs., make offer.

Tubes sold subject to buyers approval, prices F.O.B. Los Angeles, Calif.

For sale by WROL, Knoxville, Tenn.

2 Precision Peizo Lab. "AT" cut unmounted 1310 KC crystals.
1 Bliley "VP-4" 9725 mounted crystal.
4 Westinghouse 13000 v. .52 mfd. oil filter cond.
2 Westinghouse 1 KVA 100/110/120 to 10/10 v. 60 CPS trans.
1 Westinghouse .5 KVA 100/110/120 to 10/10 v. 60 CPS trans.
1 Thordarson 30 Henry 2 amp. filter choke.
4 WE 113-A sockets, 250 watt.
1 GE type "RKT" ¾ H.P. 220 V. 3 phase 60 CPS, 1750 RPM motor.
1 GE "PQ" 14 v. D.C. time limit relay.
1 GE "PQ" 15 v. D.C. time limit relay.
8 RCA 848 10 KW water cooled tubes (similar to 891) B-1.
1 RCA 1675 5 KW water cooled tubes (MU of 35 and 22 v. fil.) B-1.
1 De Forrest 521 water cooled tube B-1.
4 RCA 1627 (5 V Fil type 810).
1 Comp. water cooling system suitable for 5 KW operation, consists of:
  1 Burnham #2328 radiator (motor 110v. 60 cps).
  1 F & W rotary 60 GPM pump (110/220 v. motor) type C801.
  1 Galv. 10 gallon storage tank with level indicator.
  6 1″ Cut off valves.
2 Composite water jackets for types 848-863-891-1675 tubes.
1 Composite water jacket for WE type 220-B tube.
1 Thordarson class "B" driver 845's to 891 etc., P/S .85/1.1/1.17 ratio B-1.
1 Composite 250 watt broadcast trans. comp.
1 Windcharger 180 ft. tower comp.

For sale by KTEM, Temple, Texas

11 RCA 838 tubes and 4- RCA 203-A tubes, used, but in fair cond. Make offer.

For sale by KWK, St. Louis, Missouri

1 DC milliameter, Jewell pattern 25, range 0-1000 MA DC.
1 DC milliameter, Jewell pattern 25, range 10-0-10 MA DC.
1 DC voltmeter, Jewell pattern 25, Range 0-15 V. DC.
2 DC voltmeters, Jewell pattern 25, Range 0-30 V. DC.
2 RF ammeters, Jewell pattern 164, range 0-5 A RF.

Make offer.

For sale by WASK, Lafayette, Ind.

1 Thordarson T-65 mike trans., $2.00.
1 UTC, HA 101 X mike trans., $10.00.

For sale by Fred Cravin, 2216 S. 7th St., Phila., Pa.

New Thordarson T17M69.
New Thordarson T67047.
Used Thordarson 2978.
Used Thordarson 6425.
Used UTC S70—6.3 v. @ 10 a.
New RCA 8005-2.
New RCA 807-4.
New RCA VR150 + VR 105-30.
Used RCA 866.
Used Sylvania 860.
Used Metal Relay Pack 5″ assorted Bliley crystals and holders.
Some Acorn tubes.

Make offer.

For sale by KXRO, Aberdeen, Wash.

1 WE type 80-B pre-amp. Uses WE type 262-A tube. With or without tube. For mounting on 19 inch rack. External filament and plate supply necessary. Condition fair.
1 WE type 61-A amplifier, Audio, uses 2 WE

type 247-A or type 27 tubes. With or without tubes. Mounts on 19 inch rack. Condition fair. Requires external filament and plate supply.
2 Techna pre-amps, type AR-83. Uses 2 type 6C5 tubes. For sale with or without tubes. Require external 6.3 v. AC for filaments and external plate supply. Mounts on 19 inch rack. Condition good. Input impedances: 500, 333, 250, 200, 125 or 50 ohms. Output impedances: 500, 333, 250, 200, 125 or 50 ohms.
1 Gates 12 V. DC power supply, factory number 1569. Condition good. Output voltage adjustable within small range. Has 0-25 volt meter. Mounts on 19 inch rack.
1 19 inch rack. Has quite a few holes drilled in it. Height 72 inches.
Make offer.

Address replies to Kenneth Grinde, Chief Engineer.

For sale by Irving Megeff, 1429 Carroll St., Brooklyn 13, N. Y.

2 REL type 204A sockets, unused, each $1.25.
2 Westinghouse type BX 0-10 D.C. amp., each $4.50.
1 Triplet type 227A 0-100 D.C. mils., $5.00.
1 Triplet type 227A 0-200 D.C. mils., $5.00.
1 Weston type 476 0-150 A.C. v., $8.00.
1 Allied P C 6 v. D.C. SPDT relay 16 ohms, unused, $2.50.
1 Allied D5 6 v. D.C. SPDT relay 16 ohms, unused (25 amp. contacts), $3.50.
2 University driver units model #MD8, each $22.50.
3 Gen-win airtuned I F coils 175KC #10200, each $3.00.
2 Gen-win airtuned beat Ocs. coils 465KC, each $3.00.
1 RCA crystal cartridge #31050, $2.50.
1 Thordarson T29C27 choke, unused, $1.50.
1 Clare 6300 ohm DC DPDT telephone type relay, unused, $7.00.
1 Oxford 2 in. P M speaker, unused, $2.50.
3 Arcturus type PZH tubes, unused, each $1.50.
1 Majestic type 2A7 tube, unused, $1.25.
1 Majestic type 2B7 tube, unused, $1.25.
1 Majestic type 2A6 tube, unused, $1.00.
2 Majestic type 6D7 tubes, unused, each $1.25.
1 Raytheon type 12A5 tube, unused, $2.50.
1 Raytheon type 2A6 tube, unused, $1.00.
1 Raytheon type 6E6 tube, unused, $2.00.
1 RCA type 1C5 tube, unused, $1.25.
1 RCA type 1A7 tube, unused, $1.50.
1 RCA type 12SC7 tube, unused, $1.25.
2 RCA type 6N7 tubes, unused, each, $1.50.
3 RCA type 6C5 tubes, unused, each, $1.00.
2 Sylvania type 6B5 tubes, unused, each, $2.00.
2 Sylvania type 6L6G tubes, unused, each, $2.00.

For sale by Myron E. Kluge, 1913 Montrose St., Los Angeles 26, Calif.

2 Single-Channel Remote Control Amplifiers, each comp. with American D8T Dynamic "Salt-Shaker" Microphone, tubes, external Power Supply, and Connecting Cables. No meters, but panel space for same. (New). $105.00 each.
1 Single-Channel Remote Control Amplifier, comp. with Amperite PGAL Low-Impedance Dynamic Microphone, tubes, external Power Supply, and Connecting Cables. Sterling milliammeter with rectifier for volume indicator. (New). $125.00.
1 RCA Visual Type Freq. Monitor for Broadcast Station use, approved by FCC, relay rack mounting. (Used). $125.00.
1 Collins 4-A CW Trans., for rack or table mounting, with coils for 20, 40 and 80 meter bands, less tubes and crystals. Cond. like new, never used. $50.00.
1 Firestone "Air-Chief" Auto Radio, 8 tubes, push button and dial tuning, dash mounting speaker, comp. less custom fit dial plate and antenna. (New, in factory carton). $30.00.
2 Amperite PGAL Dynamic Microphone, 50 ohms impedance, comp. with cables. (New). $25.00 each.
2 DeLuxe Microphone Floor Stands, all chrome plated, eighteen pound bases. (New). $12.50 each.
1 DeLuxe Microphone Banquet Stand, all chrome plated, adjustable. (New). $7.50.
2 Microphone Desk Stands, 9″ high, chrome plated rods, black crackle finish bases. (New). $3.00 each.
3 Microphone Floor Stands, Light weight construction, golden-brown crackle finish. (New). $5.00 each.

For sale by Farnsworth Radio & Tel., 623 Jefferson St., Waterloo, Iowa

TUBES, NEW:
- RCA, Westinghouse 866-A/866.
- Raytheon RK-807.
- Westinghouse 872-A.
- Westinghouse 814.
- Westinghouse 828.
- Regular net price.

Thordarson Transformers, NEW:
- 15D85 C.H.T. 60S48.
- 15D86 C.H.T. 89S75.
- 15A71 C.H.T. 53S81.
- 15R04 84S58.
- 15A67 17S14.
- 15R08 C.H.T. 19P63 Plate trans.
- 15R01 19P55 Plate trans.
- 15S94 C.H.T. 19P57 Plate trans.
  15R05.
- 19C43 H. D. Chokes, 75R50.
- 19C36 H. D. Chokes, 19F85 filament trans.
  19F96 filament trans.
- Also many smaller trans. of similar types.
- Also quite a few Jensen Line matching units.
- Price: Regular list—40% discount.

1 Jensen Line Equalizer type EL-2. Net, $15.00.

1 GR 759-B sound level meter in A-1 cond. with hand calibration chart as furnished by GR. All tubes originals, battery changed once. Comp. with microphone extension code and tripode, $200.00.

1 Audak "Higher Fidelity", 16" pick-up, 500 ohms. Lists $140, net $75. Also large assortment Jensen Speakers, Chassis, Volume Controls, cond., Noise filters (CD), phonograph motors (GI) Bud cabinets.

1 Pair RCA wireless talk-back units, New, list $66.00 pr., net, $50.00.

12 12" speaker wall enclosures. Deluxe type, New, $7.50.

1 Operadio 80 watt line booster, input 500 or Hi. universal output. Brand new, grey finish, rack type. List $137.50, 40% discount. Freq. response 1 DB down 50 cycles, 1 DB down at 10,000 cycles. Also quite a few microphones and higher grade crystal pick-ups.

Please extend preference rating AA-2 on all orders for new items.

For sale by KFEL, Denver, Colo.

1 Composite 1 KW trans. offered for sale as a complete unit. Description and inventory of parts available upon request to Gene O'Fallon, Manager. Offers for separate parts will also be considered.

WILL BUY

Wanted by WASK, Lafayette, Ind.

1 500 ohm T pad of the resistor wound, tap variety (as of IRC, etc.).

Wanted by KWK, St. Louis, Missouri

1 GR type 200-CU Variac.

1 0-150 V. AC meter-Weston 301 or similar type.

Wanted by KTEM, Temple, Texas

4 250 ohm input and output volume controls, ladder or T network type. Prefer brand new, but will accept used controls if in good cond.

Wanted by WGAC, Augusta, Ga.

1 Fairchild recorder. Will consider Presto. No amplifier needed. Cond. must be good.

Wanted by WKZO, P. O. Box 866, Kalamazoo 99, Mich.

1 Faradon UC 3073K, .001 mfd 10,000 V., 9 amps. at 1000 KC.

Wanted by WROL, Knoxville, Tenn.

2 Thordarson T6F71 or equiv. 10 and 10 v. @ 10 and 10 amp. filament trans.

1 Thordarson T2A68 or T2A67 or Tru-Fidelity, 500 ohm line to push pull grids with sectional secondaries.

2 Faradon #3073 .001 mica cond. or C-D equiv.

Wanted by WBAB, Atlantic City, N. J.

1 Pickup head, type RCA Mi 4856A. Give past history and present cond. State price.

Wanted by WHBF, Rock Island, Ill.

Bliley 1270 KC crystal for type BC-46-T oven. With or without oven.

Wanted by KTFI, Twin Falls, Idaho

1 Cannon P3-35-3G receptacle.

4 Cannon P3-13 receptacle.

2 High quality portable input trans., 50-500, 50,000-80,000 ohms.

2 High quality portable output trans., 10,000 /50-500 ohms.

Wanted by KGGF, Coffeyville, Kansas

Audio oscillator either 400 cycle or variable 25 or 50 cycle to 10,000 or 12,000 cycle. State make, range, cond., price and whether AC or battery operated.

Wanted by KPQ, Wenatchee, Wash.

2 0-15 amp RF ammeters. Internal or external thermocouples.

2 0-6 or 0-8 amp RF ammeters. Internal or external thermocouples.

Wanted by KLUF, Galveston, Texas

Factory built V.T.V.M.

200 watt resistors, in the following values:
1,200 ohms.
2,400 "
1,250 "
800 "
80,000 "

Wanted by KGGF, Coffeyville, Kansas

Oscilloscope, 3 inch, with vertical and horizontal amplifiers, state make, cond. and price.

WILL SWAP

KXRO, Aberdeen, Wash., will swap

2 Daven attenuators type T-330-D, 500/200 ohms.

FOR

2 Daven attenuators type T-330-F, 500/500 ohms, OR

2 Daven attenuators type T-330-G, 600/600 ohms.

Address replies to Kenneth Grine, Chief Engineer.

WLAY, Muscle Shoals, Ala., will swap

1 New RCA 814 tube
FOR RCA Junior Velocity or equiv. mike.

1 New Westinghouse 814 tube
FOR RCA Junior Velocity or equiv. mike.

Or both tubes for RCA 44BX mike or equiv.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

September 10, 1943 SWAP BULLETIN No. 41.

OLD TUBES FOR REPAIRING

There's no getting away from it, engineers like to hang on to old tubes. And this includes obsolete tubes as well as surplus tubes. That this is as true today as it ever was is proven by the response to the message, "Old Tubes Wanted" in the August 20 Swap Bulletin, No. 40. This brought in exactly two lists of tubes from over 900 stations.

Gentlemen, that kind of response will not insure the continued operation of your station, just as it will not insure the continued operation of broadcasting. We are in a tight period so far as tubes are concerned; and it's going to remain tight for some months ahead until things ease up. We've got to put to work all the surplus and obsolete (to you) tubes in the country.

Nobody wants to take the gold out of your teeth. Nobody wants to take the tubes out of your sockets. But we do say:

"SELL YOUR SURPLUS TUBES"

"SELL YOUR OBSOLETE TUBES"

"SELL YOUR OLD TUBES FOR REPAIRING"

and watch the Swap Bulletin for the tubes you need.

In other words, get the tubes repaired and get them into service. Even one tube may keep some station on the air.

Please do your part to keep every broadcaster supplied with essential parts and materials. Check your stock today. List your long items under the heading "WILL SELL" and the items you need under "WILL BUY." Then write: POOL, National Association of Broadcasters, 1760 N Street, N.W., Washington 6, D. C. Your fellow broadcasters will do the rest.

WILL SELL

For sale by KROY, Sacramento, Calif.

1 UTC 22 v. 52 amp. filament trans.
2 14F9 GE 7000 v. cond.
4 GE 845 tubes.
7 872-A.
Make offer.

For sale by KHQ, Spokane, Wash.

2 WE 222-A VT's, new, seal unbroken on 1 case, $225.00 each.

2 WE 222-A VT's, 10,000 hrs. each, fils. O. K., $10.00 each.

2 WE 222-A VT's, fils. burned out, make offer.

For sale by WHMA, Anniston, Ala.

2 Collins 201-C tubes. Approx. 500 hrs. service.
2 Collins C-100-D tubes, 1 is new, other used approx. 500 hrs.
$20 for entire lot.

For sale by John H. Elrod, 1424 K St., N. W., Room 606, Washington, D. C.

2 Bogen recorders 33⅓-78, 500 ohm heads, dynamic playback (Audaks), GE motors, listing at $485.00 each, 100 lines per inch, excellent cond., comp. with cable, etc. Sell one or both.
Bogen PV20 Hi-Fi amplifier, volume expander, bass and treble, mike input, phono input, excellent cond.
100 Watt Bogen amplifier which needs 30 watts to drive.
Jensen speakers (4) PM12A, list at $39.00 with TSFMS.
Make offer.

For sale by KGGF, Coffeyville, Kans.

2 WE 212-E tubes, suitable for rebuilding.
1 WE 228-A tube, suitable for rebuilding.

For sale by KFAB, Lincoln 1, Nebr.

1 Westinghouse 3 phase, oil insulated, self cooled, 405 KVA auto trans. Voltages are 2300 to 1918 v., 60 to 50 cycles, other sec. voltages available are 1534, 1150, 768, and 384. Approx. weight, 4000 lbs. Cond. very good.
Make offer.

For sale by KFAR, Fairbanks, Alaska

Comp. RCA 1-G 1000 watt trans., spare set tubes, with tuning unit for shunt-excited antenna.
GR 475-B freq. monitor.
GR 681-A freq. deviation meter.
Make offer.

For sale by WKMO, Kokomo, Ind.

1 Composite remote amplifier, high impedance input.
1 Webster crystal microphone, type W-1238, with floor stand.
Make offer.

For sale by WFBL, Syracuse, N. Y.

1 Used WE shunt wound d.c. generator, 1600 v., 1.5 amp., original equip. with WE 5C trans.
Make offer.

For sale by Edmun B. Lemon, 621 Carolina Ave., S. R., Roanoke 14, Va.

1 Model 100-Q GR variac, new, $50.00.
1 Allen Dumont, mod. 164 oscilloscope, $50.00.
2 C-D, type TD-10020 cond., 2 ufd, 1000 v., $2.00 each.
2 C-D, 217-6 cond., .002 ufd., 6000 v., 3 amps at 1000 Kc., $3.00 each.
1 8 ufd, 2000 v. filter cond., $2.00.
1 Astatic crystal pick up, 10 inch arm, $4.00.
1 UTC, S-19 class "B" output trans., new, $2.75.
2 Hammarlund CH-500 RF chokes, new, $1.00 each.
6 National R-100 RF chokes, new, $.25 each.
1 Electronic Vibrapack, mod. 606-B, 400 v., output, 80 watts. Operates from 6 v. D.C., new, $15.00.
1 Thordarson trans., T-7352, 500 ohm line to RF load, capacity 80 watts, $5.00.
25 16 inch Presto aluminum base recording blanks used, but can be recoated. $2.50.
1 Black crackle Masonite panel, 8¾ X 19, new, $.50.
1 Black crackle Masonite panel, 3½ x 19, new, $.25.
2 Black crackle Masonite panel, 5¼ X 19, $.50 each.
1 Cadmium plated chassis, 3 X 12 X 17, new, $.75.
1 DeForest 211 tube, in fair cond., $1.00.
2 Comp. sets of mounting brackets for WE 251-A tubes, make offer.
1 Shure crystal mike, good cond., $10.00.
1 RME-69 receiver with speaker, special band spread, like new, $150.00.
1 C-D type 86 cond. No. 22C-86, .002 ufd., 7000 v., $3.25.

For sale by Sound Sales and Engineering Co., Houston, Texas

1 RCA MI-4880, B.C. type 72-A, recording attachment for 70-A turntable, $105.00.
1 Additional lead screw for above, $16.88.
1 RCA MI-4821 outside-in recorder lead screw for MI-4815 recording attachment, $16.88.

For sale by Larry Ruddell, 1802 Warren Ave., Seattle, Wash.

1 WE Cardioid microphone, new cond, used approx. 10 hrs., $125.00.

Information available from NAB

Stations having immediate use for 803 tubes in order to build up inventories consistent with WPB regulations can obtain information concerning the source of such tubes from the NAB Engineering Department.

For sale by Pictures, Inc., P. O. Box 958, St. Augustine, Fla.

1 Presto recorder, Model Y, consists of amplifier and speaker one portable unit, 16″ turntable cutting inside out or outside in. Turntable separate unit, portable, adjustable for 78 or 33⅓ RPM. Purchased 3 yrs. ago, very good cond., comp. except for microphone. Original cost, $950.00.

For sale by KFEQ, St. Joseph 8, Mo.

1 Water cooling system, comp. except for radiator blower, for 2 328-A and 2 228-A tubes.
34′ ¾″ copper pipe, with fittings and valves, 1 SR4R Westco centrifical pump, motor, 2 Lapp double spiral water coils, with fittings, 1 24 X 48 X 4″ radiator, 2 2′ double lead connecting pipes (Lapp coil to copper fitting), 2 3′ double lead connecting pipes (Lapp coil to water jackets), 3 water jackets for WE 228-A or Fed. 328-A tube, 1 Taylor 1F-1028 pressure gauge 0-30 lbs. per sq. in. 8″ face with fittings, 1 Taylor dial thermometer 0-160° F., with 8″ face and fittings, 1 40 X 50″ copper storage tank with gauge glass.
Concentric copper ⅞″ transmission lines, 380′ in 20′ lengths, 40′ in 4 odd lengths.

For sale by Irving Megeff, 1429 Carroll Street, Brooklyn 13, N. Y.

1 Stancor A 3894 output trans., unused, $10.00.
1 Stancor A 4208 input trans., unused, $3.50.
1 U.T.C. PA 131 P.P. input trans., used, $3.00.
1 U.T.C. PA 134 line to grid trans., used, $4.00.
1 Janette type C13 110 DC to 110 AC KVA converter, $35.00 used.
4 WE 284-D tubes, unused, $12.50 each.
2 WE 242-C tubes, unused, $5.00 each.
2 WE 287-A tubes, unused, $6.50 each.
1 WE 277-A tube, unused, $5.00.
2 WE 254-B tubes, unused, $8.50 each.
2 WE 332-A tubes, unused, $45.00 each.
2 GE FG-17 tubes, unused, $7.50 each.

For sale by Myron E. Kluge, 1913 Montrose St., Los Angeles 26, Calif.

1 Federal 16″ two-speed portable recorder, self-contained amplifier, speaker, volume indicator meter and pickup, used, $350.00.
2 Two-channel remote control amplifiers, with Weston 301 volume indicators, external power supplies, tubes and cables, new, $125.00 each.
1 Rack-mounting program or monitoring amplifier, comp. with separate rack-mounting power supply and 1 set of tubes. Kenyon Laboratory Standard trans. used in amplifier. Power supply of heavy duty type and with 500 v. Weston meter. Panels and dust-covers just refinished, $135.00.

For sale by WAPO, Chattanooga, Tenn.

1 type 174-1000 Heintz and Kaufman Compressed Gas cond. min. uufd 300 max. uufd 1050, voltage rating 32,000 RMS.
3 U. E. Uptegraff 2300 v. to 12,000 v. center tapped, 50 KVA, each $50.00. F. O. B. Chattanooga.
1 U. E. Uptegraff oil filled filter choke. 40 Henrys at 12 amps.
1 New Weston type 476, 0-30 v. A.C. sq. case, same size as type 301.
UTC 1½ KW modulation trans. 3,000 ohm sec., 4,000 ohm plate to plate.
2 Used Federal telegraph 126-A tubes.
1 Used Federal telegraph 320-B tube.
1 Used WE 343-A tube, open filament.
1 Faradon UC 2223, .005 mfd., 2,000 v., 15 amps. at 1,000 Kc.

WILL BUY

Wanted by KGGF, Coffeyville, Kans.

GR or RCA distortion and noise meter for use at B.C. freq.

Wanted by KORE, Eugene, Oreg.

RCA 805 tubes. New or nearly new.

Wanted by WDEV, Waterbury, Vt.

V.I. meter-scale minus 10 to plus 6 DB for 500 ohm line.

Wanted by KGKY, Scottsbluff, Nebr.

Model 3-A, U.T.C. equalizer, new or used.

Wanted by WSAV, Savannah, Ga.

Presto or similar recording amplifier.
RCA 82-B monitor amplifier or similar.
State price and condition.

Wanted by WAIM, Anderson, S. C.

1 16″ overhead recording arm assembly comp. Prefer 500 ohms impedance, cutting inside out. Prefer Bogen cutting arm but will consider any type in good cond. or repairable.

Wanted by WISR, Butler, Pa.

1 Type 72-C recording attachment comp. with cutting head and feeding mechanism.
Address replies to chief engineer.

Wanted by WFNC, Fayetteville, N. C.

CK-70 tube or substitute for same as RCA 804, RK-20.

Wanted by WSPB, Sarasota and Bradenton, Fla.

Any amount "in lengths of 1000 ft. or more" 12 gauge NBS cooper wire. Advise amount you have on hand and price wanted.

Wanted by WDLP, Panama City, Fla.

2 WE 9-A reproducers and tone arms, or similar combination lateral-vertical RCA equip.

Wanted by KFXM, San Bernardino, Calif.

2 250 TH or TL.
2 100 TH or TL.
1 50,000 ohm adjustable resistor—100 or 200 watt.
1 GI 33⅓-78 RPM 10″ recording playback mechanism.
1 30/50 ohm dynamic microphone such as American D3.
1 3000-4000 v. C.T. @ 500 ma power trans.

Wanted by KLCN, Blytheville, Ark.

Limiting amplifier. Any standard make. Will consider composite if guaranteed. Address replies to Harold Sudbury, Manager.

Wanted by WRAL, Raleigh, N. C.

RCA type 72-C recording attachment comp. with cutter head.

Wanted by WBRY, Waterbury, Conn.

1 recording attachment similar to RCA MI-4820.

Wanted by WHLN, Harlan, Ky.

1 half wave tower, 1450 KC including lights. 2 RCA or WE turntables, comp. with filters and vertical and lateral heads, 1 program amplifier with power pack.

Wanted by KFVS, Cape Girardeau, Mo.

Field strength measuring set of standard make.

Wanted by KHQ, Spokane, Wash.

2 WE 111-C repeat coils.

Wanted by KROY, Sacramento, Calif.

Pair, input and output, of class B trans. for 805 or 838 or other tubes in that power class.

Wanted by WENY, Elmira, N. Y.

1 Presto 75-A recording turntable with Presto 1-C cutting head. Excellent cond.

Address replies to T. A. Greene, Chief Engineer.

Wanted by KICD, Spencer, Iowa

C-201 tubes for Collins trans.

Wanted by WCBI, Columbus, Miss.

1 250 watt complete broadcast station installation, also will consider purchase of individual components, i.e. transmitter, tower, turntable and monitors.

Wanted by WAPO, Chattanooga, Tenn.

FCC approved freq. monitor.
FCC approved modulation monitor.
300 watt modulation trans., 8,000 ohms plate to plate 5,000 to 10,000 ohm sec., or multimatch amateur type.
Dual speed unmounted turntable.
FCC approved 0 to 5 amps., remote thermoammeter like Weston type 425.
FCC approved 0 to 10 amps., remote thermoammeter like Weston type 425.
Address replies Att: Chief Engineer.

WILL SWAP

KTKC, Visalia, Calif., will swap

Up to 3 new GE 833-A.
Up to 6 new GE 872-A.
C-D mica condensers.

FOR

High fidelity cutting head for acetate recording, or comp. high quality recorder. Will pay or accept difference in cash.

WHOP, Hopkinsville, Ky., will swap

1 first-class mobile trans., described as follows:

1 comp. high freq. 15 watt relay broadcast unit in perfect cond., present operating freq. 37,980 K.C. With tubes and crystal unit consists of:

1. Motorola model t-69-20A trans.
2. Power supply unit, operates from 6 v. storage battery.
3. Pre-amplifier and low impedance Shure microphone.
4. Whip antenna.
5. Control head and connecting cables.
6. Motorola mod. b-19-19-A (110 v. AC operated) receiver with speaker and 500 ohm output.

FOR

1 Comp. recording unit with 16″ tables, 33⅓ RPM speed, or 2 recording heads comp. with Feed Screw mechanism. Send description.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

October 1, 1943

SWAP BULLETIN

No. 42

WILL SELL

For sale by Fred Craven, 2216 S. 7th Street, Philadelphia, Pa.

Almost new Astatic mod. S-12 studio type 16″ long crystal pickup at list price of $12.50, subject to buyers approval.
2 New RCA 8005 and 1 used Sylvania 860.

Make offer.

For sale by WJHP, Jacksonville, Fla.

1 UTC No. 39019 inductance, 0.9 Henry.
1 Sigma Relay Mod. 3-A, 2,000 ohms.
1 Sigma Rectifier.
1 Sigma Relay Mod. 3-A, 5,000 ohms.
1 Struthers Dunn Relay type CXB51.
All items new. Make offer.

For sale by Arthur Reisman, c/o Dr. S. C. Reisman, 1361 Madison Ave., N. Y. C.

1 Jewell Audio output meter, square case, low, med. and high (used), $15.00.
1 Beady, 2″ 0 to 500 mills, DC, $3.00.
1 3″ Weston Current Squared Galv. (used) Thermos opened, $8.00.
1 3″ triplet DC 0-100 mills, needle off bearing, $5.00.
1 3″ Jewel 0-100 DC mills, (perfect), $10.00.
1 .0005 Dubilier Paper cond., aluminum case 10000 V., 15 Amps., $10.00.
1 .002 Faradin Paper cond., aluminum case, 3000 V., 10 Amps., $5.00.
1 C-D 1 M. F. D. 3000 V. paper cond., $7.00.
2 RCA 6A 7's, at $1.00 each, $2.00.
1 Jewell 3 Amp. AC meter, 3″, $5.00.
1 RCA 801 Ceramic Base, New, $3.50.
1 Philco 82, $1.00.
1 Yaxley Selector Switch, New, $1.00.
4 WE 271 A's at $1.00, $4.00.
6 RCA 864 at $1.50, $9.00.
3 RCA 89 at $.80, $2.40.
3 WE 205E at $1,00, $3.00.
2 WE 104D at $1.00, $2.00.
1 WE 205D, $1.00.
1 WE 231D, .50.
1 RCA 112A, $1.00.
1 WE 252A, $1.00.
4 RCA 211 Brand new at $12.50, $50.00.
1 RCA 845 used, $10.00.
1 Sylvania 211 used, $8.00.
1 RCA 860 Brand new, $35.00.
2 RCA 802 Brand new at $4.00, $8.00.
1 RCA 865 Brand new, $5.00.
1 Taylor 866A, used, $1.25.
1 Amperex 866A, used, $1.25.
1 204A, Very good cond., $50.00.
1 849 RCA, filament burnt out, $10.00.
1 Cunningham 335, used, $.50.
2 Sangamo Mica cond. .00025, 8 Amps, 12500 V. at $5.00, $10.00.

For sale by WDAN, Danville, Ill.

1 100 watt composite relay trans. with 2058 KC crystal.
1 1622 KC crystal.
1 pincor 110 V AC 1 KW gas driven generator.
1 RCA 303-A freq. monitor with 2058 KC crystal.
Make offer.

For sale by WWNY, Watertown, N. Y.

205 Ft. Lehigh tower at $1600, also beacon and lights.

For sale by Frank Huberman, 1256 Main St., East Hartford 8, Conn.

1 Brewster FM converter, 110 V., A.C., 60 cycles, 1 mo. old and in original factory carton and cabinet. Rebuilt with 1852's and has excellent sensitivity and gain. $45.00.

For sale by KGER, Los Angeles 14, Calif.

Comp. 1 kilowatt RCA trans. with Blaw Knox tower, spare tubes and other broadcast equip. Make offer.

For sale by T. H. Kemp, 20 Highwood Terrace, Glen Rock, N. J.

Tube type	Cond.	Price
2-807	used	$ 3.50 each
6-866	"	1.50 "
2-866A	New	1.50 "
3-852	used	10.00 "
2-802	"	3.50 "
2-203A	"	5.00 "
1-804	"	12.00
1-RK39	"	3.50

For sale by KWK, St. Louis, Mo.

1 WE 700-A volume indicator comp. with tube. Make offer.

For sale by Frank Adcock, 609 31st Street, Manhattan Beach, Calif.

1 WE 228-A, need repair. Make offer.

For sale by E. P. Carter, 112 Cedar Ave., Pitman, N. J.

1 WE 124-D amplifier, New. Make offer.

For sale by KLRA, Little Rock, Ark.

1 4180 RCA freq. monitor comp. in first-class cond.
1 Robbins Meyers 3 unit motor generator set on iron base 1600 V., 14 V, 7½ hp. motor.
Make offer.

For sale by WASK, Lafayette, Ind.

Model "D" presto single unit portable recorder in excellent cond., 78 r.p.m. only, 12" turntable, rim driven, grid or 200 ohm mike impedance, state which. $75.00.

Address replies to Joe Spring, Manager.

For sale by WEAU, Eau Claire, Wisc.

1 Federal telegraph type 328-A, used 881 hrs.
1 Federal telegraph type 328-A, used 3800 hrs.
1 WE 228-A, used approx. 4000 hrs.
1 WE water jacket for above tubes.
1 Century motor generator set. Filament supply for above tube 3 hp., 3 phase motor, 25 V. 60 amp. generator, comp. with field rheostat and set of spare brushes. Very good cond.
2 1070 KC, A cut crystals.

Make offer.

For sale by WTAW, College Station, Texas

6 204-A, metal plate.
1 204-A, carbon plate.
8 849, metal plate.
13 849, carbon plate.
1 220-B, glass envelope broken.
3 220-C.
1 228-A.

Essential parts intact. Filaments either burned out or low emission. Make offer.

For sale by South Carolina Public Service Authority, 1246 Main St., Columbia, C, S. C.

2 Kohler, 10 KVA, 3 phase electric light plants, 120 V., 60 cycle, A.C. fully automatic, 32 V. starting battery. 100 gallon fuel tank engine and generator direct connected. Used approx. 12 mo., cond. good, $800.00 each F.O.B. Camp No. 1, Pinopolis, Berkeley County, S. C.
2 Kohler, 5 KVA, single phase electric light plants, 120 V., 60 cycle, A.C. fully automatic, 32 V. starting battery, 100 gallon fuel tank. Engine and generator direct connected, used about 12 mo., cond. good, $600.00 each, F.O.B. Camp No. 1, Pinopolis, Berkeley County, S. C.

WILL BUY

Wanted by KICD, Spencer, Ia.

Cutting screw to fit RCA 70C turntable.

Wanted by KBUR, Burlington, Ia.

AC remote amplifier, impedance 50/250 in and 500 out. 1 channel.
2 sets, male and female, Cannon type mike plugs.
Broadcast mike. RCA jr. velocity or similar type and floor stand.
1 16" portable turntable, motor, and recording attachments. No amplifier needed.

Wanted by KTSM, El Paso, Texas

WE 80B Pre-amplifier.
National HRO coils, .5 to .9 MC-500 to 900 KC.

Wanted by KTRI, Sioux City, Ia.

1 remote amplifier, 1 or 2 channel and microphone.

Wanted by WDEV, Waterbury, Vermont

1 WE D-93306 vertical reproducing head. Must be in good cond.

Wanted by WHIT, New Bern, N. C.

4 type 1620 tubes and modern tube tester. Address replies to Glen Neuville, Chief Engineer.

Wanted by KFKA, Greeley, Colo.

1 Weston type 425 0-6 R.F. ammeter, or its equivalent. Can use 0-8 amp. scale as second choice.

Wanted by KPDG, Greeley, Colo.

2 Taylor HD203A tubes, new or in serviceable cond.

Address reply to Police Station KPDG, Attn. K. Cooper.

Wanted by KTKC, Visalia, Calif.

All or any part of equipment for 250 watt station.

Address replies to Bert Williamson, Chief Engineer.

Wanted by WOSU, Columbus, Ohio

6 872-A vacuum tubes.

Wanted by KLRA, Little Rock, Ark.

Weston 425 0-17 or 0-15 R.F. ammeter.

WILL SWAP

WFTL, Fort Lauderdale, Fla. will swap

1 GR 731-B modulation monitor, used.
1 GR 681-A freq. meter, used.
1 RCA RB-2 pack trans., new.

FOR

RCA or WE remote amplifiers, new or used field strength measuring set.

WOSU, Columbus, Ohio will swap

5 270-A WE vacuum tubes, used

FOR

872-A tubes or microphones.

KFBC, Cheyenne, Wyo., will swap

2 Bliley type MO2 crystals, 1 for 1646 and other for 2830 kc

FOR

2 crystals of same manufacture and type or equiv. on 1606 and 2758.

Or will purchase the following crystals:

1606
2074
2102
2790
2090
2190
2758
1622
2058
2150

Crystals must be mounted. Give complete details.

National Association of Broadcasters

1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.

October 29, 1943 SWAP BULLETIN No. 43

WILL SELL

For sale by KXRO, Aberdeen, Wash.

1 Gates 12 v. DC supply, suitable for operating relays. Operates from 115 v. AC, 60 cycles. Make offer. Address replies to Kenneth Grinde, Chief Engineer.

For sale by N. R. Keidan, 515 W. 110th St., New York, N. Y.

20 Dubilier .004 MFD, working voltage 12,500, price $15. each.
15 Dubilier .0006 MFD, working voltage 25,000, price $50.00 each.

F.O.B. New York City.

For sale by Gerald D. Coleman, Saxonburg, Pa.

2 New RCA type 810
1 WE 242-A
2 Taylor TZ40
2 Taylor T40
Make offer.

For sale by WIS, Columbia, S. C.

8 Faradon type UC-1865, .0005 MFD., 15,000 v. mica trans. capacitors, rated 9.0 Amps. at 1,000 KC. All in operating Cond. $25.00 each.

For sale by KPQ, Wenatchee, Wash.

RCA 100-W broadcast trans. Sell as unit or parts.

For sale by Irving Megeff, 1429 Carroll St., Brooklyn 13, N. Y.

1 RCA 800 tube, unused, $8.50.
1 RCA 809 tube, unused, $2.50.
1 WE 287-A, unused, $6.00.
2 WE 284-B, unused, $10.00 each.
2 WE 307-A, unused, $6.00 each.
1 Stancor P4004 power trans., slightly used, $7.50.
1 UTC PA 233 input trans., slightly used, $5.00.
1 Collins class B input trans. C719B, slightly used, $4.50.
1 Collins class B output trans. C781B, slightly used, $9.00.
1 Sangamo P.P. input trans, type B, slightly used, $3.50.
1 Sangamo 3:1 input trans. type AX, slightly used, $3.00.
1 Weston 476 0-150 v. AC, slightly used, $7.50.

For sale by R. B. Ladd, 1501 W. Chase Ave., Chicago, Ill.

4 Westinghouse type 831 tubes, new, original crates, make offer.

For sale by W. H. Lockyear, 2698 S. University Blvd., Denver 10, Colo.

3 WE 270-A tubes. 1 suitable for rebuilding, $80.00 each or 3 for $200.00.

For sale by WWVA, Wheeling, W. Va.

1 5KW composite trans., including tubes. Detailed list available.

For sale by KTMS, Santa Barbara, Calif.

WE type 270-A tube, low emission, all elements good, can be repaired. Comp. with base socket and plate cap, $50.00.
2 204-A type tubes, low emission, all elements good, can be repaired. Also 2 845, cond. unknown. $50.00 for all, $25.00 each with 1 845.

For sale by WCAP, Asbury Park, N. J.

1 RCA crystal (no mounting), 1310 KC.

For sale by Fred Craven, 2216 S. 7th St., Philadelphia 48, Pa.

1 New, in original carton, Kenyon 203 trans. with taps at 1500 v., 1200 v. and 1000 v. out of filter, at 500 ma., $12.75.
Thordarson 2978 and 6425 used input and output for class B, 10's, TZ20's, 80A's, 60W audio for $7.50.
RCA 9572 crystal calibrator at $15.00.
RCA TMV97C signal generator, $15.00.
GE 26F82 Pyronal Cond., 1500 v. at 2 MFD, $4.00.
Weston mod. 674 counter type tube tester, $20.00.
Sylvania 860 tube, $7.50.
2 new Eimac 150T tubes, $24.50 each.
All these tubes used. Also acorn tubes.

For sale by KTKC, Visalia, Calif.

2 16″ dual speed turntables chassis, $150.00 each.
Approx. 100 RCA 808-5 16″ aluminum recording blanks $1.50 each.
Address replies to Bert Williamson, Chief Engineer.

WILL BUY

Wanted by WGBR, Goldsboro, N. C.

1 Bliley BC-46T Crystal Oven.

Wanted by WFMJ, Youngstown, Ohio

1 double row jack strip with 48 closed circuit type jacks, either WE or RCA.

Wanted by KICD, Spencer, Iowa

2 RK23 tubes.
2 RK20 tubes.
2 C201 tubes.
2 838 tubes.
2 872A tubes.

Wanted by KGKY, Scottsbluff, Nebr.

1 or 2 UTC, LS, 12 X trans. New or used. State details in first letter. Address Chief Engineer.

Wanted by WLAK, Lakeland, Fla.

Up to 50,000 ft. of copper ground wire.

Wanted by WRRF, Washington, N. C.

1 Two speed phonograph motor with 16″ turntable.
1 Phonograph pick up head, high or low impedance with long tone arm for playing 16″ transcriptions.
1 Professional model instantaneous recorder capable of handling 16″ transcriptions. This recorder may be portable or stationary.

Above purchased on approval. Address correspondence to Chief Engineer.

Wanted by WKBV, Richmond, Ind.

Double plug patch cords, any length.
Antenna coupling unit, factory or composite.
Bare #8 or other suitable ground wire.
Address replies to Chief Engineer.

Wanted by WLDS, Jacksonville, Ill.

Comp. studio equip. for small station, including control console, turntables, microphones and speakers.

Address replies to Gerald J. Cassens, Chief Engineer.

Wanted by WIBW, Topeka, Kans.

Single or three phase, 220 V AC, 5 KW gasoline driven emergency supply. Automatic operation desirable.

Wanted by KTSW, Emporia, Kans.

RK23 tube.
2 872-A tubes.

Wanted by KXRO, Aberdeen, Wash.

1 RCA type 33-A jack panel, or similar type by other manufacturer, suitable for mounting on 19″ rack.
1 16″ recording turntable with motor, cutting head and feeding equip. Amplifier not required.

Address replies to Kenneth Grinde, Chief Engineer.

Wanted by WBRY, Waterbury, Conn.

RCA type 865 tube. Good condition.

Wanted by WHIO, Dayton, Ohio

National type PW dial and drive.

Wanted by KTKC, Visalia, Calif.

250 watt trans.
150′ or higher tower with lighting equip.

Address replies to Bert Williamson, Chief Engineer.

WILL SWAP

KEVR, Seattle 4, Wash., will swap

GR type 376-L crystal and holder for GR freq. monitor. Crystal ground to 1399 KC.

FOR High quality RCA or WE microphone or other broadcast equip.

Address replies to J. L. Kelley, Chief Engineer.

KGGM, Albuquerque, N. Mex., will swap

2 Visasigs recording units and 2 tape pullers.
Make offer.

WFTL, Ft. Lauderdale, Fla., will swap

1 GR 475-BS3 freq. monitor, used.
1 GR 681-AS3 freq. deviation meter, used
1 RCA RB-2 pack trans., new.

FOR GR 516C R.F. bridge.
RCA or Federal field intensity set.

Please do your part to keep every broadcaster supplied with essential parts and materials. Check your stock today. List your long items under the heading "WILL SELL" and the items you need under "WILL BUY." Then write: POOL, National Association of Broadcasters, 1760 N Street, N.W., Washington 6, D. C. Your fellow broadcasters will do the rest.

The National Association of Broadcasters

1760 N STREET, N. W. ⋆ ⋆ ⋆ ⋆ ⋆ ⋆ ⋆ WASHINGTON 6, D. C.

November 19, 1943 SWAP BULLETIN No. 44

BROADCASTING NOW AA-1

The Radio and Radar Division of WPB has again amended Preference Rating Order P-133 as of November 17, 1943. The new order authorizes the preference rating AA-1 instead of the former rating AA-2. This change now places radio broadcasting on an equal basis with other branches of the radio communications industry. The preference rating applicable to commercial sound recording has also been raised from AA-5 to AA-2. Section (e)(1) has been clarified.

We are printing below the portions of the order amended on November 17. All other sections of the order as amended October 8, 1943, remain unchanged. As only a small portion of the order has been modified, the new order will not be printed in its entirety. It is therefore suggested that the previous order published by NAB in Broadcast Engineering Bulletin No. 3, October 22, 1943, and NAB Reports, pages 438-439 of October 22, 1943, be corrected as shown below.

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(1) Radio communication—AA-1. Persons engaged in this business are also entitled to use the allotment symbol "MRO".

(2) Radio broadcasting—AA-1. Persons engaged in this business are also entitled to use the allotment symbol "MRO".

(3) Commercial sound recording—AA-2. Persons engaged in this business are also entitled to use the allotment symbol "MRO".

(4) Operation and maintenance of public address, intercommunication, plant sound or other similar electronic systems, such as systems for the controlled distribution of musical programs—AA-5.

(e) *Restrictions on the use of the ratings and allotment symbol.* No person shall use these ratings or allotment symbol:

(1) To buy or repair a tube, unless he has first operated a similar tube to failure, and has in stock less than one new and one rebuilt or two rebuilt spare tubes for each active tube socket. All operable tubes which have not been rebuilt shall be counted as new tubes. All power tubes of 250 watts or more (plate dissipation), which have been operated to failure and are not to be repaired, shall be returned to the manufacturer.

Please do your part to keep every broadcaster supplied with essential parts and materials. Check your stock today. List your long items under the heading "WILL SELL" and the items you need under "WILL BUY." Then write: POOL, National Association of Broadcasters, 1760 N Street, N.W., Washington 6, D. C. Your fellow broadcasters will do the rest.

WILL SELL

For sale by WGRC, Louisville 2, Ky.

RCA ET 4230 trans. converted for 250 watts operation. Recently reconditioned. Make offer.

For sale by Wm. Q. Ranft, c/o WFBR, Baltimore 2, Md.

1 Hallicrafter Skyrider Commercial, 11 tubes, 5 bands:
  110 kc. to 11,500 kc. Mounted in metal cabinet, comp. with tubes and speaker. A-1 cond., $98.50. F.O.B. Baltimore.
1 RCA 852 tube, approx. 1000 hrs., $10.00.
9 WE 211-D tubes, hrs. unknown, $5.00 each.

For sale by W. J. Barnes, Route #1, W. Albany, N. Y.

RCA 203-A tube, guaranteed in new cond., $15.00.

For sale by Phil Daviss, 3106 Tenth St., Wichita Falls, Texas

A. *Tubes*
1 Taylor, type TZ-40, used 20 hrs., $3.50.
2 Hytron, 40-Z, used approx. 10 hrs., both $7.00.
2 Gammatron, HK-54, used approx. 25 hrs., both $14.00.
1 RCA, 6F5 metal, slight use, $1.00.
1 RCA, 6L6-GX, new, $1.25.

B. *Transformer*
1 Thordarson, plate supply, 1875-0-1875 and 1560-0-1560 v., 500 MA, mfr. #T-19P64, used approx. 25 hrs., $18.00.

C. *Crystals*
1 Bliley, freq. 3665 KC, slightly used, with holder, $2.50 comp.
1 Bliley, freq. 7233 KC, slightly used, with holder, $2.50 comp.
1 Bliley, freq. 14,525 KC, type HF-2, new, never used, $5.00 comp.
1 P-R, freq. 7276 KC, new, with holder, $2.50 comp.

D. *Wire*
25 ft. rubber covered cable (not shielded), 5 line of #18 copper, new, $1.00.
50 ft. EO-1, 72 ohm line, new, $2.00.

E. *Insulators*
12 Johnson, stand-off, ¾″ x 3″ white porcelain (8 new, 4 slightly used), the lot, $2.00.
3 Johnson, ¾″ x 7″, white porcelain (trans.), slight use but perfect cond., the lot, $1.00.
1 Bud, 10″ cross, white porcelain (for 660 ohm feed line), length 10″ (trans.), slight use, $1.00.
2 Johnson, feed-thru, length white porcelain 3″, length of 10/32 threaded shaft 12″, both, $1.00.

F. *Miscellaneous*
1 Bud, comp. assembled 500 watt RF amplifier kit, less meters. Cable-wired conventional push-pull circuit. Kit includes 1 variable cond. #JC 1569 (200 mmfd), 1 JC 1526 variable cond. (100 mmfd), 2 neutralizing cond., mfr kit #BPA 500-LF, with AM-1352 coil base and link assembly. Comp. unit, $20.00.
3 Bud, dials, diameter 4″, scale 0-100, #D-1734, slight use, all $4.50.
4 Minns, "Signal-Squirter" antennae elements, corrugated steel (2 elements 8′3″ long, diameter 1″; 2 elements 8′5″ long, diameter 1″), these are new, never used, $2.00 each.

For sale by WHIO, Dayton, Ohio

200 new National Zinc cable clips, $10.00.

For sale by WFBR, Baltimore, Md.

1 UHF broadcast trans. RCA type 100-F, comp. with 2 sets of tubes and 2 crystals for 31,620 kc.
2 RCA type RB-2 pack trans. Each comp. with 2 sets of tubes and 2 crystals. No batteries, operating frequencies 33,380 kc., 35,020 kc. and 37,620 kc., 39,820 kc.
A-1 cond., make offer, address chief engineer.

For sale by Fred Craven, 2216 South 7th St., Philadelphia 48, Pa.

2 Eimac 150T, brand new, original cartons, $24.50 each.
1 RCA oscillator TMV-97-C, used, $15.00.
Thordarson class B input and output modulation trans. for 809, TZ20, 210, rated at 75 watts audio at $7.50 for both, used.

For sale by Arthur Garcia, KIUL, Garden City, Kans.

2 WE 212D. used 2500 hrs., excellent cond.
Brush sound cell BR2S mike, perfect cond., also floor stand.
Make offer.

For sale by KVI, Tacoma, Wash.

1 WE 220-B VT, 7259 hrs., make offer.

For sale by V. F. Young, 4408 Holly, Kansas City, Mo.

251-A trans. tube, almost new, make offer.

For sale by WHBI, Newark, N. J.

Meters:
Weston model 301 0-5 D.C. milliamps.
Weston model 301 0-300 D.C. milliamps.
Weston model 429 0-50 A.C. amperes.
Jewel 0-3 amps thermocouple.
Jewell 0-300 D.C. milliamps.

Simpson 0-200 D.C. milliamps.
30 henry 1.25 amp choke.
3 KVA 3 phase 220-2200 v. trans.
Assortment of Cardwell variable trans. cond.
WE 8000 cycle line equalizer and including 111C isolation trans.
Kenyon 250 watt class B modulator unit, including 2 ZB-120 tubes.
Make offer.

For sale by Scott Helt, Chief Engineer, WIS, Columbia, S. C.

1 Meissner 14 tube communications receiver, 550 kc. to 31 mc., in perfect cond., comp. with tubes and Utah speaker mounted in baffle, $135.00.
1 Triplett mod. 321, 0-100 Ma. D. C. milliammeter, $5.75.
1 Triplett mod. 321, 0-750 v. D. C. voltmeter, $10.00.
1 UTC, type PA-422 power trans., PA-3 case, $7.50.
All in perfect cond.

For sale by WQAM, Miami, Fla.

WE 6-B 1 KW trans. and rectifier plate supply unit.
Make offer.

For sale by WHEC, Rochester, N. Y.

300 used recording blanks, 16″ aluminum base.
Make offer.

For sale by C. T. Kasyam, 2208 So. Millard Ave., Chicago, Ill.

1 Weston thermocouple R-F meter 0-5 amperes, mod. #507.
1 Triplett D-C milliammeter 0-200 mod. 221.
1 Jewell D-C amp. mod. pattern 54.
Make offer.

For sale by WEBQ, Harrisburg, Ill.

1 Clausing retard choke, 40-1000, 2 leads, weighs about 100 lbs.
1 H.V. trans. 3200 v. pri. tapped, pole type housing.
13 Westinghouse static type L.D. 2300 v. capacity 1.22 to 1.28, will stand 5000 v.
1 GE .8 over load relay No. PQ 3.
1 Esco M. G. set shunt sound, rated 2500 v., will give 3000 v. with exciter and field rheostat., GE 3 phase 220 v.
THP motor all on one base, cond. excellent.
1 50 Amp 24 V.D. C. M. G. set 1/3 hp, 220 v., 3 phase motor, with field rheostat.
1 W.H. ¾ hp motor, 220 v., 3 phase.
1 Clausing heisting choke 40; 600, weight 50 lbs., retard.
2 Thordarson chokes No. 6410.
3 849A used.
Several used 204-A.
1 old style GR freq. dev. meter comp.
2 Xtals for 1210 kc.
3 WE double button mikes.
Parts were used in composite 250 W. trans.
Make offer.

For sale by Fred Craven, 2216 South Seventh St., Philadelphia 48, Pa.

New RCA 807, $3.50.
“ “ 955, $3.00.
“ “ 9002, $2.00.
“ “ 954, $5.00.
“ “ 957, $3.00.
“ “ 1852, $1.25.
Used RCA 809, $2.25.
Used RCA 76 (isolantite base), $1.00.
Used RCA Signal Generator TMV-97-C, $15.00.
New Hytron H175, $5.00.
New Eimac 150T, $25.00.
New B & W, 40 JVL, jr. coil, $1.00.
New 4″ P.M. speakers with output trans., $1.25.
New Hammarlund Isolantite octal sockets, $.50.
New G.I. model LX motor and turntable, $2.50.
New Thor. Ham special trans. (600-0-600), 7½ v. A.C. @ 3 amp., 5 v. @ 3 amp., 2:5 v. @ 10 amp., $3.50.
New Weston mod. 506, 0 to 7 v. D.C., $2.00, cracked glass.
New Weston mod. 506, 0 to 5 v. D.C., $2.50.
New Weston mod. 267, 0 to 100 ma., $2.00, cracked glass.
New Weston mod. 267, 0 to 10 ma, $2.50.
New Triplett VOM meter 0 to 1 ma movement, $3.50 (mod. 321).
New Conant rectifier type B, $1.50 (full wave 10 V RMS output 5 Ma).
New Jefferson 20 H. 200 MA filter choke, $3.00.
New GE (23F21) 2 MFD 1500 v. cond., $3.50.
New Thordarson class B input and output trans. for 809, TZ20, 210 tubes, 75 watts audio, $5.00.
Used 7A4 tubes, with bases removed for H.F. work, $.50.
Used RCA 866 tube, $1.00.
Used RCA 46 tube, $.35.
Used RCA 47 tube, $.35.
Used RCA 45 tube, $.25.
Used RCA 59 tube, $.50.
Used RCA 24 tube, $.25.
Used RCA 27 tube, $.25.
Used RCA 42 tube, $.25.
Used RCA 37 tube, $.25.
Used RCA 6A6 tube, $.50.
Used RCA 2A3 tube, $.25.
Used RCA 50 tube, $.75.
Used RCA 6J5 tube, $.25.
Used GE 6L6 tube, $.75.
Used GE 6H6 tube, $.25.
Also some Bliley Xtals and holders.

WILL BUY

Wanted by ***WDAK, Columbus, Ga.***

Concentric trans. line, lengths amounting to 400 ft., prefer 7/8″ size.

Address replies to J. D. Bishop, Chief Engineer.

Wanted by ***WEDC, 3860 W. Ogden Ave., Chicago, Ill.***

1 WE Cardioid mod. #639A microphone.
1 Boom stand—amperite or RCA mod.

Wanted by ***WHEC, Rochester, N. Y.***

1 40-C RCA program amplifier or equivalent.

Wanted by ***WOSU, Columbus, Ohio***

6 872-A tubes.

Wanted by ***Arthur Garcia, Chief Engineer, KIUL, Garden City, Kans.***

Good freq. monitor approved by FCC.
1 WE 9A reproducer and 5A tone arm.
Weston VI meter, must be good cond.
3 to 5 KVA, 90-130 v. autoformer.

Wanted by ***WEBR, Buffalo 2, N. Y.***

1 RCA type 33-A jack panel, or similar type by other manufacturer, suitable for mounting on 19″ rack.

Address replies to Raymond H. Lamy, chief engineer.

Wanted by ***WDEV, Waterbury, Vt.***

A single table recorder, comp., must be in good cond. and for 16″ discs. Cash price wanted.

Wanted by ***KGLO, Mason City, Iowa***

Jensen A-12 PM speaker, 8 ohm voice coil.

WE 555 receiver (loud speakers).

State number available, cond. and cost. Address chief engineer.

Wanted by ***WKEU, Griffin, Ga.***

1 280 ft. tower with or without lights.
1 1,000 watt trans.

Wanted by ***WHK, Cleveland, Ohio***

2 transcription cutting turntables, comp. with cutting heads, must be in good cond.

Address replies to R. H. DeLany, Acting Chief Engineer.

Wanted by ***KGCU, Mandan, N. D.***

16″ Presto or 16″ Rek-O-Duct cutting head with lead screw for 16″ Presto turntable, new or used.

Wanted by ***WRUF, Gainesville, Fla.***

1 RCA lateral reproducer MI-4856-A.

Wanted by ***WCBI, Columbus, Miss.***

1 or 2 freq. monitors, capable of meeting FCC requirements.

1 or 2 modulation monitors, capable of meeting FCC requirements.

Dual speed turntables, any make handling 16″ transcription.

Speech input equip., including pre-amplifiers, program amplifier, monitor amplifier, console, jack panels and miscellaneous equip.

Address replies to Bob McRaney, General Manager.

WILL SWAP

WOSU, Columbus 10, Ohio, will swap

3 WE 262-A vacuum tubes, new.

5 WE 270-A used tubes in excellent condition.

KWSC, Pullman, Wash., will sell or swap

4 used 220-B; in good operating cond.

FOR

892 tubes.

Frank P. Dane, 3852 Eagle St., San Diego 3, Calif., will swap

2 new 954 acorn tubes or 2 956 acorn tubes FOR WE or RCA cond. microphones in working condition.

The National Association of Broadcasters
1760 N STREET, N. W. ★ ★ ★ ★ ★ ★ ★ WASHINGTON 6, D. C.
December 24, 1943 SWAP BULLETIN No. 45

RADIO TUBE

BLACK MARKET?

The most widely used techniques for exacting premium prices for tubes for household receivers are:

1. A high service charge exacted before inspection is begun. (Even when set is brought in, charge is sometimes as much as $5.) Then, sale of tubes at list.
2. Sale of tubes at prices far exceeding list. Old "bootleg" technique is used:—"Here's a tube—$5. It's the only one in town. But don't tell where you got it."

At your early convenience will you be good enough to report any discoverable local black market for radio tubes? Just two facts are wanted: (1) If there is a black market; (2) how it works. Findings will be relayed to Office of Civilian Requirements.

Your Report Will Be Appreciated

Please write directly to Arthur Stringer, NAB, 1760 N Street, N. W., Washington 6, D. C.

WILL SELL

For sale by KINY, Juneau, Alaska

1 Used 204-A, 1 used 850, 3 used 803, 1 new 807 tube.

1 Allied Recording Co. 16″ turntable, comp. with cutting head, 112 line feed screw mechanism, GE motor, in leather case, price when new $205.00, first class cond.

2 Used filter cond., oil-filled, 2 microfarad, 10,000 v. working.

All items F.O.B. Western New York State. Make offer.

For sale by Erskine-Healy, Inc., 420 Saint Paul St., Rochester, N. Y.

1 4027 B Velocity microphone, 30′ shielded cable. AA-1 priority necessary. Price, $130.00.

For sale by WCAU, 1622 Chestnut St., Philadelphia, Pa.

1 Ultra high freq. broadcast trans. RCA 100-F. Cond. practically new. Used for experimental work only.

For sale by KWSC, Pullman, Washington

4 220-B, operating time has been lost, may be gassey.

For sale by Fred Craven, 2216 So. Seventh St., Philadelphia 48, Pa.

New RCA 845, $10.00.
New RCA DeForest 511, $10.00.
New Westinghouse 805, $13.50.
New Sylvania 211-C, $5.00.
Used RCA 204-A, $50.00.
New Eimac 100-T, $13.50.
Used National NC-100-XS, $125.00, receiver.
Used RCA test oscillator TMV-97-C, $15.00.
Some acorn tubes.
New RCA 955, $3.00.
New RCA 954, $5.00.
New RCA 957, $3.00.
New RCA 1852, $1.25.
Used RCA 809, $2.25.
Used RCA 76 (Isolantite Base), $1.00.
New Eimac 150-T, $25.00.
New B & W 40 JVL, Junior coil, $1.00.
Used GE 23F21, 2 mfd, 1500 V. Cond., $3.50.

Used Thordarson class B modulation trans., input and output for 809, TZ20, 210 tubes, 75 W audio, $5.00.

Used 7A4 tubes, with bases removed for HF work, $.50.

Used RCA photophone 5′ high metal relay rack, with amateur and WE notchings, comp. with all new Bud Masonite panels, never used, $25.00.

Used National NC100XS, $125.00.

Also some Bliley crystals and holders.

All sales subject to buyer's approval.

For sale by KGCU, Mandan, N. Dak.

Used Visasig ink tape code recorder, can be hooked on to any recorder with 500 ohm output. Mod. V-6, mfg. Universal Signal Appliance Co., A-1 cond., $75.00.

For sale by J. H. Wilson, P. O. Box 23, Ogden, Utah.

2 860 RCA tubes, new.

1 860 RCA tube, used 15 hrs. at 1500 v.

First $75.00 money order or certified check takes lot. Carefully packed, guaranteed good cond. at Ogden Express.

For sale by KBUR, Burlington, Iowa.

Wilcox-Gay Recordio, P.A., playback, cutting, 78 r.p.m. 1 unit, microphone.

Transmitter, composite 75 W, 6′ rack, 5 unit-power supply, modulators, buffer, final, antenna match unit.

Make offer.

For sale by H. Scott Killgore, 73 Tilden Road, Scituate, Mass.

4 WE double jack strips, each brand new. Make offer.

For sale by WOWO, Fort Wayne, Indiana

1 WE 232-B tube, used approx. 1508 hrs.
1 WE 232-B tube, used approx. 1731 hrs.
1 WE 232-B tube, used approx. 2771 hrs.
1 WE 232-B tube, used approx. 2865 hrs.
All in good cond. Make offer.

For sale by Ray Brooks, R. R. 2, Holton, Mich.

National cathode-ray oscilloscope CRO, good cond. with tubes, $28.00.

For sale by O. J. Mayer, 1305 35th St., N. W., Washington 7, D. C.

1 dynamotor, mfg. by Sperry Gyroscope Co., N. Y. V. 400, amps .005, motor 8 v., 60 amps. Field amps. 4, R.P.M. 2500.

Make offer.

For sale by Adelbert Dreesen, Mansfield Center, Conn.

WE constant speed recording motor and control cabinet, $40.00.

WE volume indicator, rack mtg., $9.00.

WE public address amplifiers, 41-A, 42-A, 43-A, $200.00.

WE high speed polarized relays 215-A, $10.00.

For sale by KTRI, Sioux City 9, Iowa

1 Model 8 K portable presto recorder, new. Make offer.

*For sale by **WPDQ, Jacksonville, Fla.***

1 GR beat freq. osc. type 413, battery operated, $50.00.

4 RCA 211 tubes, good cond., $8.00 each.

2 RCA 845, one new, other good cond., $8.00 each.

6 RCA 807, new, $3.50 each.

2 RCA 802, used, $2.00 each.

*For sale by **KFPW, Fort Smith, Ark.***

4 SR 80 N Amperite velocity microphones, $48.00 each, perfect cond.

*For sale by **United Broadcasting Co., 201 N. Wells St., Chicago, Ill.***

1 802, $3.50.

2 872, $15.00 both.

2 810, $13.50 each.

Tubes new and in original cartons. Address replies Egmont Sonderling.

*For sale by **KWIL, Albany, Oregon***

1 Thordarson "Tru Fidelity" output trans. type 3S22, $13.00.

4 RCA 811 tubes, unused, $3.50 each.

4 N.U. 2A3 tubes, unused, $1.00 each.

*For sale by **John H. Elrod, 1424 K St., N. W., Room 606, Washington, D. C.***

Webster amplifier, 35 w., 4 position mike input mixer and master gain control, high gain high impedance input, output 4, 6, 8, 15 and 500 ohms. Original cost, $125.00.

Bogen booster amplifier, 100 w., R&P or table mount, 4-807 output, original cost, $140.00.

Presto mod. K recorder, almost new, 12″ turntable, comp. self contained, has special audax head. Original cost, $370.00.

Projectors, Jensens, mod. SH5 for 12″ speakers. Have 5, 4 with 8′ stands with 24 lb. bases, can be hung. Original cost for lot, $216.00.

175′ tower, now in W. Va.

American D9T microphone with 25′ cable, original cost, $40.00.

Prices listed are approx. original costs. Leaving country, no reasonable offer refused. Meters not sold separately. All items in good cond. and almost new.

2 Taylor tubes T125, $13.50 each.

2 RCA tubes 805, $13.50 each.

2 Eimac tubes 35T, $6.00 each.

2 RCA tubes 811, $3.50 each.

2 Taylor tubes 866 Jr., $1.00 each.

2 RCA tubes 866, $1.50 each.

2 RCA tubes 866A, $1.50 each.

1 RCA tube 807, $3.50.

1 Thord. Plate Trans. 19P68 2000-2500 V 500 m a, $34.40.

1 Stancor Plate Trans. 1000-12000 V 500 m a, $20.28.

1 UTC Plate Trans. S-45 750-900 V 300 m a, $12.45.

1 UTC Plate Trans. 1500-2000 V 300 m a, $5.29.

1 Thord. Filament Trans. 19F99 6.3 V 10 a, $2.06.

1 Thord. Filament Trans. 19F82 2.5 V 15 a, $2.94.

1 Thord. Filament Trans. 19F89 2.5 V 10 a, $1.32.

1 Thord. Filament Trans. 19F84 5.0 V 8 a, $1.62.

1 UTC Filament Trans. S-55 6.3 V 3 a, $1.47.

1 UTC Filament Trans. FT6 5.0 V 3 a, $1.35.

1 Stancor Filament Trans. P3021 10 V 5 a, $2.35.

1 Thord. Filament Trans. 19F87 10 V 12 a.

1 Thord. Swinging choke 19C38 500 m a, $8.82.

1 Thord. smoothing choke 19C45 500 m a, $8.82.

1 Stancor Swinging choke C1405 500 m a, $9.26.

1 Stancor smoothing choke C1413 300 m a, $3.09.

2 UTC smoothing choke S-31 225 m a, $2.35 each.

2 smoothing chokes (make unknown) 150 m a, $1.50 each.

1 Stancor input Poly-Pedance Trans. A4762 15 watts, $4.00.

1 Stancor modulation trans. A9004 300 watt Poly-Pedance, $23.52.

1 Stancor mike or line to grid trans. A4351, $2.35.

1 Stromberg-Carlson No. 10 dynamic var. impedance, $22.50.

1 GE xtal mike on stand, $7.35.

1 American xtal mike, $10.50.

1 Advance relay keying 201K, $3.71.

1 Antenna change over relay, $5.44.

WILL BUY

*Wanted by **KWIL, Albany, Oregon***

1 RCA 33-A jack panel, or similar.

500-500 and 250-250 pads (Daven LA-800-F and LA-800-E or similar).

1 UTC A-10 input trans., or equiv.

1 UTC A-24 output trans., or equiv.

*Wanted by **KFPW, Fort Smith, Ark.***

1 RCA 76 B2 control board.

Wanted by WASK, Lafayette, Ind.

RCA lateral pickup MI-4856A, good cond. Will pay $30.00.

Wanted by KFEL, Denver, Colo.

GR 516-C R.F. bridge or equiv.

Wanted by WIBC, Indianapolis, Ind.

Broadcast band field intensity meter in good cond. Contact H. E. Adams, Chief Engineer.

Wanted by WJZM, Clarksville, Tenn.

1 RCA combination pickup such as used with RCA MI-4871-C turntable. Will consider pickup alone or comp. arm with trans., etc.

1 RCA type 72-C recording attachment for use with RCA MI-4871-C turntable.

1 RCA 82-C monitoring amplifier.

Address replies to chief engineer.

Wanted by WDBJ, Roanoke 2, Va.

1 3″ cathode ray oscilloscope, with self-contained amplifiers and preferably a sawtooth sweep. Claugh-Brengle or Dumont preferred.

Wanted by WGIL, Galesburg, Ill.

1 RCA type 88-A pressure microphone.

Wanted by Myron E. Kluge, Chief Engineer, KFSG, Los Angeles 26, Calif.

Visual type broadcast freq. monitor.

Approved broadcast modulation monitor.

Wincharger radio tower or sections.

VI meter, VU or DB scale.

Wanted by WLNH, Laconia, N. H.

1 814 tube and 1 802 or RK25 tube.

Wanted by KXRO, Aberdeen, Wash.

1 WE saltshaker, "eightball" or #618A microphone. Impedance, 30 ohms. Will consider other make if 30 or 250 ohms impedance and of broadcast quality. Give comp. details.

Wanted by KFAB, Lincoln, Nebr.

WE 702-A oscillator, any freq.

WE 2-A phase monitor.

Wanted by WPAY, Portsmouth, Ohio

815 tube.

Receiver for VHF use.

Address replies Maurice L. Myers, Chief Technician.

WILL SWAP

WFEA, Manchester, N. H., will swap

WE saltshaker 633-A.

FOR RCA junior velocity.

KTKC, Visalia, Calif., will swap

2 new CD 281-52 .0005 MF cond. 30 KV.

4 new GL-806 tubes.

2 new GL-833A tubes.

FOR

Fixed or variable cond. 300-500 mmf. .25 inch spacing.

500 ohm Daven or equal quality attenuators.

Good magnetic pickups for 16″ recordings.

RCA or WE microphones.

Address Chief Engineer.

KTKC, Visalia, Calif., will swap

I PA amplifier 25 watts, with 2 microphones.

1 phone input, bass and treble equalizers.

1 Jensen type ("S") projector with unit.

1 Utah similar to above.

8 810 tubes, new.

6 Fed. F-353 rectifiers, new.

4 RCA 807, new.

FOR

C-D type 9 2500-5000V, mica cond.

16″ overhead cutting mechanism.

16″ reproducing arms preferably magnetic type.

500 V 500 MA power supply components.

Time delay relay prefer 110V AC coil.

2 Conductor 16 or 18 ga lead covered wire.

500 ohm or 250 ohm Daven or equiv. attenuators.

High quality microphone.

Address Bert Williamson, Chief Engineer.

Please do your part to keep every broadcaster supplied with essential parts and materials. Check your stock today. List your long items under the heading "WILL SELL" and the items you need under "WILL BUY." Then write: POOL, National Association of Broadcasters, 1760 N Street, N.W., Washington 6, D. C. Your fellow broadcasters will do the rest.

For your convenience, or that of your counsel or accountant, in preparing your excess profits tax return, this Tax Bulletin is made available.

TAX BULLETIN

FEBRUARY 12, 1943 ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ No. 1

1760 N St., N.W. NATIONAL ASSOCIATION OF BROADCASTERS WASH., D.C.

Excess Profits Tax

NAB tax counsel, Ellsworth C. Alvord, has prepared a memorandum to assist broadcasters in preparing their excess profits tax return. This memorandum, together with a statement by Internal Revenue Commissioner Guy T. Helvering, and data on "Constructive Average Base Period" prepared under the direction of the NAB Research Committee, follows:

EXCESS PROFITS TAX RELIEF

Did you begin business after 1939, or even after 1934 or 1935? Did you, from 1934 or 1935 to December 31, 1939, become a member of a network or change your network affiliation, change your management, adopt an important technological improvement, change your broadcast frequency, step-up your power out-put, benefit from the use of directional antennae, change from a part-time to a full-time program, or undergo any other change causing the years 1936 to 1939, in whole or in part, to be unrepresentative of your normal earnings level? Or were there any interruptions in your operations during the base period attributable to abnormal events such as fires, floods, strikes, etc.? If, for any of these reasons, your base period experience was abnormally low or if you had no base period experience because of having been organized since 1939, you should be interested in the possibilities of relief under section 722 of the Internal Revenue Code in connection with your excess profits taxes. That section may enable you to increase your excess profits credit substantially, thereby reducing the amount of income on which excess profits taxes must be paid. Ignoring special provisions such as the post-war credit or refund, the net saving in taxes should be 50% of the amount by which you are able to increase your credit, since the effect of such an increase will be to subject an equivalent amount of income to tax at only 40% in lieu of 90%.

The nature of this relief and the types of situations in which the section operates, are explained below.

APPLICATION OF SECTION 722 OF THE INTERNAL REVENUE CODE TO THE RADIO BROADCASTING INDUSTRY

I—Function of Section

The function of section 722 will best be understood from a brief review of the structure of the Excess Profits Tax Act, with particular reference to the credits allowed against excess profits net income in the determination of the amount subject to the tax.

Basically, the excess profits tax is intended to be imposed only on *excess profits*. Under the statute excess profits are, roughly speaking, the excess of the taxpayer's excess profits net income (the special rules for the computation of which are not pertinent here) over the taxpayer's excess profits credit. A domestic corporation in existence prior to January 1, 1940 has two alternatives open to it in the way of excess profits credit: (1) The excess profits credit based on income, commonly known as the average earnings credit; and (2) the excess profits credit based on invested capital. A domestic corporation not in existence prior to January 1, 1940, and not an acquiring corporation under Supplement A, may use only the excess profits credit based on invested capital.

The average earnings credit is based on the corporation's earnings experience for the four years 1936 through 1939. Various special rules are provided to reflect growth and to lessen the burden of a single low income or loss year, but in general 95% of the average of the income for the four base period years is used as the basis for the credit. To this amount is added 8% of any net capital additions since the close of the base period or subtracted 6% of any net capital reduction since such date. The credit is based upon the theory that "the period from 1936 through 1939 represents a period of moderate prosperity for business in general" (Sen. Rept., p. 199), and that, therefore, the average earnings for such period represents a fair reflection of normal peace-time earnings.

The excess profits credit based on invested capital is 8% of the first $5 million of invested capital, 7% of the next $5 million, 6% of the next $190 million, and 5% of anything above $200 million. Various complicated special rules are provided for the computation of invested capital. In general, it consists of the tax basis of assets paid in for stock, plus accumulated earnings and profits, plus 50% of borrowed capital. The credit is intended to permit a corporation a reasonable return on its investment, before being subjected to excess profits tax. By reason of the arbitrary nature of the computation, however, and the fact that invested capital is frequently not the substantial income-producing factor, this credit fails in many cases to afford a fair measure of normal earnings. The radio industry is a typical example of the case where individual initiative and ability, goodwill developed through operations, and similar factors which may not be reflected in invested capital account primarily for the earnings produced.

It is obvious that, whatever may be said of this system of credits in the general run of cases, there are bound to be many instances in which such purely mechanical rules will fail to reflect normal earnings and will, therefore, produce extreme hardship. In the case of a given taxpayer the years 1936 through 1939 may be completely unrepresentative. The corporation may have commenced business too late to permit a fair reflection of its normal earning capacity during the base period. Changes in the character of the business may have occurred which caused the enterprise as of the close of the base period to be quite different from that during one or more years of the base period. Abnormal events may have existed in the years 1936 through 1939 which completely destroy those years as a criterion of the tax-payer's normal earning power. Obviously, it is desirable to provide an additional opportunity to the taxpayer under such circumstances to demonstrate what may reasonably be considered to be a fair and just amount representing its normal earnings.

The same may be said of a taxpayer which is not entitled to use the average earnings credit because of nonexistence prior to January 1, 1940 and is, consequently, limited to the invested capital credit. Many such taxpayers find the latter credit completely inadequate and inappropriate, particularly in the case where capital is not a material income-producing factor. Since the fundamental credit concept is that of normal earnings, an adequate opportunity should be given to the new corporation to establish what its normal earnings are or would be in the absence of war conditions and such a taxpayer should not be arbitrarily compelled to rely solely on the invested capital credit in computing its excess profits tax.

The function of section 722 is to provide such an opportunity to any taxpayer which can establish that the excess profits tax computed under the mechanical rules above described results in an excessive and discriminatory tax. In other words, this section provides for a constructive average base period net income in those cases in which the actual base period net income is not fairly representative of the taxpayer's normal earning power, or where the taxpayer is not entitled otherwise to use the earnings credit and the invested capital credit is demonstrably inadequate.

II—Grounds for Relief

(a) General Pre-requisite to Relief.

In order to be entitled to relief under section 722 the primary facts which the taxpayer must establish are:

(1) That the excess profits tax, computed without regard to section 722, results in an excessive and discriminatory tax, and

(2) The amount which would be a fair and just amount representing normal earnings to be used as a constructive average base period net income.

The circumstances in which the excess profits tax is considered to be excessive and discriminatory are set forth in subsections (b) and (c) and are discussed below.

The section provides that, in computing such constructive earnings, events or conditions subsequent to December 31, 1939 must be ignored except to the extent necessary to reflect (1) a change in the character of the business permitted to be taken into account even though not fully completed until after December 31, 1939, and (2) the nature of the business of a taxpayer not organized until after December 31, 1939.

(b) What Constitutes a Discriminatory Tax in the Case of a Domestic Corporation Organized Prior to January 1, 1940.

Relief is granted to domestic corporations organized prior to January 1, 1940 if their actual average base period net income is an inadequate standard of normal earnings because of any one or more of the following circumstances:

(1) *Normal production, output, or operation during any part of the base period was interrupted or diminished because of the occurrence, during or immediately prior to the base period,* of events unusual and peculiar in the experience of such taxpayer.*

The type of event or circumstance for which relief is intended to be granted under this paragraph is primarily a physical rather than an economic event or circumstance. A fire, a flood, or a strike would be within the scope of this provision. In the case of any corporation experiencing such an event, both the immediate results and the aftereffects should be taken into account. For example, a prolonged strike would not only cause the taxpayer to be completely or partly inactive during the period of the strike itself, but might have caused a temporary set-back in the business, the effects of which were felt for some period after the strike was concluded.

(2) *The taxpayer's business was depressed in the base period because of temporary economic circumstances unusual in the case of such taxpayer or because it was a member of an industry which was depressed on account of temporary economic circumstances peculiar to such industry.*

As a general rule, ordinary economic hazards to which business in general is subject, such as high costs of production, or low demand, or low selling prices for taxpayer's product, do not afford ground for relief. This classification of hardship cases deals primarily with distortions of base period income by reason of temporary economic circumstances peculiar to the taxpayer's business or peculiar to the industry of which it is a member. For example, a price war may have been carried on within an industry during the base period, affecting the earnings of the entire industry. On the other hand, although the industry's experience during the base period may have been normal, a particular member thereof may have suffered losses or a reduction in earnings by reason of events peculiar to it. For example, business may have been carried on with a single customer who, at sometime during the base period, decides to manufacture his own product. The base period would represent a period of development of new business rather than a period of normal operations (Sen. Rept., p. 199).

(3) *Owing to conditions generally prevailing in the industry, the taxpayer's profit cycle differs from the general business cycle or its earnings are sporadic, with the result that the base period does not represent a period of average normal profits to the same extent that it does for business generally.*

This paragraph seems wholly inapplicable to the radio broadcasting industry.

(4) *Either during or immediately prior to the base period, the taxpayer commenced business or changed the character of its business and the average base period net income does not reflect the normal operation of the business so commenced or changed for the entire base period of such business.*

This test presents a more varied subject-matter than any of the others and will be discussed in detail under a separate heading.

(5) *Any other factor, consistent in principle with the foregoing, which prevented the base period earnings from representing an adequate standard of normal earnings.*

This test is designed to insure that corporations which do not meet the strict eligibility requirements set forth in other parts of the section will not be debarred from relief if their cases are within the spirit of the statute and if its application would not be inconsistent with its principles, conditions, and limitations. An example of the application of this paragraph is that of a business involved in the manufacture of a product requiring an extensive period for preparation or manufacture, and which had no stocks of such product on hand at the commencement thereof.

(c) What Constitutes a Discriminatory Tax in the case of a Domestic Corporation organized after December 31, 1939.

This category embraces newly organized corporations which, except for section 722, would be forced to rely exclusively on the invested capital credit. The tax in the case of such corporations is considered to be excessive and discriminatory if the invested capital credit is an inadequate standard for determining excess profits for any one or more of the following reasons:

(1) The business of the taxpayer is of a class in which intangible assets not includible in invested capital under section 718 make important contributions to income;

(2) The business of a taxpayer is of a class in which capital is not an important income-producing factor; or

(3) The invested capital of the taxpayer is abnormally low.

If a business qualifies under this heading, it is permitted to construct an average base period net income, which may be used as a substitute for the invested capital credit. Provision is made for avoiding duplication between capital additions as such and the reflection of such items in the constructive average base period net income.

III—Changes in Character of Business

As already pointed out, relief is granted under section 722 in cases where the taxpayer, during the base period or immediately prior thereto, commenced business or changed the character of its business.

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* See discussion under III below for meaning of phrase "immediately prior to the base period".

As illustrative of what the term "change in the character of the business" is intended to embrace, the statute itself lists the following examples:

(1) A change in the operation or management of the business;

(2) A difference in the products or services furnished;

(3) A difference in the capacity for production or operation;

(4) A difference in the ratio of nonborrowed capital to total capital;

(5) The acquisition before January 1, 1940 of all or part of the assets of a competitor, with the result that the competition of such competitor was eliminated or diminished.

The rule that the change in the character of the business must have occurred during or immediately prior to the base period is relaxed in one respect: Any change in the capacity for production or operation of the business consummated during any taxable year ending after December 31, 1939 as a result of a course of action to which the taxpayer was committed prior to January 1, 1940, is deemed to be a change on December 31, 1939 in the character of the business. Such a commitment need not, however, take the form of a legally binding contract. It may take the form of the expenditure of money at the commencement of the desired changes or other alterations in position unequivocally establishing the intent to make the change. It is contemplated, however, that a change of this character will not be taken into account in determining the constructive average base period net income for credit purposes until the excess profits tax year in which such change was completed. (Sen. Rept., p. 202) Presumably, the word "completed" in this connection will be given a broad enough construction to justify taking into account those parts of a large project which may have been completed in years prior to the completion of the entire project as a unit. Furthermore, it is apparently intended that some flexibility will be employed in the determination of the extent to which such a change will be taken into account in computing average base period net income for the statement is made in the Committee Report that the extent to which the new facilities enter into the business of the corporation for the taxable year shall be considered to be the extent to which the character of the business was changed on December 31, 1939.

In determining whether a change of business antedating the base period occurred "immediately prior to the base period," no arbitrary temporal limitations control. The test is whether under normal conditions the effect of the change would not be manifested until sometime after the beginning of the base period and would be directly related to the change. (Sen. Rept., p. 200) The same principle would presumably apply with respect to a commencement of business prior to the base period.

An important feature of section 722 is the two year date-back provision. The section provides that in the case of commencement or a change in the character of business occurring during or immediately prior to the base period, if the business did not reach the earning level by the end of the base period which it would have reached if the business had been commenced or changed two years earlier, the commencement or change shall be deemed to have occurred at such earlier date. The purpose of this provision is to afford to growing corporations an opportunity to reflect in its constructive earnings for the base period the results of growth that otherwise would fall outside the base period.

In determining whether the corporation would have reached a higher earnings level at the end of the base period if the commencement or change of business had occurred two years earlier, consideration is to be given to the business experience of the taxpayer and to its prospects at the end of the base period. Events occurring or existing after December 31, 1939, cannot be considered. Accordingly, the operation of the date-back provision will not necessarily reflect as of the end of the base period the earnings level actually reached at the end of the second year following the base period. It may be lower or higher, depending on whether the war period has been favorable or unfavorable to the taxpayer's business.

IV—Potentialities of Section 722 in the Radio Broadcasting Field

The potentialities of section 722 in the radio broadcasting industry are substantial and warrant a careful examination of its possibilities by every member of the industry. While the particular event, circumstance, or situation which may form the basis of any given taxpayer's claim can be determined only in the light of that taxpayer's own experience, there are a number of broad categories of typical situations in the industry which, if borne in mind, will serve to organize the examination of a particular case and narrow its possibilities. Particular attention should be given to the following:

(1) *Commencement of business.*—(a) *Since 1939.*—Section 722 should be available in most instances to new radio broadcasting corporations which have commenced business since the end of the base period and which would otherwise be dependent upon an invested capital credit. Such corporations ought to be able to satisfy all three tests laid down in such cases. The broadcasting business is an excellent example of a business in which invested capital is not the principal income-producing factor. The location of the station, the power and frequency allotted to it. the efficiency of the management and the caliber of the programming are some of the substantial contributing factors. Compared with the potential earning capacity of a station, the amount of capital required for equipment and operations is relatively small. Consequently, the new companies should make every effort to establish a constructive base period earnings credit under section 722 which will afford them a much fairer measure of normal earnings than mere return on invested capital. Such corporations will probably encounter some complications in establishing what their earning capacity would have been had they operated on a comparable basis in the same area during the base period, giving attention to geographical location, power output, frequency, and other relevant factors of a specific nature. However, the general business conditions prevailing in the industry during such period are well known, and comparisons with other stations operating during the base period (which will be one of the principal standards in these cases) can readily be drawn .

(b) *During or immediately prior to the base period.*—Many companies which began business prior to 1940, but during or immediately prior to the base period, will also find section 722 beneficial. Vacant years in the base period are, apart from section 722, given an excess profits net income based on the invested capital principle. Section 722 will enable the taxpayer to substitute a hypothetical experience more nearly in line with normal earnings. Careful calculations should be made, however, for in many instances a low base period experience in the first half of the base period will be of greater advantage, coupled with the use of the growth formula, than a constructive credit under section 722. This is most likely to be true if the taxpayer actually reached its normal earnings level prior to the close of the base period, and is therefore deprived of the benefits of the two-year date-back provision already described. The important factor will generally be whether substantial increases can be made in the excess profits net income for the second half of the base period.

(2) *Changes in management.*—Changes in management are particularly significant in their effect upon earnings in any industry where, as in the radio broadcasting industry, the personal ability and judgment of those running the business play so important a part in attaining results. In many instances it will be a relatively simple matter to demonstrate that the company's improved earnings are attributable to such a change. Where the case is clear as to cause and effect, relief should be available under section 722 even though it will probably be impossible to prove the effect on earnings with mathematical certainty. The two-year date-back

provision may operate to produce a credit which can not be obtained under other provisions of the statute.

(3) *Strikes, fires, etc.*—The individual stations may find that one or more events of a physical nature, such as strikes, fires, etc., may have occurred in the base period and resulted in depressing their earnings for one or more base period years. Distortions in base period income can be corrected under section 722. It should be pointed out, however, that if the company is using the normal growth provision under section 713, such a correction may not produce an increased credit if the distortion occurred in the first half of the base period. If in the last half, the advantages of the correction are obvious.

(4) *Increases in capacity.*—It is doubtful whether mere lack of physical facilities for handling available business will afford grounds for substantial relief in many cases. However, increases in the power of the station, the development of networks and other factors may be extremely important. The importance of these factors, which are more properly classified under changes in methods of operation, are considered further below.

(5) *Technological Developments.*—Any significant technological development in the radio field, from the point of view of either sending or receiving, should be carefully investigated to determine whether there has been any appreciable upturn in business or decrease in expenses following the adoption of such improvement which can be attributed thereto. If such changes have occurred since the beginning of the base period, their effect upon net earnings for the entire base period should be reflected in the constructive earnings under section 722. Statistics relative to the industry as a whole may prove the most helpful source of supporting data.

(6) *Mechanical improvements in individual stations.*—The installation of directional antennae, increases in power, and changes in frequency have contributed substantially to the earning capacity of many stations since the beginning of the base period. These improvements will usually be directly reflected in earnings through increases in time charges and in the attraction of new advertisers whose business requires reaching a listening public in outlying districts. In some instances, such changes have been responsible for a station's going on a full-time, rather than part-time, basis. Stations which have been developed along these lines should give careful consideration to the possibility of obtaining relief under section 722.

(7). *Development of networks.*—The developments in the national and regional network systems which have occurred since 1936 (or "immediately" prior thereto) have had a substantial effect upon the earning capacity of those stations which have participated therein. The development of the network system by the initiating corporation results in an increase in its capacity. The joining of the system by the affiliated corporations represents a change in method of doing business, or in method of operation. In either case the change unquestionably falls within the classification of a "change in the character of the business" within the meaning of section 722.

Almost invariably earnings have been enhanced thereby. Both the initiating company and the affiliate are put in a position to offer a more valuable service to the public, and, therefore, to their advertising clientele. Clientele, rate structures, and costs, all of which are basic factors that contribute to the determination of net income, are affected by the change from local broadcasting to broadcasting as a part of a network system. Consequently, in cases of this type, the reconstruction of base period earnings may be essential in order to obtain a fair measure of normal profits from network operations.

(8) *Other Possibilities.*—It is not believed that any relief can be predicated upon distortion due to temporary economic circumstances peculiar to the radio broadcasting industry as a whole. The history of the industry does not show any such situation to have existed. However, the individual members thereof may find grounds for relief based on peculiarities in their own base period experience.

If, during the base period, the taxpayer has expanded its activities by venturing into some new but related field, such as recording, relief under section 722 should be available for the purpose of revising the taxpayer's credit to reflect the bearing of the new activity on base period earnings.

V—Supplement A Cases

Supplement A of the Code, which has been completely revised in the 1942 Act, provides that where the taxpayer has, since the beginning of the base period, absorbed the business of another corporation pursuant to certain specified transactions, it is entitled to include in its average earnings credit the base period earnings experience of the other corporation. The question has arisen as to the application of section 722 where the changes in the character of the business or other factors recognized in that section as producing an inadequate standard of normal earnings occur in the base period experience of the absorbed corporation rather than in the base period experience of the taxpayer itself.

Section 722(e), as revised by the 1942 Act, specifically provides that in such cases the business of the absorbed corporation shall be treated as the business of the taxpayer for the purposes of that section. The effect of this provision is, obviously, to permit a reconstruction of the earnings credit by reconstructing the earnings of the absorbed corporation as well as the earnings of the taxpayer. However, in spite of the clear language of the section, the Bureau has recently ruled in I. T. 3585, 1942-46 Int. Rev. Bull., page 3, that the taxpayer must choose between the benefits of section 722 and Supplement A and that in the event that it elects the latter it is not entitled to the benefits of the relief provision. The ruling is in direct conflict with the specific provisions of section 722 as now written and consequently can be disregarded. It is understood that the ruling was prepared on the basis of the preexisting law, as is evidenced by the references to Committee Reports on the excess profits tax amendments of 1941. It is hoped that the ruling will eventually be revoked in order to eliminate the doubts that have been created by its promulgation.

In the event that section 722 relief is applied for in a Supplement A situation, it is probable that the constructive earnings will be developed by considering the activities of the taxpayer and its component corporations as a single enterprise during the base period rather than by considering each corporation separately. To the extent that the ruling above referred to provides for this treatment, it is unobjectionable.

VI—Procedure

(1) *Filing of application.*—Basically, the benefits of section 722 must be obtained by way of credit or refund rather than in the computation of the tax shown on the return. Application for such relief must be filed within six months from the date prescribed by law for the filing of the excess profits tax return for the taxable year for which the relief is requested. The time prescribed by law for filing the return includes the period of any extension of time granted by the Commissioner. If, however, the taxpayer does not apply for relief within such period and a deficiency in tax is subsequently proposed by the Commissioner, the taxpayer is given a further opportunity to claim the benefits of section 722, but in such case the relief is merely by way of offset and cannot accomplish more than the reduction or elimination of the proposed deficiency. If the notice is a preliminary notice, an application may be filed within 90 days after the date thereof. If the notice is a final notice and either no preliminary notice was issued or it was issued less than 90 days before the date of final notice, the benefits of section 722 may be claimed in the taxpayer's petition or amended petition before The Tax Court of the United States.

The relief accorded by section 722 is retroactive, *i. e.*, the taxpayer may claim it for taxable years beginning in 1940 and 1941 as well as years beginning thereafter. The statute provides that the application for retroactive relief in the case of taxable years beginning prior to 1942 shall be filed by April 21, 1943.

As to the detail required in the original application for relief, see I.T. 3599, published herewith.

(2) *Subsequent years.*—Once the constructive average base period net income has been determined, the Commissioner is authorized by regulation to waive some or all of the limitations above described relative to the manner in which relief may be claimed. It is contemplated that such regulations will provide that, in the absence of substantial evidence requiring a redetermination for future years, the taxpayer may continue to use such constructive average base period net income on its return.

(3) *Deferment of tax in certain cases.*—Although the general rule is that the taxpayer must compute and pay its tax in the first instance without regard to section 722, it is recognized that there may be cases of special hardship in which relaxation of this rule ought to be made. Section 710(a)(5), therefore, provides that if more than 50% of the taxpayer's income would, without regard to section 722, be subject to excess profits tax, a taxpayer claiming the benefits of section 722 on its return may defer payment of 33% of the amount of excess profits tax which would be saved by the application of section 722. For example, if a taxpayer has a total income of one million dollars and an excess profits credit (computed without regard to section 722) of $195,000, the adjusted excess profits net income will amount to $800,000, which is in excess of 50% of one million dollars. If the taxpayer claims section 722 and determines that the application of that section will produce an excess profits credit of $595,000 the adjusted excess profits net income will be only $400,000. The saving in excess profits tax as a result of the application of section 722 would therefore be $360,000, *i. e.*, 90% of $400,000 (the difference between $800,000 and $400,000). The taxpayer may defer the payment of 33% of this amount, or $118,800, thus being required to pay an excess profits tax of only $601,200, in lieu of $720,000. If the claim is valid in its entirety, the taxpayer will be entitled to the remainder of the $360,000 excess profits tax relief claimed, or $241,200. The net tax saving on all taxes will, of course, be less than $360,000, owing to adjustments which will have to be made in the normal and surtax.

(4) *Review of Commissioner's determination.*—Issues arising under section 722 cannot be tried by suit for refund in the Court of Claims or District Courts of the United States. Review may be had only in The Tax Court of the United States (formerly the Board of Tax Appeals), and for this purpose the denial of a section 722 application is treated as a deficiency notice. The Tax Court's decisions on section 722 cases are final and may not be appealed to any higher tribunal. Furthermore, it is provided that although section 722 matters may be tried by any Division of The Tax Court in the first instance, any determinations and redeterminations shall be reviewed only by a Special Division of the Court appointed by the Presiding Judge and consisting of not less than three members. Decisions of this Special Division, which cannot be reviewed by the Court as a whole, are nevertheless to be deemed decisions of the Court, and are final.

EXCESS PROFITS TAX RELIEF RULING

Commissioner of Internal Revenue Guy T. Helvering last Monday called attention to a ruling which will be published in the Internal Revenue Bulletin, relative to the general relief provisions of section 722 of the Internal Revenue Code, as amended by section 222 of the Revenue Act of 1942.

The Commissioner stated that the ruling sets forth certain conditions under which applications for relief on form 991 (revised January, 1943), which must be filed on or before April 21, 1943, in order to obtain relief for the taxable years 1940 and 1941, may be supplemented within a reasonable time after the time prescribed for filing if it is not possible for the corporation to obtain and present all the detailed information required to fully establish its eligibility for relief and the amount of its constructive average base period net income.

The Commissioner stated, however, that the corporation's application for relief must set forth in detail and under oath each ground under section 722 and the factors upon which the application is based with sufficient data and information to apprise the Commissioner of the exact basis thereof.

The same conditions apply to applications for relief for the taxable year 1942 and subsequent years which must be filed not later than six months after the date prescribed for the filing of the excess profits tax return. The ruling also deals with the requirements where corporations claim the benefits of section 710 (a) (5) of the Internal Revenue Code, as added by section 222 (b) of the Revenue Act of 1942, which relate to deferment of payment of excess profits tax shown on the 1942 return based upon a claim that such taxes are excessive and discriminatory.

The text of the ruling is as follows:

SECTION 722.—GENERAL RELIEF—CONSTRUCTIVE AVERAGE BASE PERIOD NET INCOME

Regulations 109

1943-3-11344—I.T. 3599

Internal Revenue Code

> Time for filing and information to be contained in Form 991 (revised January 1943)—Application for relief under section 722 of the Internal Revenue Code.

Advice has been requested relative to section 722 of the Internal Revenue Code, as amended by section 222 (a) of the Revenue Act of 1942, which extends general relief to corporations where their excess profits taxes are determined to be excessive and discriminatory. The relief is granted to corporations which establish what would be a fair and just amount representing normal earnings to be used as a constructive average base period net income for the purposes of an excess profits tax based upon a comparison of normal earnings and earnings during the excess profits tax taxable year. This relief has been made retroactive to taxable years beginning in 1940 and 1941.

In order to obtain relief with respect to the tax shown on the excess profits tax return for taxable years beginning in 1940 or 1941, an application on Form 991 (revised January 1943) must be filed on or before April 21, 1943, with the Commissioner of Internal Revenue, Washington, D. C. However, if the taxpayer has already filed a claim for relief upon Form 991 under section 722 prior to its amendment by the Revenue Act of 1942, the data and information submitted with such earlier form need not be repeated in Form 991 (revised January 1943), provided reference is made to such earlier form as constituting a part of the revised form. The corporation's application for relief must set forth in detail and under oath each ground under section 722 upon which the application for relief is based, and facts sufficient to apprise the Commissioner of the exact basis thereof. The mere statement of the provision or provisions of law upon which a claim for relief is based shall not constitute an application for relief within the meaning of section 722. If a claim for relief is based upon section 722 (b) (5) (relating to factors other than those expressly provided by section 722 (b) (1), (2), (3), and (4)), the application must state the factors which affect the corporation's business and which may reasonably be considered as resulting in an inadequate standard of normal earnings during the base period. However, if it is not possible for the taxpayer on or before April 21, 1943, to obtain and present all the detailed information required to establish its eligibility for relief and the amount of its constructive average base period net income, such detailed information may be submitted later as a supplement to the application.

If the benefits of section 722 are claimed with respect to the tax shown on the return for a taxable year beginning in 1942 or a subsequent year, an application must be filed in the same manner as is prescribed with respect to applications filed for years beginning in 1940 or 1941, except that the application for a taxable year beginning in 1942 or a subsequent year must be filed not later than six months after the date prescribed by law for the filing of the excess profits tax return. Such date includes the period of any extension of time granted for the filing of such return. Corporations claiming the benefits of section 710 (a) (5) of the Internal Revenue Code, as added by section 222 (b) of the Revenue Act of 1942, relating to deferment of payment of excess profits tax shown on the return, must attach Form 991 (revised January 1943) to their excess profits tax returns at the time of the filing of such returns. In such case, there must be set forth in the form the data and information relied upon, in sufficient detail to establish eligibility for relief, the amount of constructive average base period net income claimed, the amount of tax reduction claimed by the use of section 722, and the amount of tax deferment claimed on the return.

A corporation may, within a reasonable time after the time prescribed for the filing of Form 991 (revised January 1943), supplement its application for relief by furnishing additional data and information to prove the grounds for relief stated in such application and to establish the amount of the constructive average base period net income. However, no new grounds for relief presented by a corporation after the date prescribed for the filing of its application for relief will be considered.

DATA ON "CONSTRUCTIVE AVERAGE BASE PERIOD"

At the direction of the NAB Research Committee, an effort has been made to collect figures which will be useful to stations which elect to file for relief from the Excess Profits Tax, under Section 722 of the Internal Revenue Code, as amended. It was the hope of Roger W. Clipp, WFIL Philadelphia, committee chairman, that concise figures of net profit before Federal tax could be devoloped by station classification and city size, which would enable stations to use the figures furnished in the tax returns they file. This objective has not been attained because of incomplete data, the lack of refinement of those data available, and insufficient detail to classify stations as to like Commission assignment and city size as a criterion of market service. The Research Committee and the Research Department are continuing their efforts to obtain useful data in this connection, but release that information which is available at this time to satisfy the numerous requests which have been received from stations.

There are but two sources of net income data outside of the books of broadcasting stations. These are the financial reports for broadcast stations and networks of the FCC and the U. S. Treasury Department. The Treasury is not able at this time to make available any information on the net income of stations and networks as filed in their tax returns for 1936 through 1939.

The FCC has prepared and made limited releases of such information for the years, 1937, 1938 and 1939. No such information is available for the year 1936. Some consideration has been directed to the possibility of preparing estimates for that year. However, it is the opinion of the Research Director that a reliable estimate of net income in the detail of station classification and city size cannot be made from existing data within acceptable limits of error to render such information valuable in filing tax returns.

In the following table, broadcast service income (net profits before Federal tax) is presented by class of station and network affiliation showing the detail of the number of stations reporting the total net income and average per station for the years, 1937, 1938 and 1939:

BROADCAST SERVICE INCOME*
BY CLASS OF STATION AND NETWORK AFFILIATION
1937, 1938 AND 1939

	1937			1938			1939		
	Stations Reported	Total Broadcast Service Income	Average Per Station	Stations Reported	Total Broadcast Service Income	Average Per Station	Stations Reported	Total Broadcast Service Income	Average Per Station
CLEAR CHANNEL—50 KW & OVER UNLIMITED									
Network	29	$8,469,603	$292,055	31	$7,642,445	$246,530	33	$9,375,101	$284,094
Non-Network	...	....	....	...	....	....	...	....	....
Total.......	29	8,469,603	292,055	31	7,642,445	246,530	33	9,375,101	284,094
CLEAR CHANNEL—50 KW & OVER PART TIME									
Network......	4	484,269	121,067	4	384,095	96,024	4	401,331	100,332
Non-Network..	...	....	....	...	....	....	...	....	....
Total.......	4	484,269	121,067	4	384,095	96,024	4	401,331	100,332
CLEAR CHANNEL—5–25 KW UNLIMITED									
Network......	8	796,812	99,601	14	433,086	30,935	19	775,845	40,834
Non-Network..	...	....	....	...	....	....	...	....	....
Total.......	8	796,812	99,601	14	433,086	30,935	19	775,845	40,834
CLEAR CHANNEL—5–25 KW PART TIME									
Network......	9	228,718	25,413	4	53,927	13,482	5	89,331	17,866
Non-Network..	1	(d) 11,673	(d) 11,673	...	....	....	...	....	....
Total.......	10	217,045	21,704	4	53,927	13,482	5	89,331	17,866
REGIONAL CHANNEL—UNLIMITED									
Network......	163	7,448,726	45,697	169	5,645,771	33,407	177	6,393,853	36,123
Non-Network..	33	(d) 319,639	(d) 9,686	34	(d) 177,141	(d) 5,210	29	(d) 26,502	(d) 914
Total.......	196	7,129,087	36,372	203	5,468,630	26,939	206	6,367,351	30,909
REGIONAL CHANNEL—LIMITED & DAY									
Network......	9	(d) 8,435	(d) 937	12	(d) 25,467	(d) 2,122	14	59,930	4,281
Non-Network..	59	(d) 10,604	(d) 179	56	(d) 63,368	(d) 1,132	59	104,385	1,769
Total.......	68	(d) 19,039	(d) 279	68	(d) 88,835	(d) 1,306	73	164,315	2,251

BROADCAST SERVICE INCOME* — *Continued*
BY CLASS OF STATION AND NETWORK AFFILIATION
1937, 1938 AND 1939

	1937			1938			1939		
	Stations Reported	Total Broadcast Service Income	Average Per Station	Stations Reported	Total Broadcast Service Income	Average Per Station	Stations Reported	Total Broadcast Service Income	Average Per Station
Regional Channel—Part Time									
Network......	15	322,276	21,485	15	236,809	15,787	16	281,712	17,607
Non-Network..	22	140,631	6,392	18	65,025	3,612	16	71,798	4,487
Total.......	37	462,907	12,511	33	301,834	9,146	32	353,510	11,047
Local Channel—Unlimited									
Network......	54	294,583	5,455	91	276,237	3,036	125	520,450	4,164
Non-Network..	133	315,120	2,369	136	6,888	51	164	100,218	611
Total.......	187	609,703	3,260	227	283,125	1,247	289	620,668	2,148
Local Channel—Day & Part Time									
Network......	4	12,870	3,217	10	7,542	754	4	16,621	4,155
Non-Network..	81	96,746	1,194	66	19,489	295	40	42,643	1,066
Total.......	85	109,616	1,290	76	27,031	356	44	59,264	1,347
All									
Network......	295	18,049,422	61,184	350	14,654,445	41,870	397	17,914,174	45,124
Non-Network..	329	210,581	640	310	(d) 149,107	(d) 481	308	292,542	950
Total.......	624	18,260,003	29,263	660	14,505,338	21,978	705	18,206,715	25,825

* Broadcast Service Income is the figure of profit and loss from operation before Federal Taxes are deducted. These are the figures, insofar as the FCC has maintained accounting comparability between the three years involved. In the physical set-up of the financial reports there have been numerous changes in accounting terms ascribed to various items of income and expense which leaves some question as to whether strict comparability has been maintained.

Source: "Financial and Employee Data for the Broadcast Industry" compiled and published by the FCC.

(d) Deficit.

February 8, 1943

The following table presents broadcast service income by city size and class of station for the years 1937 and 1939. This detail of information was not prepared by the FCC for the year 1938, and it is reported that the Commission cannot furnish such information without resorting to a costly and time-consuming re-tabulation of some 660 station reports. In presenting this information, some adjustments were necessary to establish direct comparison of the two years. The FCC report for 1939 contained finer population brackets than that for 1937. As an example, the top city size was 2,000,000 population and over. The second bracket was 1,000,000 to 2,000,000. These two were combined to enable comparison. Any adjustments made were accomplished by straight addition without need for any estimating or apportioning.

BROADCAST SERVICE INCOME
BY CITY SIZE AND CLASS OF STATION
1937 AND 1939

		1937			1939		
City Size	Class of Station	Stations Reported	Total Broadcast Service Income	Average Per Station	Stations Reported	Total Broadcast Service Income	Average Per Station
1,000,000 & Over.........	Clear Channel:						
	50kw—Unlimited.........	16	$5,608,920	$350,557	16	$5,734,116	$358,382
	Other..................	5	584,811	116,962	6	288,643	48,107
	Regional Channel:						
	Unlimited..............	32	1,026,322	32,073	34	1,032,604	30,371
	Limited & Day..........	16	(d) 65,621	(d) 4,101	16	193,873	12,117
	Part-time..............	15	344,870	22,991	14	291,448	20,818
	Local Channel:						
	Unlimited..............	12	162,903	13,575	14	52,428	3,745
	Other..................	13	35,765	2,751	11	2,186	199
Total......................		109	7,697,970	70,624	111	7,595,298	68,426
250,000–1,000,000.........	Clear Channel:						
	50kw—Unlimited.........	9	2,300,490	255,610	12	2,786,459	232,205
	Other..................	7	507,536	72,505	8	458,950	57,369
	Regional Channel:						
	Unlimited..............	57	4,099,140	71,915	61	3,642,067	59,706
	Limited & Day..........	8	(d) 11,439	(d) 1,430	9	(d) 27,681	(d) 3,076
	Part-time..............	9	45,927	5,103	5	45,679	9,136
	Local Channel:						
	Unlimited..............	20	175,132	8,757	27	209,549	7,761
	Other..................	11	30,085	2,735	5	(d) 3,956	(d) 791
Total......................		121	7,146,871	59,065	127	7,111,067	55,993

BROADCAST SERVICE INCOME — *Continued*
BY CITY SIZE AND CLASS OF STATION
1937 AND 1939

		1937			1939		
City Size	Class of Station	Stations Reported	Total Broadcast Service Income	Average Per Station	Stations Reported	Total Broadcast Service Income	Average Per Station
100,000–250,000	Clear Channel:						
	50kw—Unlimited	3	426,711	142,237	4	608,029	152,007
	Other	6	327,063	54,510	9	400,596	44,511
	Regional Channel:						
	Unlimited	39	1,199,371	30,753	39	963,960	24,717
	Limited & Day	5	9,852	1,970	4	(d) 32,623	(d) 8,156
	Part-time	4	31,183	7,796	7	68,294	9,756
	Local Channel:						
	Unlimited	22	31,019	1,410	32	104,586	3,268
	Other	6	8,113	1,352	1	(d) 1,620	(d) 1,620
Total		85	2,033,312	23,921	96	2,111,222	21,992
50,000–100,000	Clear Channel:						
	50kw—Unlimited	3	215,885	71,962	1	246,497	246,497
	Other	...	....	....	2	98,306	49,153
	Regional Channel:						
	Unlimited	18	505,865	28,104	19	367,448	19,339
	Limited & Day	8	92,455	11,557	8	54,852	6,856
	Part-time	...	....	....	1	29,603	29,603
	Local Channel:						
	Unlimited	...	....	....	26	54,095	2,081
	Other	18	136,961	7,609	1	(d) 2,786	(d) 2,786
Total		47	951,166	20,237	58	848,015	14,621
25,000–50,000	Clear Channel:						
	50kw—Unlimited	...	....	....	2	30,858	15,429
	Other	...	....	....	...	....	....
	Regional Channel:						
	Unlimited	26	184,004	7,077	26	208,568	8,022
	Limited & Day	9*	32,479	3,609	9	1,141	127
	Part-time	...	....	....	...	....	....
	Local Channel:						
	Unlimited	31	35,491	1,145	55	65,986	1,200
	Other	12	22,054	1,838	5	14,122	2,824
Total		78	274,028	3,513	97	320,675	3,306
10,000–25,000	Clear Channel:						
	50kw—Unlimited	...	....	....	...	....	....
	Other	...	....	....	1	(d) 10,846	(d) 10,846
	Regional Channel:						
	Unlimited	14	132,627	9,473	18	128,233	7,124
	Limited & Day	11	389	35	16	(d) 21,182	(d) 1,324
	Part-time	6*	(d) 26,127	(d) 4,354	4	(d) 47,031	(d) 11,758
	Local Channel:						
	Unlimited	53	71,368	1,347	91	78,801	866
	Other	30	11,153	372	10	45,535	4,553
Total		114	189,410	1,661	140	173,510	1,239
Under 10,000	Clear Channel:						
	50kw—Unlimited	...	....	....	...	....	....
	Other	...	....	....	...	....	....
	Regional Channel:						
	Unlimited	10	(d) 18,242	(d) 1,824	9	24,471	2,719
	Limited & Day	13	(d) 30,925	(d) 2,379	11	(d) 4,065	(d) 370
	Part-time	3	17,138	5,713	1	(d) 34,483	(d) 34,483
	Local Channel:						
	Unlimited	33	1,593	48	44	55,223	1,255
	Other	11	(d) 2,318	(d) 211	8	5,783	723
Total		70	(d) 32,754	(d) 468	76	46,929	617
Grand Total		624	$18,260,003	$29,263	705	$18,206,716	$25,825

* Includes one part-time, clear channel station, which the FCC classified as regional, so that single station information would not be disclosed.

Copies of the above tables have been sent to officials of the Treasury Department and the Bureau of Internal Revenue. The letters transmitting the tables set forth the objective in preparing this information as that of aiding stations seeking relief under Section 722 of the Internal Revenue Code, as amended, which provides for the establishment of a constructive average base period net income. It is pointed out that the information contained in the two tables constitutes all of the official information on the subject which is immediately available to the industry. It is mentioned that the Treasury and the Bureau of Internal Revenue have the basis information from which the exact data desired could be prepared. The query is made whether the Department will elect to assist the taxpayer in establishing a constructive average base period net income on the experience of similar station business situations. It is realized that to follow this procedure would involve a tremendous amount of work on the part of the Department for broadcasting alone. The task for all business would be staggering. NAB is in a fortunate position to offer material assistance, if that course is followed, through the use of the historical station file maintained in the Research Department. Complete information has been maintained in this file on the Commission assignments of power, frequency, operating time, size of city, and network affiliation which appear to be the principal criteria for establishing like situations among station businesses. New developments along this line will be reported to the membership.

This tax bulletin dealing with the Withholding Tax has been prepared for your convenience and possible guidance. Stations are invited to submit any questions to NAB for consideration.

TAX BULLETIN

JULY 2, 1943 * * * * * * * * * * * * * * No. 2

1760 N St., N.W. NATIONAL ASSOCIATION OF BROADCASTERS Wash. 6, D. C.

Pay-As-You-Go Tax

The pay-as-you-go tax is not a new or additional tax. It is merely a method for collecting existing taxes currently rather than after the close of the year. This is accomplished by requiring employers to withhold and pay to the Government a portion of all wage payments. This portion is roughly equal to the Victory Tax, normal tax, and first-bracket surtax applicable to such wage payment.

Withholding applies only to wages. "Wages" include all forms of remuneration—cash, property, or some other medium of payment—for services performed by an employee for his employer. Generally, the rules for determining whether an individual is an employee under the Victory Tax and Social Security Act will also apply for purposes of withholding under the pay-as-you-go tax. However, since the pay-as-you-go plan merely alters the form of collection of existing taxes, and does not impose an additional tax, the tendency is likely to be to resolve all doubts in favor of the employer-employee relationship in a given case.

When Tax Goes Into Effect

The new withholding provisions (20%) are applicable to all wage payments made for established payroll periods beginning on or after July 1st, 1943. The old Victory Tax withholding provisions (5%) are applicable to payments made for payroll periods beginning prior to July 1st, 1943, even though they may end after June 30th, 1943.

So-called supplemental wages, *i.e.*, commissions, bonuses, etc., are also subject to withholding. If they are paid in respect of the same payroll periods as have been established for the recipient's ordinary wage payments, they are subject to the 20% withholding, if the payroll period began on or after July 1st. But if they are payable with respect to a different pay period or with respect to no pay period, they are subject to the new provisions if *paid* on or after July 1st, regardless of when earned. Any other wage payment made for other than an established pay period is subject to the same rule.

Computation of Amount to be Withheld

There are two methods for figuring the amount to be withheld. The employer may use either method.

Under the "wage bracket withholding" method, the amount of the tax to be withheld can be determined directly from a series of tables set forth in the statute. These tables appear on pages 6 through 10 of the attached Circular WT. This method of withholding is simple, and should be used except where the employees insist on an exact computation.

It will be found convenient to administer withholding on the wage bracket method by numbering the columns in each table from 1 to 10. On the basis of the information submitted by each employee on Form W-4, a corresponding number may be associated with his name on the payroll list. In computing the amount to be withheld in the case of each employee, it will then be possible merely to refer to the column in the table bearing the same number as that associatd with the particular employee's name.

Under the "exact computation" method, the employer withholds whichever of the following is the greater:

(1) 20% of the excess of the wage payment over the family status withholding exemption, or

(2) 3% of the excess of the wage payment over the Victory Tax withholding exemption.

These exemption tables appear on page 2 of the attached Circular WT. On page 11 of such Circular there also appears a table indicating the levels at which the 20% computation will exceed the 3% computation.

In fixing both the withholding exemptions and the amounts shown on the wage bracket tables, some account has been taken of what are considered average deductions. Actual deductions will be allowable on the taxpayer's return after the close of the year and appropriate adjustments will then be made.

Credit for Taxes Withheld

The employee must still file a tax return on March 15th, showing his true tax liability for the preceding year. Against this tax liability he is entitled to a credit for the taxes which have been withheld. If such credit exceeds the amount of his true tax liability (because of deductions, etc.), he will receive a cash refund of the difference or it will be applied against the tax for the succeeding year.

Community Property States

The withholding provisions are applied in a community property state as though the wages were entirely those of the person who earns them. However, this does not affect the right of spouses to file separate returns for the purpose of dividing the income between them as heretofore. In making out such returns, each spouse is allowed as a credit one-half of the tax which has been withheld on the community income.

Form to be Filled Out by Employee

In order to inform his employer of his marital and dependency status, each employee is required to fill out and submit to his employer, Form W-4. On this form a married person is entitled to designate how he wishes the personal exemption to be divided. He has three choices: (1) to claim none of the personal exemption, (2) to claim half the personal exemption, and (3) to claim all of the personal exemption. This, however, does not deprive the spouses of the right to decide whether to file separate or joint returns at a later date. Nor, if separate returns are filed, will the spouses be barred from dividing the marital exemption in any way they may agree upon, even though different from the method chosen for determining their status for purposes of the withholding provisions.

Form W-4 is to be supplied by the employer, who may, in turn, obtain them from his local Collector of Internal Revenue. *If no Form W-4 is filed by the employee, he is entitled to no withholding exemption and will be treated, for purposes of the tables, as a married person having no dependents and claiming no part of the withholding exemption.*

Effect on Wage Contracts and Union Agreements

The obligation to withhold a portion of each wage payment for tax purposes is not affected by and has no effect upon the terms of any wage contract or union agreement. In other words, if a wage contract or union agreement calls for the payment of $45 a week, the fact that a portion of this is required to be withheld does not mean that the employer has to make up the difference, in order that the employee will continue to receive $45 a week after taxes. In contmplation of the law, the employer is still paying the employee $45 a week and is merely collecting the tax on such amount on the Government's behalf.

Payments Made to Employees for Expenses

Amounts paid in advance, or reimbursements made, to employees specifically for traveling or other expenses incurred in the business of the employer are not subject to withholding. Any reasonable segregation of such expenses from the wages paid will be acceptable, as for example, where an employer issues one check indicating thereon the amount thereof which represents wages and the amount which represents expenses, or issues a separate check for the expenses.

Determination of Withholding Exemption in Special Cases

Special problems arise in cases where supplemental wage payments, such as bonuses, commissions, overtime pay, etc., are made. Such payments may be made for the same payroll period as the recipient's ordinary compensation, or they may be made for a different period, or without regard to any particular period. In all these cases the employer may elect to determine the tax in accordance with either of the following rules:

(1) Aggregate the supplemental wage with a regular wage payment, considering them as one payment for the payroll period covered by the regular wage. If the supplemental wage is paid at the same time as a regular wage, it is these two amounts which may be aggregated. If the supplemental wage is not paid at the same time as a regular wage, it is to be aggregated with the regular wage payment for the current or last preceding pay period. The only exception to these rules is that, if the regular wage payment is not subject to the new 20% withholding provision, but the supplemental wage payment is, they may not be aggregated. The supplemental wage payment may, however, be aggregated with the regular wage payment for the first succeeding pay period subject to the new provision.

(2) Treat the supplemental wages as separate, computing the tax without the benefit of any withholding exemptions under the exact computation method, or as though the recipient were a married person having no dependents and claiming none of the personal exemption, under the wage table method.

The withholding exemption for employees working for less than a full week is on a daily basis, except where the employee submits a verified written statement to his employer that he works for wages only for him and that if he obtains additional employment for wages he will within 10 days thereafter give notice of such fact. If such a statement is obtained, the employer may compute the employee's withholding tax on a weekly basis. In the case of employees working for several employers, their status with respect to each employer is separately determined without regard to their other employment, except as noted above. For example, if an employee works for one employer mornings and for another employer afternoons, but is paid by both on a weekly basis, each employer is entitled to compute the withholding tax on the basis of an established weekly payroll period without regard to the fact that the employee is also elsewhere employed.

Pay Periods

The regulations take the position that an employee can have only one established pay period with respect to any one employer. This pay period is that for which his ordinary compensation is paid. Therefore, if he is paid a weekly salary, plus a monthly bonus or commission, the bonus or commission is not considered to be paid for an established pay period. Many of the distinctions relative to ordinary pay and supplemental pay flow from this factor.

When Withheld Tax Paid Over by Employer

If the total amount withheld by the employer for all employees is more than $100 per month, it is the duty of the employer to pay such amount monthly into a depositary designated by the Secretary of the Treasury. All banks insured by the Federal Deposit Insurance Corporation are *eligible* to qualify as depositaries and financial agents. It is possible, however, that not all such banks may choose to qualify. The employer should make certain that his bank has qualified. If it has not, he should obtain from it the name of some other bank which has. If the monthly amount withheld is $100 or less, the amounts withheld must be paid quarterly to the Collector of Internal Revenue.

Quarterly returns must be made by employers to the Collector for the quarters ending March 31, June 30, September 30 and December 31, on Form W-1. This return must be made before the end of the month following the close of the quarter. The return, when forwarded, shall be accompanied either by payment or by receipts of the depositary. Duplicates of such returns on Form W-2, together with a reconciliation on Form W-3 must be filed with the quarterly return for the fourth quarter of the calendar year. In addition, the employer must furnish to each employee, not later than January 31st of the succeeding calendar year, a statement (Form W-2) showing total wages paid and the amount of tax withheld.

All forms may be obtained from the Collector of Internal Revenue for the employer's district.

EMPLOYEE'S NOTICE WT

WITHHOLDING OF INCOME TAX ON WAGES

NOTICE TO EMPLOYEES

WITHHOLDING OF TAX UNDER THE PROVISIONS OF THE CURRENT TAX PAYMENT ACT OF 1943

The 5 percent withholding which went into effect on January 1, 1943, is not applicable to payroll periods **beginning after June 30, 1943.**

Beginning July 1, 1943, your employer is required to withhold a tax of 20 percent from wages for payroll periods **beginning on or after July 1, 1943,** of every employee whose wages exceed the amount of certain exemptions. Certain classes of employees are exempt from withholding, such as those engaged in agricultural labor and domestic service.

Wages consist of all payments for services of employees, whether called wages, salaries, commissions, or bonuses and whether in the form of cash or other property.

Withholding at the rate of 20 percent applies to the amount by which your wage payment exceeds your family status withholding exemption. The amount of this exemption, which is specified in a schedule contained in the Act, depends in general upon whether you are married, single, or the head of a family, and upon the number of your dependents. You are required to advise your employer of your particular status by filling in an Employee's Withholding Exemption Certificate (Form W–4) which you will file with him. The certificate form may be obtained from your employer.

If you are married and your spouse is receiving wages subject to withholding, you and your spouse must decide how much of the withholding exemption each will claim.

If you decide that you will claim the whole exemption and your spouse will claim none, you must, in the exemption certificate, advise your employer that you are claiming the whole exemption and your spouse is claiming none. If you decide that you will claim half of the exemption and your spouse will claim half, you will, by checking the applicable box in the exemption certificate, advise your employer that you are claiming half of the exemption and that your spouse is not claiming more than half of the exemption. If you decide that you will claim none of the exemption and that your spouse will claim the whole exemption, you must place your check mark in the applicable box on the exemption certificate.

The amount of the exemption which each of you claims for the purpose of withholding does not affect the manner in which you may divide your married person's exemption on your income tax return. You may still divide that as you wish.

The withholding exemption for any dependent may be taken only by the spouse who furnishes the chief support of such dependent.

If you fail to file an exemption certificate with your employer, no withholding exemption will be allowed.

In certain instances the tax to be withheld under the family status withholding exemption will be less than the tax at 3 percent on the amount of wages in excess of the Victory Tax withholding exemption. In that case the employer is required to withhold at the rate of 3 percent on the wages in excess of the Victory Tax withholding exemption.

Your employer is required to pay the amount of tax withheld from your wages to the collector of internal revenue.

Your employer is required to give you a receipt for the amount of tax withheld on your wages. Employers shall furnish these receipts on or before January 31, 1944, for taxes withheld in 1943, except that if employment ends during the calendar year the receipt shall be given to the employee on the day on which he receives his last payment of wages. This receipt should be carefully preserved. It is your record of tax withheld from your wages.

The amount withheld from your wages during the year is deductible from the Income Tax and Victory Tax for which you may be liable for the year 1943. Thus, the amount withheld from your wages will pay your Income Tax and Victory Tax to the extent of the amount withheld.

Withholding will not affect in any manner your liability to file your annual income tax return for the calendar year 1943 on or before March 15, 1944, reporting all taxable income, including the wages on which tax has been withheld, and reporting the allowable deductions.

Guy T. Helvering

Commissioner of Internal Revenue.

WASHINGTON, JUNE 1943

This notice is issued for the purpose of general information. It does not have the effect of law, regulations, or rulings. Copies may be obtained by addressing the nearest collector of internal revenue, requesting Employee's Notice WT.

U. S. GOVERNMENT PRINTING OFFICE 16—34843-1

COLLECTION OF INCOME TAX AT SOURCE ON WAGES

EMPLOYER'S DUTIES

Under the

PROVISIONS OF THE CURRENT TAX PAYMENT ACT OF 1943

(SUBCHAPTER D, CHAPTER 9, INTERNAL REVENUE CODE)

ISSUED BY

BUREAU OF INTERNAL REVENUE, U. S. TREASURY DEPARTMENT

SUMMARY

I. Beginning July 1, 1943, employers are required to deduct and withhold a tax upon the wages of their employees. This is a tax of 20 percent of the excess of each wage payment over the WITHHOLDING EXEMPTION allowable under the schedule shown in Specific Instruction 6.

Instead of making an exact computation, employers may elect to withhold specified amounts shown in the tables designated A-1 to A-5, which approximate the 20 percent.

It is the joint responsibility of the employer and the employee to see that "Employee's Withholding Exemption Certificate" (Form W-4) is made out by the employee and filed with the employer sufficiently in advance of July 1st.

II. It will be the duty of employers who withheld more than $100 during the month to pay the amounts withheld to a depositary authorized by the Secretary of the Treasury.

These payments are to be made within ten days after the close of each calendar month.

Employers may get from any bank the name and address of authorized depositaries.

III. Employers must make quarterly returns on Form W-1 to their collectors of internal revenue, showing the aggregate amount of taxes withheld during the quarter.

Returns must be made on or before the last day of the month following the close of each quarter.

Each return must be accompanied by the payment of the full amount of the tax. It will be the duty of employers who withheld more than $100 during the month to make the payment of the tax in the following form: (1) depositary receipts for the full amount of the tax withheld, or (2) depositary receipts for the first two months of the quarterly period, together with a direct remittance for the amount withheld during the last month of the quarterly period.

IV. With the final return for the calendar year, employers must send to the collector on Form W-3 a reconciliation of "Quarterly Returns" (Form W-1) with "Statements" to employees of taxes withheld (Form W-2).

V. Employers must provide each employee annually with a "Statement of Income Tax Withheld on Wages."

This is Form W-2, and must be delivered to employees on or before January 31 of the next year. For employment terminating during a calendar year, see Specific Instruction 14.

VI. Employers may obtain all forms mentioned above from the collector of internal revenue for their district.

VII. Employers will discontinue the 5 percent Victory Tax withholding when the 20 percent withholding begins.

(See Specific Instruction 1.)

SPECIFIC INSTRUCTIONS

1. EFFECTIVE DATE

The 5 percent Victory Tax withholding does not apply with respect to wages paid after June 30, 1943, unless the wages are paid for a payroll period beginning on or before June 30, 1943.

Every employer is required to deduct and withhold the tax under the Current Tax Payment Act of 1943 from the wages of his employees paid for payroll periods beginning on or after July 1, 1943. Every employer is also required to deduct and withhold that tax from all wages paid on or after July 1, 1943, if paid without regard to a payroll period.

Thus, if wages are paid on July 3, 1943, with respect to a weekly payroll period beginning on June 28, 1943, the 5 percent, rather than the 20 percent, withholding is applicable. If wages are paid with respect to a weekly payroll period beginning on July 5, 1943, the 20 percent withholding applies. If on July 1, 1943, wages are paid without regard to a payroll period, 20 percent, rather than 5 percent, withholding applies.

However, if wages for a payroll period which begins prior to July 1, 1943, are paid after the close of 1943, 20 percent, rather than 5 percent, withholding is applicable.

2. WHO ARE EMPLOYERS

The term "employer" includes any person or corporation for whom an individual performs any service as an employee. It includes also organizations which are themselves exempt from income tax. Among these are religious, charitable and educational institutions, clubs, societies, and social organizations. "Employer" includes the Government of the United States, the States, Territories, and the District of Columbia, including their agencies, instrumentalities, and political subdivisions.

3. WHO ARE EMPLOYEES

Every individual is an employee if the relationship between him and the person for whom he performs services is the legal relationship of employer and employee. The term "employee" includes an officer, employee, or elected official of the United States, a State, Territory, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing.

Generally, such relationship exists when the person for whom services are performed has the right to control and direct the individual who performs the services, not only as to the result to be accomplished by the work but also as to the details and means by which that result is accomplished. That is, an employee is subject to the will and control of the employer not only as to what shall be done but how it shall be done. In this connection, it is not necessary that the employer actually direct or control the manner in which the services are performed; it is

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sufficient if he has the right to do so. The right to discharge is also an important factor indicating that the person possessing that right is an employer. Other factors characteristic of an employer, but not necessarily present in every case, are the furnishing of tools, and the furnishing of a place to work, to the individual who performs the services. In general, if an individual is subject to the control or direction of another merely as to the result to be accomplished by the work and not as to the means and methods for accomplishing the result, he is an independent contractor. An individual performing services as an independent contractor is not as to such services an employee.

Generally, physicians, lawyers, dentists, veterinarians, contractors, subcontractors, public stenographers, auctioneers, and others who follow an independent trade, business, or profession, in which they offer their services to the public, are independent contractors and not employees.

Whether the relationship of employer and employee exists will in doubtful cases be determined upon an examination of the particular facts of each case.

If the relationship of employer and employee exists, the designation or description of the relationship by the parties as anything other than that of employer and employee is immaterial. Thus, if such relationship exists, it is of no consequence that the employee is designated as a partner, coadventurer, agent, or independent contractor.

The measurement, method, or designation of compensation is also immaterial, if the relationship of employer and employee in fact exists.

No distinction is made between classes or grades of employees. Thus, superintendents, managers, and other superior employees are employees. An officer of a corporation is an employee of the corporation but a director as such is not. A director may be an employee of the corporation, however, if he performs services for the corporation other than those required by attendance at and participation in meetings of the board of directors.

4. WHAT ARE WAGES

The term "wages" means all remuneration (other than noted in Specific Instruction 5), whether in cash or goods, for services performed by an employee for his employer. It does not matter if the remuneration be designated as wages, salary, commissions, or bonuses. Included in "wages" is the cash value of all remuneration paid in any medium other than cash.

Amounts paid in advance, or reimbursements made, to employees specifically for traveling or other bona fide ordinary and necessary expenses incurred or reasonably expected to be incurred in the business of the employer are not subject to withholding. Any reasonable segregation of such expenses from the wages paid will be acceptable, as for example, where an employer issues one check indicating thereon the amount thereof which represents wages and the amount which represents expenses, or issues a separate check for the expenses.

5. EXEMPT WAGE PAYMENTS

Certain classes of wage and salary payments are exempt from withholding, and consequently employers making such types of payments are not required to withhold the tax with respect to such payments. Payments which are exempt from withholding consist of remuneration paid:

(*a*) For services performed as a member of the military or naval forces of the United States, other than pensions and retired pay includible in gross income,

(*b*) For agricultural labor,

(*c*) For domestic service in a private home, local college club, or local chapter of a college fraternity or sorority,

(*d*) For casual labor not in the course of the employer's trade or business,

(*e*) For services by a citizen or resident of the United States for a foreign government or for the government of the Commonwealth of the Philippines,

(*f*) For services performed by a nonresident alien individual, other than a resident of a contiguous country who enters and leaves the United States at frequent intervals,

(*g*) For such services, performed by a nonresident alien individual who is a resident of a contiguous country and who enters and leaves the United States at frequent intervals, as may be designated by regulations prescribed by the Commissioner with the approval of the Secretary,*

(*h*) For services for an employer performed by a citizen or resident of the United States while outside the United States if the major part of the services for such employer during the calendar year is to be performed outside the United States,

(*i*) For services performed as a minister of the gospel, or

(*j*) As fees (but not salaries) to a public official.

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*Withholding is required in the case of wages paid to nonresident aliens, resident of a contiguous country, who enter and leave the United States at frequent intervals, except such aliens who, in the performance of their duties in transportation service between points in the United States and points in a contiguous country, enter and leave the United States at frequent intervals.

6. WITHHOLDING EXEMPTION

In the computation of the amount of tax to be withheld from wage payments an exemption is allowable against the wages paid for each payroll period determined in accordance with the schedules below.

Family Status Withholding Exemption Schedule

Payroll period	Single person	Married person claiming whole of personal exemption for withholding or head of family	Married person claiming half of personal exemption for withholding	Married person claiming none of personal exemption for withholding	Each dependent, other than the first dependent in the case of the head of a family
Weekly	$12	$24	$12	0	$6
Biweekly	24	48	24	0	12
Semimonthly	26	52	26	0	13
Monthly	52	104	52	0	26
Quarterly	156	312	156	0	78
Semiannual	312	624	312	0	156
Annual	624	1,248	624	0	312
Daily or miscellaneous (per day of such period)	1.70	3.40	1.70	0	.85

In no event shall the tax to be withheld be less than 3 percentum of the excess of each wage payment over an exemption determined in accordance with the following schedule:

Victory Tax Withholding Exemption Schedule

Payroll period	Withholding exemption
Weekly	$12.00
Biweekly	24.00
Semimonthly	26.00
Monthly	52.00
Quarterly	156.00
Semiannual	312.00
Annual	624.00
Daily or Miscellaneous (per day of such period)	1.70

See accompanying Table B for use in determining when the 3 percent limitation applies.

7. WITHHOLDING EXEMPTION CERTIFICATE

Every employee shall furnish his employer a signed withholding exemption certificate, on Form W-4, relating to his status for the purpose of computing the withholding exemption. The employer is required to request a withholding exemption certificate from each employee, but if the employee fails to comply with such request, he shall be considered, for withholding purposes, as a married person claiming none of the personal exemption for withholding and having no dependents. Forms of certificate (Form W-4) will be supplied employers upon request to the collector for the district. In lieu of the prescribed form of certificate, employers may prepare and use a form which includes contents identical with the prescribed form. The certificates must be retained by the employer as a supporting record of the withholding exemption allowed.

If, by reason of a change of status, a new certificate is furnished by the employee to the employer, it will take effect, at the election of the employer, with respect to any payment of wages made on or after the date the certificate is furnished. In no event, however, shall it take effect later than the first payment of wages made on or after the following first day of July or January which occurs at least thirty days after the certificate is furnished the employer.

In all other instances, the certificate will take effect with respect to the first payment of wages made on or after the date on which it is furnished the employer.

8. PERIOD NOT A PAYROLL PERIOD

If wages are paid for a period which is not a payroll period, the exemption allowable shall be the exemption allowed for a miscellaneous payroll period containing the same number of days (including Sundays and holidays) as the period for which such wages are paid. Thus, in the case of a single person not paid on the basis of a regular payroll period, the withholding exemption allowable for a period of 10 days is 10 times $1.70, or $17.00. (See Specific Instruction 10 for the rules in case of a period of less than one week.)

9. NO PAYROLL PERIOD OR OTHER PERIOD

In any case in which wages are paid by an employer without regard to any payroll period or any other period, the exemption allowable shall be the exemption allowed for a miscellaneous payroll period containing the number of days equal to the number of days (including Sundays and holidays) which have elapsed since the date of the last payment of such wages by such employer during the calendar year, or the date of commencement of employment with such employer during such year, or January 1 of such year, whichever is the later. For example, a single individual employed on a commission basis, commissions to be paid upon consummation of sales without regard to any period of time, commenced employment on December 15, 1942, and received payments of commissions on March 15, and July 15, 1943. The amount of the withholding exemption allowable with respect to the commissions paid July 15 is $207.40 ($1.70 x 122), since 122 days have elapsed since the date of the last payment.

10. PERIOD LESS THAN ONE WEEK

The general rule applicable in case the payroll period, other period, or time described in Specific Instruction 9, is less than one week, is the same as the rule applicable under Specific Instruction 8 or 9. For example, if a single person is paid daily a wage of $7.00 per day, withholding applies on the excess of that wage over the daily exemption of $1.70, that is, the tax is to be withheld on $5.30. Again, if a single person is paid a wage of $36.00 for 4 days work, withholding applies on the excess of the aggregate wages over the exemption allowed for a period of 4 days, that is, $6.80 ($1.70 x 4). In that case, therefore, the tax is to be withheld on $29.20.

However, the Act authorizes the Commissioner, under regulations prescribed by him, to permit an employer, in computing the tax to be withheld, to use the excess of the aggregate of the wages paid during a calendar week over the exemption allowed for a weekly payroll period. For example, in the second illustration in the preceding paragraph, the employer, if authorized to do so by the Commissioner, may withhold the tax on the excess of $36.00 over the weekly exemption of $12.00 applicable in the case of a single person.

This weekly exemption rule may be used by an employer in the case of an employee who works only for such employer during the calendar week.

11. BONUSES AND COMMISSIONS

Generally, where an employee's remuneration consists of wages paid for a payroll period and such employee is also paid a bonus or commission, the bonus or commission and the wage payment shall be aggregated for the purpose of withholding either under the wage table method or the exact computation method. For example, if an individual is employed as salesman at a monthly salary of $100 plus commissions upon sales made during the month, such employee, if single, would be entitled to a withholding exemption of $52 against each such payment of salary and commissions considered as a single wage payment.

However, at the election of the employer, the wage payment and the bonus or commission payment need not be aggregated. Under this election the employer using the exact computation method may withhold on the gross amount of the bonus or commission payment. The employer who uses the table method may, under this election, apply that method to the regular wage payment, and with respect to the bonus or commission payment may either (1) apply the exact computation method to the gross amount, or (2) use the column in the table applicable to a married person claiming none of the personal exemption for withholding and having no dependents.

12. WITHHOLDING ON BASIS OF AVERAGE WAGES

Upon application to the Commissioner, accompanied by evidence establishing the need for the use of such method, the Commissioner may authorize an employer to withhold the tax on the basis of the employee's average estimated wages, with necessary adjustments, for any quarter.

13. COMPUTATION OF TAX TO BE WITHHELD

At the option of the employer, the tax to be withheld may be determined either by the use of a wage bracket withholding table or the application of the prescribed percentage rate to the amount of the wages in excess of the withholding exemption.

To illustrate the two methods, the following case is assumed: An employee has indicated on Form W-4, Employee's Withholding Exemption Certificate, by checking Item I (4) that he is a married person living with husband or wife and claiming all of the personal exemption; and in Item II that he has two dependents. The payroll period is weekly and the wage records of the employer show that for the payroll period the employee earned $44.63.

The steps to be taken by the employer using the wage bracket withholding table are as follows:

(1) Find the table applicable to the payroll period used. In this case it is Table A-1, accompanying these instructions, designed for weekly payroll period.

(2) Locate in the table the subheading descriptive of the employee, in this case, "Or (4) such person is a married person claiming all of personal exemption for withholding and has —" and then locate the applicable column under this subheading, in this case, "Two dependents."

(3) Next locate in the first two columns at the extreme left those amounts between which the weekly wage falls. The wages are $44.63, so in this case they fall in the line for "At least $40.00 but less than $50.00." Reading across on this line to the ninth column, the amount of tax to be withheld is shown as $1.80.

The steps to be taken by the employer using the percentage method are as follows:

(1) The rule requires that a tax be withheld at the rate of 20 percent on wages in excess of the family status withholding exemption, or at the rate of 3 percent on wages in excess of the Victory Tax withholding exemption, whichever rate produces the greater tax. The employer must determine which withholding exemption to allow and which rate to use. It is not necessary to compute the tax on both bases to determine which produces the greater tax, since the proper basis can be ascertained by reference to the accompanying Table B. This table shows that for weekly wages in excess of $40.24 paid to married persons claiming all the exemption and with two dependents, the 20 percent withholding rate on amounts in excess of the family status withholding exemption will produce a higher tax than 3 percent of wages in excess of the Victory Tax withholding exemption.

(2) The employer finds from the Family Status Withholding Exemption Schedule, shown in Specific Instruction 6, that a married employee having a weekly payroll period and claiming all the personal exemption is entitled to an exemption of $24.00 and an additional allowance of $6.00 for each of his two dependents, which in this instance makes a total exemption of $36.00. Since the wages paid are $44.63, the tax must be computed at 20 percent of the excess over the family status withholding exemption rather than 3 percent of the excess over the Victory Tax withholding exemption.

(3) The employer subtracts this exemption of $36.00 from the weekly wage of $44.63 and obtains $8.63, or the amount of wages subject to the 20 percent withholding tax.

(4) The employer computes 20 percent of $8.63 and arrives at a tax to be withheld of $1.73.

Assume that the wages in the foregoing example are $39.50 a week rather than $44.63 and the percentage method is used. Under these circumstances, reference to Table B indicates that the 3 percent rate in excess of the Victory Tax withholding exemption should be used as this produces a greater tax than 20 percent on wages in excess of the family status withholding exemption. The steps in this case follow:

(1) The employer finds from the Victory Tax Withholding Exemption Schedule, shown in Specific Instruction 6, that the exemption for a weekly payroll period for all persons regardless of family status is $12.00.

(2) The employer subtracts this exemption of $12.00 from the weekly wage of $39.50 and obtains $27.50, or the amount of wages subject to the 3 percent withholding tax.

(3) The employer computes 3 percent of $27.50 and arrives at a tax to be withheld of $0.83. This is the correct amount of tax to be withheld because the application in this case of the 20 percent rate to the wages in excess of the family status withholding exemption would result in a tax of only $0.70.

In any case in which an exact computation of the amount to be withheld is made, the wages may be rounded out to the nearest dollar.

In the case of the wage bracket withholding table, there is no need to give consideration to the two sets of withholding exemptions and rates, as the table has been constructed to give effect to the 3 percent withholding rate where that rate should be used and the 20 percent rate where that rate should be used.

If the wages exceed the highest wage bracket in any table, in computing the amount of tax to be withheld, the wages may, at the election of the employer, be rounded to the nearest dollar.

14. STATEMENT TO BE FURNISHED EMPLOYEE

Employers must furnish to each employee from whose wages they withhold taxes a written statement (W-2) showing the wages paid and the amount of tax withheld during the calendar year. This statement (unless an extension of time has been previously granted by the Commissioner of Internal Revenue) shall be given to the employee on or before January 31 of the succeeding year; or, if the employment ends before the close of the year, on the day on which the last payment of wages is made.

In the case of intermittent employment, when at the end of any term of employment it is not expected that the employee will be reemployed, then a statement must be furnished him for the amount of tax withheld from payments made during the period of employment.

With respect to the calendar year 1943, only one statement is required. It should cover the 5 percent Victory Tax withheld beginning January 1, and the 20 percent tax withheld beginning July 1.

While the form of statement is prescribed by the Commissioner of Internal Revenue, statements prepared in substantially like form and size (but in no case larger than 8 by 3½ inches) will be acceptable.

15. DUPLICATE OF STATEMENT REQUIRED

Employers must transmit to the collector a duplicate of each statement to employees (W-2) with their final return (W-1) for the fourth quarter of the calendar year. If the employer discontinues business or ceases to be an employer, he will file with his final return duplicates of all statements (W-2 and V-2).

Where the number of such duplicate statements is large, they may be forwarded in separate packages, properly identified by reference to the return. Employers with numerous establishments or payrolls should assemble the duplicates by establishment or by payroll.

16. RETURN OF INCOME TAX WITHHELD ON WAGES

Every employer required to withhold the tax on wages is required to make a return and pay such tax (see Specific Instruction 19) on or before the last day of the month following the close of each quarter of each calendar year. If the United States, a State, Territory, or political subdivision, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing is the employer, the return of the tax may be made by the officer or employee having control of the payment of wages or other officer or employee appropriately designated for that purpose.

The first return, covering tax withheld during the quarter ended September 30, 1943, must be made not later than October 31, 1943. In the case of most employers on the Victory Tax mailing lists of the collectors of internal revenue, return Form W-1 will be received through the mail. Employers not on such mailing lists, or who do not receive return forms in due course, should address the collector of internal revenue for the district, requesting Form W-1, Return of Income Tax Withheld on Wages.

17. RECONCILIATION FORM

The return of income tax withheld on wages for the fourth quarter of the year (or final return if employer discontinues business or ceases to be an employer) must be accompanied by the duplicates of all statements (W-2 and V-2) issued for tax withheld during the year, together with a reconciliation (on Form W-3) of the returns with the statements furnished employees. With Form W-3 employers should furnish a list in the form of an adding machine tape or in some other convenient form showing the items of tax withheld as reflected on Form W-2. Where the number of duplicate statements is large, they may be forwarded in a separate package, properly identified by reference to the return. In such case, Form W-3 should accompany the duplicate statements, rather than the return form.

18. LIABILITY OF EMPLOYER

Every employer required to withhold tax is made liable for the payment of the tax required to be withheld, and is relieved of liability to any other person for the amount of such payment. The amount of any tax withheld by an employer is a special fund in trust for the United States.

Any errors made by employers, either in the withholding or payment of the tax, for any quarter of the calendar year, may be corrected in any subsequent quarter of the same year.

Criminal and civil penalties are prescribed for the willful failure of any employer to furnish statements to the employee showing the information required under the Act or regulations made pursuant thereto, or for furnishing a false or fraudulent statement. The criminal penalty is a fine of not more than $1,000, or imprisonment for not more than 1 year, or both, in addition to a civil penalty of not more than $50 for each such failure. Employers are also subject to penalties for failure to make and file a timely return of tax withheld, and failure to pay the tax on time.

19. PAYMENT OF TAX

It will be the duty of every employer who withheld more than $100 during the month to pay, within 10 days after the close of each calendar month, to a depositary and financial agent authorized by the Secretary of the Treasury to receive deposits of withheld taxes, pursuant to section 1631 of the Internal Revenue Code as added by the Current Tax Payment Act of 1943, all funds withheld as taxes during that calendar month. (All banks insured by the Federal Deposit Insurance Corporation are eligible to qualify as depositaries and financial agents.) On or before the last day of the month following the close of each quarter of each calendar year, every employer shall make a return on Form W-1 to the collector of his district, covering the aggregate amount of taxes withheld during that quarter, and attach to such return, as payment for the taxes shown thereon, receipts in the form approved by the Secretary of the Treasury, issued by the authorized depositary and financial agent evidencing the payment of funds withheld as taxes; provided, however, that for taxes withheld during the last month of the quarter the employer may, at his election, in lieu of this method of payment, include with his return direct remittance to the collector for the amount of the taxes withheld during such last month of the quarter. The employer may obtain from his local bank the names and locations of the nearby depositaries and financial agents authorized to receive deposits of withheld taxes. A list of the depositaries and financial agents will be furnished each bank by the Federal Reserve Bank of the District.

20. FORM 1099 INFORMATION RETURNS

The making of information returns, Form 1099, will not be required with respect to wage payments from which the tax has been withheld, provided that duplicates of the statements (Form W-2 and Form V-2) are furnished with the last return (Form W-1) for the year.

21. OTHER RECORDS TO BE KEPT

Every employer required to withhold tax is further required to keep such records and to render under oath such statements as the Commissioner of Internal Revenue may require under regulations prescribed by him with the approval of the Secretary of the Treasury. No form of records to be maintained by the employer has been prescribed, nor is it contemplated that any particular form of record will be prescribed. Such records should be maintained, however, as will indicate the number of persons employed during the year payments to whom are subject to the withholding provisions, the periods of employment, and the amounts and dates of payment.

22. INFORMATION TO BE FURNISHED EMPLOYEES

It is desirable that employers acquaint employees fully with the provisions of the Act with respect to the withholding of income tax from wage payments. For this purpose, copies of an official notice, "Withholding of Income Tax on Wages—Notice to Employees," in poster form, are available for posting by the employers on the premises of establishments. Employers desiring such notices should address a request to the collector of internal revenue for the district stating the number of such notices desired, specifying "Withholding of Income Tax on Wages Notice WT," and such requests will be filled as early as practicable

Guy T. Helvering

Commissioner of Internal Revenue.

WASHINGTON, JUNE 1943.

TABLE A-1

IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS WEEKLY

And the wages are		And, (1) such person is a married person claiming none of personal exemption for withholding and has—									
		No dependents	One dependent	Two dependents	Three dependents	Four dependents	Five dependents	Six dependents	Seven dependents	Eight dependents	Nine dependents
				Or, (2) such person is a married person claiming half of personal exemption for withholding and has—							
				No dependents	One dependent	Two dependents	Three dependents	Four dependents	Five dependents	Six dependents	Seven dependents
				Or, (3) such person is a single person and has—							
				No dependents	One dependent	Two dependents	Three dependents	Four dependents	Five dependents	Six dependents	Seven dependents
						Or, (4) such person is a married person claiming all of personal exemption for withholding and has—					
						No dependents	One dependent	Two dependents	Three dependents	Four dependents	Five dependents
						Or, (5) such person is head of a family and has—					
						No dependents or one dependent	Two dependents	Three dependents	Four dependents	Five dependents	Six dependents
At least	But less than	The amount of tax to be withheld shall be—									
$0	$10	$1.00	----------	----------	----------	----------	----------	----------	----------	----------	----------
10	15	2.50	$1.30	$0.10	----------	----------	----------	----------	----------	----------	----------
15	20	3.50	2.30	1.10	$0.20	$0.20	$0.20	$0.20	$0.20	$0.20	$0.20
20	25	4.50	3.30	2.10	.90	.30	.30	.30	.30	.30	.30
25	30	5.50	4.30	3.10	1.90	.70	.50	.50	.50	.50	.50
30	40	7.00	5.80	4.60	3.40	2.20	1.00	.70	.70	.70	.70
40	50	9.00	7.80	6.60	5.40	4.20	3.00	1.80	1.00	1.00	1.00
50	60	11.00	9.80	8.60	7.40	6.20	5.00	3.80	2.60	1.40	1.30
60	70	13.00	11.80	10.60	9.40	8.20	7.00	5.80	4.60	3.40	2.20
70	80	15.00	13.80	12.60	11.40	10.20	9.00	7.80	6.60	5.40	4.20
80	90	17.00	15.80	14.60	13.40	12.20	11.00	9.80	8.60	7.40	6:20
90	100	19.00	17.80	16.60	15.40	14.20	13.00	11.80	10.60	9.40	8.20
100	110	21.00	19.80	18.60	17.40	16.20	15.00	13.80	12.60	11.40	10.20
110	120	23.00	21.80	20.60	19.40	18.20	17.00	15.80	14.60	13.40	12.20
120	130	25.00	23.80	22.60	21.40	20.20	19.00	17.80	16.60	15.40	14.20
130	140	27.00	25.80	24.60	23.40	22.20	21.00	19.80	18.60	17.40	16.20
140	150	29.00	27.80	26.60	25.40	24.20	23.00	21.80	20.60	19.40	18.20
150	160	31.00	29.80	28.60	27.40	26.20	25.00	23.80	22.60	21.40	20.20
160	170	33.00	31.80	30.60	29.40	28.20	27.00	25.80	24.60	23.40	22.20
170	180	35.00	33.80	32.60	31.40	30.20	29.00	27.80	26.60	25.40	24.20
180	190	37.00	35.80	34.60	33.40	32.20	31.00	29.80	28.60	27.40	26.20
190	200	39.00	37.80	36.60	35.40	34.20	33.00	31.80	30.60	29.40	28.20
$200 or over		20% of the excess over $200 plus									
		$40.00	$38.80	$37.60	$36.40	$35.20	$34.00	$32.80	$31.60	$30.40	$29.20

If the number of dependents is in excess of the largest number of dependents shown, the amount of tax to be withheld shall be that applicable in the case of the largest number of dependents shown reduced by $1.20 for each dependent over the largest number shown, except that in no event shall the amount to be withheld be less than 3 per centum of the excess of the median wage in the bracket in which the wages fall (or if the wages paid are $200 or over, of the excess of the wages) over $12, computed, in case such amount is not a multiple of $0.10, to the nearest multiple of $0.10.

The application of the above footnote, which is the same in each of Tables A–1 to A–5 (except for differences in amounts due to the varying lengths of the payroll periods) may be illustrated by the following example applicable to a weekly payroll period:

John Smith earns a wage of $75 per week. He has filed with his employer a withholding exemption certificate claiming the full exemption allowed a married person, and showing 7 dependents. According to the formula contained in the above footnote, the employer determines that the amount to be withheld is the amount applicable in the case of 5 dependents (which is the largest number of dependents shown in the applicable subheading, (4) above), namely, $4.20, minus $1.20 for each dependent in excess of 5. Since there are 2 dependents in excess of 5, the subtraction will be $2.40 (2 x $1.20), leaving $1.80 as the tentative amount to be withheld. Under the formula, however, the employer is in no event to withhold less than 3 percent of the excess of $12 over the median wage in the bracket in which the wages paid fall, computed to the nearest multiple of 10 cents. The median wage in the applicable bracket is $75 (being the wage half-way between $70 and $80) and the excess of this median wage over $12 is $63. Three percent of $63 is $1.89, and the multiple of 10 cents nearest this amount is $1.90. Hence, because of the minimum withholding requirement, the amount to be withheld is $1.90, rather than $1.80.

TABLE A-2

IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS BIWEEKLY

And the wages are		And, (1) such person is a married person claiming none of personal exemption for withholding and has—									
		No dependents	One dependent	Two dependents	Three dependents	Four dependents	Five dependents	Six dependents	Seven dependents	Eight dependents	Nine dependents
				Or, (2) such person is a married person claiming half of personal exemption for withholding and has—							
				No dependents	One dependent	Two dependents	Three dependents	Four dependents	Five dependents	Six dependents	Seven dependents
				Or, (3) such person is a single person and has—							
				No dependents	One dependent	Two dependents	Three dependents	Four dependents	Five dependents	Six dependents	Seven dependents
						Or, (4) such person is a married person claiming all of personal exemption for withholding and has—					
						No dependents	One dependent	Two dependents	Three dependents	Four dependents	Five dependents
						Or, (5) such person is head of a family and has—					
						No dependents or one dependent	Two dependents	Three dependents	Four dependents	Five dependents	Six dependents
At least	But less than	The amount of tax to be withheld shall be—									
$0	$20	$2.00	---	---	---	---	---	---	---	---	---
20	30	5.00	$2.60	$0.20	---	---	---	---	---	---	---
30	40	7.00	4.60	2.20	$0.30	$0.30	$0.30	$0.30	$0.30	$0.30	$0.30
40	50	9.00	6.60	4.20	1.80	.60	.60	.60	.60	.60	.60
50	60	11.00	8.60	6.20	3.80	1.40	.90	.90	.90	.90	.90
60	80	14.00	11.60	9.20	6.80	4.40	2.00	1.40	1.40	1.40	1.40
80	100	18.00	15.60	13.20	10.80	8.40	6.00	3.60	2.00	2.00	2.00
100	120	22.00	19.60	17.20	14.80	12.40	10.00	7.60	5.20	2.80	2.60
120	140	26.00	23.60	21.20	18.80	16.40	14.00	11.60	9.20	6.80	4.40
140	160	30.00	27.60	25.20	22.80	20.40	18.00	15.60	13.20	10.80	8.40
160	180	34.00	31.60	29.20	26.80	24.40	22.00	19.60	17.20	14.80	12.40
180	200	38.00	35.60	33.20	30.80	28.40	26.00	23.60	21.20	18.80	16.40
200	220	42.00	39.60	37.20	34.80	32.40	30.00	27.60	25.20	22.80	20.40
220	240	46.00	43.60	41.20	38.80	36.40	34.00	31.60	29.20	26.80	24.40
240	260	50.00	47.60	45.20	42.80	40.40	38.00	35.60	33.20	30.80	28.40
260	280	54.00	51.60	49.20	46.80	44.40	42.00	39.60	37.20	34.80	32.40
280	300	58.00	55.60	53.20	50.80	48.40	46.00	43.60	41.20	38.80	36.40
300	320	62.00	59.60	57.20	54.80	52.40	50.00	47.60	45.20	42.80	40.40
320	340	66.00	63.60	61.20	58.80	56.40	54.00	51.60	49.20	46.80	44.40
340	360	70.00	67.60	65.20	62.80	60.40	58.00	55.60	53.20	50.80	48.40
360	380	74.00	71.60	69.20	66.80	64.40	62.00	59.60	57.20	54.80	52.40
380	400	78.00	75.60	73.20	70.80	68.40	66.00	63.60	61.20	58.80	56.40
$400 or over		20% of the excess over $400 plus									
		$80.00	$77.60	$75.20	$72.80	$70.40	$68.00	$65.60	$63.20	$60.80	$58.40

If the number of dependents is in excess of the largest number of dependents shown, the amount of tax to be withheld shall be that applicable in the case of the largest number of dependents shown reduced by $2.40 for each dependent over the largest number shown, except that in no event shall the amount to be withheld be less than 3 per centum of the excess of the median wage in the bracket in which the wages fall (or if the wages paid are $400 or over, of the excess of the wages) over $24, computed, in case such amount is not a multiple of $0.10, to the nearest multiple of $0.10.

TABLE A-3

IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS SEMIMONTHLY

And the wages are		And, (1) such person is a married person claiming none of personal exemption for withholding and has—									
		No dependents	One dependent	Two dependents	Three dependents	Four dependents	Five dependents	Six dependents	Seven dependents	Eight dependents	Nine dependents
				Or, (2) such person is a married person claiming half of personal exemption for withholding and has—							
				No dependents	One dependent	Two dependents	Three dependents	Four dependents	Five dependents	Six dependents	Seven dependents
				Or, (3) such person is a single person and has—							
				No dependents	One dependent	Two dependents	Three dependents	Four dependents	Five dependents	Six dependents	Seven dependents
At least	But less than					Or, (4) such person is a married person claiming all of personal exemption for withholding and has—					
						No dependents	One dependent	Two dependents	Three dependents	Four dependents	Five dependents
						Or, (5) such person is head of a family and has—					
						No dependents or one dependent	Two dependents	Three dependents	Four dependents	Five dependents	Six dependents
		The amount of tax to be withheld shall be—									
$0	$20	$2.00	----------	----------	----------	----------	----------	----------	----------	----------	----------
20	30	5.00	$2.40	----------	----------	----------	----------	----------	----------	----------	----------
30	40	7.00	4.40	$1.80	$0.30	$0.30	$0.30	$0.30	$0.30	$0.30	$0.30
40	50	9.00	6.40	3.80	1.20	.60	.60	.60	.60	.60	.60
50	60	11.00	8.40	5.80	3.20	.90	.90	.90	.90	.90	.90
60	80	14.00	11.40	8.80	6.20	3.60	1.30	1.30	1.30	1.30	1.30
80	100	18.00	15.40	12.80	10.20	7.60	5.00	2.40	1.90	1.90	1.90
100	120	22.00	19.40	16.80	14.20	11.60	9.00	6.40	3.80	2.50	2.50
120	140	26.00	23.40	20.80	18.20	15.60	13.00	10.40	7.80	5.20	3.10
140	160	30.00	27.40	24.80	22.20	19.60	17.00	14.40	11.80	9.20	6.60
160	180	34.00	31.40	28.80	26.20	23.60	21.00	18.40	15.80	13.20	10.60
180	200	38.00	35.40	32.80	30.20	27.60	25.00	22.40	19.80	17.20	14.60
200	220	42.00	39.40	36.80	34.20	31.60	29.00	26.40	23.80	21.20	18.60
220	240	46.00	43.40	40.80	38.20	35.60	33.00	30.40	27.80	25.20	22.60
240	260	50.00	47.40	44.80	42.20	39.60	37.00	34.40	31.80	29.20	26.60
260	280	54.00	51.40	48.80	46.20	43.60	41.00	38.40	35.80	33.20	30.60
280	300	58.00	55.40	52.80	50.20	47.60	45.00	42.40	39.80	37.20	34.60
300	320	62.00	59.40	56.80	54.20	51.60	49.00	46.40	43.80	41.20	38.60
320	340	66.00	63.40	60.80	58.20	55.60	53.00	50.40	47.80	45.20	42.60
340	360	70.00	67.40	64.80	62.20	59.60	57.00	54.40	51.80	49.20	46.60
360	380	74.00	71.40	68.80	66.20	63.60	61.00	58.40	55.80	53.20	50.60
380	400	78.00	75.40	72.80	70.20	67.60	65.00	62.40	59.80	57.20	54.60
$400 or over		20% of the excess over $400 plus									
		$80.00	$77.40	$74.80	$72.20	$69.60	$67.00	$64.40	$61.80	$59.20	$56.60

If the number of dependents is in excess of the largest number of dependents shown, the amount of tax to be withheld shall be that applicable in the case of the largest number of dependents shown reduced by $2.60 for each dependent over the largest number shown, except that in no event shall the amount to be withheld be less than 3 per centum of the excess of the median wage in the bracket in which the wages fall (or if the wages paid are $400 or over, of the excess of the wages) over $26, computed, in case such amount is not a multiple of $0.10, to the nearest multiple of $0.10.

TABLE A-4

IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS MONTHLY

And the wages are		And, (1) such person is a married person claiming none of personal exemption for withholding and has—									
		No dependents	One dependent	Two dependents	Three dependents	Four dependents	Five dependents	Six dependents	Seven dependents	Eight dependents	Nine dependents
				Or, (2) such person is a married person claiming half of personal exemption for withholding and has—							
				No dependents	One dependent	Two dependents	Three dependents	Four dependents	Five dependents	Six dependents	Seven dependents
				Or, (3) such person is a single person and has—							
				No dependents	One dependent	Two dependents	Three dependents	Four dependents	Five dependents	Six dependents	Seven dependents
						Or, (4) such person is a married person claiming all of personal exemption for withholding and has—					
At least	But less than					No dependents	One dependent	Two dependents	Three dependents	Four dependents	Five dependents
						Or, (5) such person is head of a family and has—					
						No dependents or one dependent	Two dependents	Three dependents	Four dependents	Five dependents	Six dependents
		The amount of tax to be withheld shall be—									
$0	$40	$4.00	----------	----------	----------	----------	----------	----------	----------	----------	----------
40	50	9.00	$3.80	----------	----------	----------	----------	----------	----------	----------	----------
50	60	11.00	5.80	$0.60	$0.10	$0.10	$0.10	$0.10	$0.10	$0.10	$0.10
60	70	13.00	7.80	2.60	.40	.40	.40	.40	.40	.40	.40
70	80	15.00	9.80	4.60	.70	.70	.70	.70	.70	.70	.70
80	100	18.00	12.80	7.60	2.40	1.10	1.10	1.10	1.10	1.10	1.10
100	120	22.00	16.80	11.60	6.40	1.70	1.70	1.70	1.70	1.70	1.70
120	140	26.00	20.80	15.60	10.40	5.20	2.30	2.30	2.30	2.30	2.30
140	160	30.00	24.80	19.60	14.40	9.20	4.00	2.90	2.90	2.90	2.90
160	200	36.00	30.80	25.60	20.40	15.20	10.00	4.80	3.80	3.80	3.80
200	240	44.00	38.80	33.60	28.40	23.20	18.00	12.80	7.60	5.00	5.00
240	280	52.00	46.80	41.60	36.40	31.20	26.00	20.80	15.60	10.40	6.20
280	320	60.00	54.80	49.60	44.40	39.20	34.00	28.80	23.60	18.40	13.20
320	360	68.00	62.80	57.60	52.40	47.20	42.00	36.80	31.60	26.40	21.20
360	400	76.00	70.80	65.60	60.40	55.20	50.00	44.80	39.60	34.40	29.20
400	440	84.00	78.80	73.60	68.40	63.20	58.00	52.80	47.60	42.40	37.20
440	480	92.00	86.80	81.60	76.40	71.20	66.00	60.80	55.60	50.40	45.20
480	520	100.00	94.80	89.60	84.40	79.20	74.00	68.80	63.60	58.40	53.20
520	560	108.00	102.80	97.60	92.40	87.20	82.00	76.80	71.60	66.40	61.20
560	600	116.00	110.80	105.60	100.40	95.20	90.00	84.80	79.60	74.40	69.20
600	640	124.00	118.80	113.60	108.40	103.20	98.00	92.80	87.60	82.40	77.20
640	680	132.00	126.80	121.60	116.40	111.20	106.00	100.80	95.60	90.40	85.20
680	720	140.00	134.80	129.60	124.40	119.20	114.00	108.80	103.60	98.40	93.20
720	760	148.00	142.80	137.60	132.40	127.20	122.00	116.80	111.60	106.40	101.20
760	800	156.00	150.80	145.60	140.40	135.20	130.00	124.80	119.60	114.40	109.20
$800 or over		20% of the excess over $800 plus									
		$160.00	$154.80	$149.60	$144.40	$139.20	$134.00	$128.80	$123.60	$118.40	$113.20

If the number of dependents is in excess of the largest number of dependents shown, the amount of tax to be withheld shall be that applicable in the case of the largest number of dependents shown reduced by $5.20 for each dependent over the largest number shown, except that in no event shall the amount to be withheld be less than 3 per centum of the excess of the median wage in the bracket in which the wages paid fall (or if the wages paid are $800 or over, of the excess of the wages) over $52, computed, in case such amount is not a multiple of $0.10, to the nearest multiple of $0.10.

TABLE A-5

IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS A DAILY PAYROLL PERIOD OR A MISCELLANEOUS PAYROLL PERIOD

And the wages divided by the number of days in such period are—		And, (1) such person is a married person claiming none of personal exemption for withholding and has—									
		No dependents	One dependent	Two dependents	Three dependents	Four dependents	Five dependents	Six dependents	Seven dependents	Eight dependents	Nine dependents
				Or, (2) such person is a married person claiming half of personal exemption for withholding and has—							
				No dependents	One dependent	Two dependents	Three dependents	Four dependents	Five dependents	Six dependents	Seven dependents
				Or, (3) such person is a single person and has—							
				No dependents	One dependent	Two dependents	Three dependents	Four dependents	Five dependents	Six dependents	Seven dependents
At least	But less than					Or, (4) such person is a married person claiming all of personal exemption for withholding and has—					
						No dependents	One dependent	Two dependents	Three dependents	Four dependents	Five dependents
						Or, (5) such person is head of a family and has—					
						No dependents or one dependent	Two dependents	Three dependents	Four dependents	Five dependents	Six dependents
		The amount of tax to be withheld shall be the following amount multiplied by the number of days in such period									
$0	$1	$0.10	----------	----------	----------	----------	----------	----------	----------	----------	----------
1	2	.30	$0.15	----------	----------	----------	----------	----------	----------	----------	----------
2	3	.50	.35	$0.15	----------	----------	----------	----------	----------	----------	----------
3	4	.70	.55	.35	$0.20	$0.05	$0.05	$0.05	$0.05	$0.05	$0.05
4	5	.90	.75	.55	.40	.20	.10	.10	.10	.10	.10
5	6	1.10	.95	.75	.60	.40	.25	.10	.10	.10	.10
6	7	1.30	1.15	.95	.80	.60	.45	.30	.15	.15	.15
7	8	1.50	1.35	1.15	1.00	.80	.65	.50	.30	.15	.15
8	9	1.70	1.55	1.35	1.20	1.00	.85	.70	.50	.35	.20
9	10	1.90	1.75	1.55	1.40	1.20	1.05	.90	.70	.55	.35
10	12	2.20	2.05	1.85	1.70	1.50	1.35	1.20	1.00	.85	.65
12	14	2.60	2.45	2.25	2.10	1.90	1.75	1.60	1.40	1.25	1.05
14	16	3.00	2.85	2.65	2.50	2.30	2.15	2.00	1.80	1.65	1.45
16	18	3.40	3.25	3.05	2.90	2.70	2.55	2.40	2.20	2.05	1.85
18	20	3.80	3.65	3.45	3.30	3.10	2.95	2.80	2.60	2.45	2.25
20	22	4.20	4.05	3.85	3.70	3.50	3.35	3.20	3.00	2.85	2.65
22	24	4.60	4.45	4.25	4.10	3.90	3.75	3.60	3.40	3.25	3.05
24	26	5.00	4.85	4.65	4.50	4.30	4.15	4.00	3.80	3.65	3.45
26	28	5.40	5.25	5.05	4.90	4.70	4.55	4.40	4.20	4.05	3.85
28	30	5.80	5.65	5.45	5.30	5.10	4.95	4.80	4.60	4.45	4.25
$30 or over............		20% of the excess over $30 plus									
		$6.00	$5.85	$5.65	$5.50	$5.30	$5.15	$5.00	$4.80	$4.65	$4.45

If the number of dependents is in excess of the largest number of dependents shown, the amount of tax to be withheld shall be that applicable in the case of the largest number of dependents shown reduced by $0.15 for each dependent over the largest number shown, except that in no event shall the amount to be withheld be less than 3 per centum of the excess of the product of the median wage in the bracket in which the wages fall and the number of days in the period (or if the wages paid are $30 or over, of the excess of the wages) over the product of $1.70 and the number of days in the period, computed, in case such amount is not a multiple of $0.05 to the nearest multiple of $0.05.

HOW TO USE TABLE B

Employers who use the wage bracket withholding method (Tables A-1 to A-5) for determining the amount of tax to be withheld do not need to refer to the following Table B.

For the convenience of employers who do not elect to use the wage bracket withholding table, there has been constructed a table which shows the lowest amounts of wages by family status and payroll periods at which the family status withholding exemption and the 20 percent rate apply. For wages below these amounts, the Victory Tax withholding exemption and the 3 percent rate apply.

Example:

If the payroll period is weekly, all wage payments of $33.18 and over are subject to the family status withholding exemption and the 20 percent rate for—

Married persons claiming no personal exemption (Item I (1) of Form W–4) with five dependents.

Married persons claiming half of the exemption (Item I (2) of Form W–4) with three dependents.

Single persons (Item I (3) of Form W–4) with three dependents.

Married persons claiming all the exemption (Item I (4) of Form W–4) with one dependent.

Heads of family (Item I (5) of Form W–4) with two dependents.

If the weekly wage payments are less than $33.18 for these classes, the payments are subject to the 3 percent tax on the excess of wages over the weekly Victory Tax withholding exemption of $12.00.

Thus, it will be observed that before computing the tax to be withheld it is possible through the use of the following Table B to divide the wage accounts as between those subject to 20 percent on the amount in excess of the family status withholding exemption and those subject to 3 percent on the amount in excess of the Victory Tax withholding exemption.

TABLE B

20 PERCENT OF WAGES IN EXCESS OF FAMILY STATUS WITHHOLDING EXEMPTION IS APPLICABLE FOR WAGES *EQUAL TO OR IN EXCESS OF* THE AMOUNTS SHOWN. 3 PERCENT OF WAGES IN EXCESS OF VICTORY TAX EXEMPTION IS APPLICABLE FOR WAGES *LESS THAN* THE AMOUNTS SHOWN.

If the payroll period with respect to an employee is—	And, (1) such person is a married person claiming none of personal exemption for withholding and has—									
	No dependents	One dependent	Two dependents	Three dependents	Four dependents	Five dependents	Six dependents	Seven dependents	Eight dependents	Nine dependents
			Or, (2) such person is a married person claiming half of personal exemption for withholding and has—							
			No dependents	One dependent	Two dependents	Three dependents	Four dependents	Five dependents	Six dependents	Seven dependents
			Or, (3) such person is a single person and has—							
			No dependents	One dependent	Two dependents	Three dependents	Four dependents	Five dependents	Six dependents	Seven dependents
					Or, (4) such person is a married person claiming all of personal exemption for withholding and has—					
					No dependents	One dependent	Two dependents	Three dependents	Four dependents	Five dependents
					Or, (5) such person is head of a family and has—					
					No dependents or one dependent	Two dependents	Three dependents	Four dependents	Five dependents	Six dependents
Weekly	0	0	0	$19.06	$26.12	$33.18	$40.24	$47.29	$54.35	$61.41
Biweekly	0	0	0	38.12	52.24	66.35	80.47	94.59	108.71	122.82
Semimonthly	0	0	0	41.29	56.59	71.88	87.18	102.47	117.76	133.06
Monthly	0	0	0	82.59	113.18	143.76	174.35	204.94	235.53	266.12
Quarterly	0	0	0	247.77	339.53	431.30	523.06	614.82	706.59	798.35
Semiannual	0	0	0	495.53	679.06	862.59	1,046.12	1,229.65	1,413.18	1,596.71
Annual	0	0	0	991.06	1,358.12	1,725.18	2,092.24	2,459.29	2,826.35	3,193.41
Daily or miscellaneous (per day of such period)	0	0	0	2.70	3.70	4.70	5.70	6.70	7.70	8.70

16—34856-1

THE SECRETARY OF THE TREASURY
WASHINGTON

June 4, 1943.

TO THE EMPLOYERS OF THE UNITED STATES:

At this time when the method of collecting the Federal Income Tax is undergoing such a complete change, many of your employees will not understand the new system. In spite of the very widespread discussion of the withholding feature, many of them will wonder and may ask why their pay is "short."

A simple leaflet in their pay envelopes may be helpful. Here is a sample explanation which, if you care to do so, you can print and enclose in the pay envelope from which the tax is first withheld.

PAY-AS-YOU-GO INCOME TAX

The new "Pay-As-You-Go" income tax law became effective July 1, 1943. It requires your employer to withhold a certain proportion of your pay. This amount is not a new tax, but is in payment of your regular Federal Income and Victory Tax.

Beginning with the pay you are receiving today your employer has withheld this tax from your wage. Therefore, you have now begun to pay your regular Income and Victory Tax as you earn the income subject to that tax.

The money withheld is not kept by your employer, but is turned over to the United States Treasury. It is *your* money, and stands to your credit as a *prepayment* of your Federal Income and Victory Tax.

After the close of the year your employer will give you a receipt showing exactly how much of your money has gone to the United States Treasury toward the payment of your taxes. Keep that receipt. It is your evidence of tax paid.

Any Federal income tax payments you made during the first two quarters of this year (March 15th and June 15th) stand to your credit as payment on *this* year's income tax.

With the beginning of withholding some of your employees may be inclined to offset their apparent loss of income by reducing their regular subscription to War Savings Bonds. It is vitally important that every effort be made to maintain or even increase the present rate of War Bond purchases. I will appreciate anything you can do to help.

I believe that any additional burden placed upon you as an employer or upon us at the Treasury will be more than offset by the benefits to be derived. Let me thank you in advance for your assistance, and assure you that we will do everything possible to promote the smooth operation of this new Income Tax machinery.

Sincerely yours,

Henry Morgenthau Jr.

Secretary of the Treasury.

U. S. GOVERNMENT PRINTING OFFICE 16—34856-1

TAX BULLETIN

DECEMBER 24, 1943 * * * * * * * * * * * * * No. 3

1760 N St., N. W. NATIONAL ASSOCIATION OF BROADCASTERS Wash. 6, D. C.

TAX EFFECTS UPON COMPULSORY SALES OR EXCHANGES OF PROPERTY

In view of the recent order of the Federal Communications Commission respecting multiple ownership the following provisions in the 1943 Revenue Bill will be of special interest to those who may be affected by this order.

The Senate version of the pending Bill contains a section intended to mitigate the tax effects of compulsory sales or exchanges of property. This section reads as follows:

"SEC. 116. Gain From Sale or Exchange of Property Pursuant to Orders of Federal Communications Commission.

"(a) In General.—Section 112 is amended by adding at the end thereof a new subsection as follows:

"'(m) Gain From Sale or Exchange Pursuant to Orders of Federal Communications Commission.—The sale or exchange of property required by the Federal Communications Commission by order or as a condition to the granting of any application for a construction permit, for the transfer of control, or for the assignment or renewal of any license, shall, if the taxpayer elects to have the benefits of this section, be treated as an involuntary conversion of such property subject to subsection (f)[1] and the part of the gain, if any, which is recognized after the application of such subsection shall nevertheless not be recognized to the extent that it is applied to reduce the basis for determining loss upon sale or exchange of property, of a character subject to the allowance for depreciation under section 23(1), remaining in the hands of the taxpayer immediately after the sale or exchange, or acquired in the same taxable year. The manner and amount of such reduction shall be determined under regulations prescribed by the Commissioner with the approval of the Secretary. The election of the taxpayer to have the benefits of this subsection shall be made by a statement to that effect in his return for the taxable year in which the sale or exchange takes place (or, with respect to taxable years beginning before January 1, 1944, by a statement to that effect filed within six months after the effective date of the Revenue Act of 1943 in such manner and form as may be prescribed by regulations prescribed by the Commissioner with the approval of the Secretary) and such election shall be binding for all subsequent taxable years.'

"(b) Taxable Years to Which Applicable.—The amendments made by this section shall be applicable with respect to taxable years beginning after December 31, 1942."

The Senate Finance Committee Report contains the following paragraphs explanatory of the proposed provision:

General Statement (Page 23 of the Report)

"In line with its policy of separating joint ownership of competing radio stations the Federal Communications Commission may order the sale of certain radio properties and in such a sale the companies may realize a capital gain. In involuntary conversions, the gain is not taxable if the proceeds of the sale are used in the purchase of similar property or in the establishment of a replacement fund. Due to wartime restrictions, the purchase of new radio property may be difficult. However, the bill treats such sales as involuntary conversions at the taxpayer's election. There may be situations where the taxpayer is unable to convert the proceeds of the sale into related properties. Therefore, the bill also contains an additional relief provision, under which the capital gain will not, at the taxpayer's election, be subject to taxation in the year of sale, to the extent that the basis of the remaining depreciable property in the hands of the taxpayer is reduced by the amount of the gain from the sale."

Detailed Discussion (Pages 53 and 54 of the Report)

"The Federal Communications Commission, in pursuance of the policy of eliminating common ownership of directly competing radio facilities, may condition applications for renewal of licenses or other applications upon the elimination of such common control and disposition of some of the facilities or property. This section [116], for which there is no corresponding provision in the House bill, provides that a sale or exchange of property required by order of the Commission or required as a condition of granting certain applications shall at the election of the taxpayer be treated as an involuntary conversion of property. The taxpayer may thus elect to have the benefits of section 112(f). If the property is converted into property similar or related in service or the entire proceeds forthwith expended in the acquisition of such property or in the establishment of a proper replacement fund, no gain is recognized.

---

[1] (f) Involuntary Conversions.—If property (as a result of its destruction in whole or in part, theft or seizure, or an exercise of the power of requisition or condemnation, or the threat or imminence thereof) is compulsorily or involuntarily converted into property similar or related in service or use to the property so converted, or into money which is forthwith in good faith, under regulations prescribed by the Commissioner with the approval of the Secretary, expended in the acquisition of other property similar or related in service or use to the property so converted, or in the acquisition of control of a corporation owning such other property, or in the establishment of a replacement fund, no gain shall be recognized, but loss shall be recognized. If any part of the money is not so expended, the gain, if any, shall be recognized to the extent of the money which is not so expended (regardless of whether such money is received in one or more taxable years and regardless of whether or not the money which is not so expended constitutes gain).

communications have been classified as an essential war activity."

COAST TO COAST SERVICE

Philco is attacking the wartime radio service job on a nation-wide basis, following long and careful experimentation.

Test shops were set up in several cities with service experts and distributors working together to develop a streamlined plan to make best use of existing facilities and materials. This wartime radio service is already operative in Albany and Philadelphia. The New York distributor is ready to swing into action and Newark is expecting to be operating soon thereafter.

The first phase of the job is to get the wartime radio service plan operating in all Philco distributor cities. From these points the movement will fan out, during the second phase, to cover the balance of the country.

Backed by the same vigorous promotion that has characterized Philco's efforts from the beginning, this should not take long.

CONGRATULATE NEAREST DISTRIBUTOR

All men in the manufacturing, distributing and service end of the radio business realize and appreciate how much broadcasters have contributed to the war effort. So welcome these Philco distributors, listed below, as partners in your work. "Radio Reaches People" only when somebody executes plans for keeping home sets working.

Congratulations are in order and every broadcaster should find time, during the next few days, to tell his nearest Philco distributor how much he welcomes his assistance.

Philco Distributors

ALABAMA

Watts-Newsome Co.,
1705 First Ave., N.,
Birmingham, Ala.

Walther Bros., Inc.,
115 Commerce St.,
Montgomery, Ala.

Allen & Jemison Co.,
P. O. Box 440,
Tuscaloosa, Ala.

ARIZONA

Electrical Equipment Co.,
424 N. Central Ave.,
Phoenix, Arizona.

ARKANSAS

Bush-Caldwell Company,
121 Main St.,
Little Rock, Ark.

CALIFORNIA

Devlin & Drew Co.,
718 F Street,
Fresno, Calif.

Listenwalter & Gough,
1163 Pine Ave.,
Long Beach, Calif.

Listenwalter & Gough,
819 E. First St.,
Los Angeles, Calif.

Standard Electric Co.,
131 W. Ash St.,
San Diego, Calif.

Thompson & Holmes,
Att: C. Sharrah,
2701 16th St.,
San Francisco, Calif.

Listenwalter & Gough,
318 State Street,
Santa Barbara, Calif.

COLORADO

Radio & Appliance Dist.,
1708 16th St., Box 5552,
Denver, Colo.

CONNECTICUT

Roskin Distributors, Inc.,
48-50 Winthrop St.,
Hartford, Conn.

DELAWARE

Garrett-Miller Co.,
4th & Orange Sts.,
Wilmington, Del.

FLORIDA

Bent Distributing Co.,
114 Park Street,
Jacksonville, Fla.

FLORIDA—*Continued*

Electric Sales & Service,
1550 N. E. 2nd St.,
Miami, Fla.

Pensacola Appliance Co.,
16 E. Garden St.,
Pensacola, Fla.

L & L Distributors,
3703 Nebraska Ave.,
Tampa, Fla.

GEORGIA

Ferrell Wight Co.,
421 Washington St., N.,
Albany, Ga.

Brown Dist. Co.,
731 Glenn St., S.W.,
Atlanta, Ga.

G. T. Tuten,
420 W. Broughton St.,
Savannah, Ga.

ILLINOIS

Philco Dists., Inc.,
3335 West 47th St.,
Chicago, Ill.

Linn & Scruggs Co.,
N. Maine & Prairie Ave.,
Decatur, Ill.

Williams, Inc.,
800 S. Adams St.,
Peoria, Ill.

Merkel Bros. Hdwe. Co.,
1711 Broadway,
Quincy, Ill.

Schmiers Radio Shop,
Rock Island, Ill.

INDIANA

Radio Equipment Company, Inc.,
1219-25 N. Meridian St.,
Indianapolis, Ind.

Radio Equipment Co.—So. Bend,
738 S. Michigan St.,
South Bend, Ind.

IOWA

John H. Ewinger & Son,
214 N. Main St.,
Burlington, Iowa.

IOWA—*Continued*

Willey's,
106 E. Second St.,
Davenport, Iowa.

The Roycraft-Iowa Co.,
1326 Walnut St.,
Des Moines, Iowa.

Beardsley-McMullen Co.,
601 Pierce Street,
Sioux City, Iowa.

KANSAS

Pioneer Hardware & Music Co.,
Burlington, Kans.

Pioneer Music Co.,
Chanute, Kans.

Loyal Distributors,
815 E. Second St.,
Wichita, Kans.

KENTUCKY

McComb Supply Company,
Harlan, Ky.

Sterling Hdwe. Co., Inc.,
Hazard, Ky.

Electric Appliance Dist. of Ky.,
1601 So. First Street,
Louisville, Ky.

LOUISIANA

Butcher Bros. Wholesale,
111 West Main St.,
Lafayette, La.

Walther Bros., Inc.,
722 Howard St.,
New Orleans, La.

Ark-La-Tex Wholesale Co.,
1307 Marshall Street,
Shreveport, La.

MAINE

Utterback-Gleason Co.,
44 Broad St.,
Bangor, Maine.

Philco Wholesalers, Inc.,
919 Congress St.,
Portland, Maine.

MARYLAND

Jos. M. Zamoiski Co.,
1st Floor—Sonnenborn Bldg.,
110 S. Paca St.,
Baltimore, Md.

MASSACHUSETTS

J. H. Burke Co.,
674 Commonwealth Ave.,
Boston, Mass.

MICHIGAN

Philco Distributors, Inc.,
1627 W. Fort St.,
Detroit, Mich.

Northern Automotive Supply Co.,
813 Genesee St.,
Saginaw, Mich.

MINNESOTA

The Roycraft Co.,
1625 Hennepin Ave.,
Minneapolis, Minn.

Larson Company,
Thief River Falls, Minn.

MISSISSIPPI

Cabell Electric Co.,
422 S. Farrish St.,
Jackson, Miss.

MISSOURI

Mardick Tire & Appliance Co.,
3rd & Virginia,
Joplin, Mo.

Federal Distributing Co.,
1717 Walnut St.,
Kansas City, Mo.

Artophone Corp. of St. Louis,
4200 Forest Park Blvd.,
St. Louis, Mo.

MONTANA

Ellis Paint Co.,
64 W. Park Ave.,
Butte, Mont.

Farm & Home Appliance Co.,
609 Main St.,
Miles City, Mont.

NEBRASKA

Gaston Music Co.,
2220 Central Ave.,
Kearney, Nebr.

H. C. Noll Co.,
2226 Harney Street,
Omaha, Nebr.

NEVADA

H. E. Saviers & Son, Inc.,
Wholesale Department,
P. O. Box #1329,
Reno, Nev.

NEW JERSEY

United Tire Stores Co.,
537 S. Broad St.,
Trenton, N. J.

NEW YORK

Empire State Dist.,
300 Central Ave.,
Albany N. Y.

Broome Dist. Co., Inc.,
221-225 Washington St.,
Binghamton, N. Y.

W. Bergman Company, Inc.,
Oak & Eagle Streets,
Buffalo, N. Y.

Roskin Bros., Inc.,
27 W. Main St.,
Middletown, N. Y.

Philco Distributors, Inc.,
New York Div.,
373 Fourth Ave.,
New York, N. Y.

M. P. Myers Co., Inc.,
Plattsburg, N. Y.

Beaucaire, Inc.,
228-230 Broadway,
Rochester, N. Y.

Broome Dist. Co., Inc.,
912 Erie Blvd., E.,
Syracuse, N. Y.

NORTH CAROLINA

A. K. Sutton, Inc.,
1023 W. Morehead St.,
Charlotte, N. C.

Hunter Brothers, Inc.,
467-469 Hay St.,
Fayetteville, N. C.

James T. Little,
Carolina Sales Corporation,
Greenville, N. C.

Buck's Distributing Co.,
12 Dock St.,
Wilmington, N. C.

C. R. Williams Radio Co.,
211 S. Liberty St.,
Winston-Salem, N. C.

NORTH DAKOTA

Northern Radio & Appliance Co.,
Fargo, N. Dak.

Mandan Electric Supply Co.,
110 E. Main St.,
Mandan, N. Dak.

Maytag Electric Store,
Minot, N. Dak.

OHIO

The Tri-State Dist. Corp.,
212 E. Eighth Street,
Cincinnati, Ohio.

Strong-Carlisle & Hammond Co.,
1394 W. Third St.,
Cleveland, Ohio.

Bennett Radio Co., Inc.,
211 N. Fourth St.,
Columbus, Ohio.

Philco Distributors, Inc.,
335 Woodruff St.,
Toledo, Ohio.

Appliance Wholesalers, Inc.,
809 Market St.,
Youngstown, Ohio.

OKLAHOMA

Southwest Radio & Equipment Co.,
1-3 W. 10th Street,
Oklahoma City, Okla.

OREGON

Appliance Wholesalers of Oregon,
123 N. E. Third Ave.,
Portland, Ore.

PENNSYLVANIA

Luckenbach & Johnson, Inc.,
1034 Chestnut St.,
Allentown, Pa.

Radio & Motor Service, Inc..
800 Chestnut St.,
Altoona, Pa.

Young Brothers,
418 E. 21st St.,
Erie, Pa.

Eshelman Supply Co.,
110 N. Water St.,
Lancaster, Pa.

PENNSYLVANIA—*Continued*

Philco Dists., Inc.,
1717 Sansom St.,
Philadelphia, Pa.

C. R. Rogers Co.,
5434 Penn St.,
Pittsburgh, Pa.

Biehl's, Inc.,
500 S. Center St.,
Pottsville, Pa.

B. O. R. Radio Co.,
217 Chestnut St.,
Reading, Pa.

Electric Appliance Distribs.,
163 Market St.,
Williamsport, Pa.

RHODE ISLAND

Simons Distributing Company,
17 Lyman Street,
Providence, R. I.

TENNESSEE

Radio Sales Company,
531 Broad St.,
Chattanooga, Tenn.

Bomar Appliance Co.,
Broadway at Jackson,
Knoxville, Tenn.

Orgill Bros. & Co.,
32 W. Calhoun,
Memphis, Tenn.

McWhorter Weaver & Co.,
178-180 Second Ave.,
Nashville, Tenn.

TEXAS

Adleta Company,
1900 Cedar Springs,
Dallas, Texas.

Momsen-Dunnegan-yan Co.,
800 E. Overland,
El Paso, Texas,

The Mathes Co.,
306 Calhoun St.,
Fort Worth, Texas.

Crumpacker Distributing Corp.,
36 N. Hamilton St.,
Houston, Texas.

Taylor Dist. Co.,
P. O. Box 1300,
San Antonio, Texas.

UTAH

Strevell-Paterson Hdwe.,
126 S. W. Temple St.,
Salt Lake City, Utah.

VERMONT

Vermont Appliance Co.,
190 Bank St.,
Burlington, Vt.

VIRGINIA

Piedmont Hardware Co.,
Danville, Va.

Commonwealth Sales Corp.,
1601 Summit Ave.,
Richmond, Va.

WASHINGTON

Appliance Wholesalers,
Boren & Republican Sts.,
Seattle, Wash.

Tull & Gibbs,
705 First Ave.,
Spokane, Wash.

WEST VIRGINIA

Bluefield Supply Co.,
23-32 Bluefield Ave.,
Bluefield, W. Va.

Van Zandt Supply Co.,
P. O. Box 760,
Huntington, W. Va.

WISCONSIN

Radio Specialty Co.,
829 N. Broadway,
Milwaukee, Wis.

WYOMING

Casper Supply Co.,
444 S. Center St.,
Casper, Wyo.

WAR BULLETIN

MARCH 19, 1943 No. 14

1760 N St., N.W. NATIONAL ASSOCIATION OF BROADCASTERS Wash., D. C.

Radio Day To Launch 2nd War Loan, April 12

Radio's pre-eminent position as the greatest force for molding public opinion speedily and effectively has been certified by the request of the United States Government that the radio industry on April 12, reach the people with the message that, on that day, the Treasury Department is launching the greatest single money-raising campaign in the history of the world.

A telegram from Secretary Morgenthau (see page 2) already has gone to every radio station asking that, on April 12, the entire broadcasting day be devoted to telling the people of the urgency for making a success of the 2nd War Loan to raise thirteen billion dollars in Government securities.

This plan to give radio the most important and effective "day" in its history to launch successfully the greatest single money-raising campaign in history, so that our Government will be able to finance successfully the greatest war in history, has met with the complete approval and support of the Office of War Information.

In making its request to radio stations to devote the entire broadcasting day of April 12, to launch the 2nd War Loan, the Treasury emphasized the following important points:

Radio Day is a cooperative not a competitive effort. There are no quotas, and amounts raised by radio stations during this "day" will not be publicized.

Such campaigns have been conducted in the past by individual radio stations, with tremendous success, due to the radio stations' own ingenuity and resourcefulness.

In the past, radio stations have achieved tremendous sales of Government Bonds by working in cooperation with each other, banks, retail stores, Army Camps, Naval Stations, Marine Bases, war industries, theaters, local personalities, etc. In addition to such tie-ups on Radio Day, radio stations of course are urged to build special events and special programs and use existing commercial and sustaining programs.

The Treasury Department is sending all stations a special half-hour deluxe Treasury

MORGENTHAU TELEGRAM OF MARCH 17

TO ALL RADIO STATIONS

THE UNITED STATES TREASURY ON APRIL TWELVE WILL LAUNCH THE GREATEST SINGLE MONEY-RAISING CAMPAIGN IN THE WORLD'S HISTORY TO BE KNOWN AS THE SECOND WAR LOAN. FOR A PERIOD OF APPROXIMATELY THREE WEEKS THE TREASURY WILL CONDUCT A DRIVE TO SELL THIRTEEN BILLION DOLLARS OF GOVERNMENT SECURITIES.

IN ORDER TO START OFF THIS GIGANTIC CAMPAIGN ALL FOUR NETWORKS WILL DEVOTE THE ENTIRE DAY OF APRIL TWELVE TO A ROUND THE CLOCK SELLING DRIVE ON SUSTAINING AND COMMERCIAL PROGRAMS. SINCE SIMILAR EFFORTS BY INDIVIDUAL STATIONS IN THE PAST HAVE BEEN CONDUCTED WITH TREMENDOUS SUCCESS WE HOPE THAT BOTH NETWORK AFFILIATES AND INDEPENDENTS WILL COOPERATE TO MAKE THIS A TWENTY-FOUR HOUR EFFORT. QUOTAS AND AMOUNTS RAISED BY STATIONS WILL NOT BE PUBLICIZED AS THIS IS A COOPERATIVE, NOT A COMPETITIVE EFFORT.

PLANS FOR PROMOTING THIS DRIVE HAVE BEEN DEVELOPED WITH THE HELP OF THE OFFICE OF WAR INFORMATION WHICH WILL ALSO APPRECIATE YOUR COOPERATION. AS WE HAVE SPECIAL MATERIAL WHICH WILL BE OF INTEREST TO STATIONS IN THE OPENING DAY'S PROMOTION WE WOULD APPRECIATE HEARING FROM YOU BY COLLECT WIRE IF YOU WILL COOPERATE. ALSO PLEASE SEND US BY FAST MAIL ANY TENTATIVE PLANS YOU MAY HAVE.

WE EXTEND OUR SINCERE THANKS AND DEEP APPRECIATION TO YOU AND THE ENTIRE RADIO INDUSTRY.

HENRY MORGENTHAU, JR.
SECRETARY OF THE TREASURY

DWB
WR/sg

Star Parade program for use on April 12. Live copy, on the 2nd War Loan, will be included in the OWI station announcement plan package as substitute announcements for other OWI messages on April 12. The Office of War Information also will send a copy-fact sheet on the 2nd War Loan to all stations. The stations also will receive editions of the War Finance Committee News, with suggestions for promoting the sale of Government Bonds.

The editors of the War Finance Committee News are banking on the stations themselves to send in these suggestions so that the best of them may be circulated to the entire industry for the best possible results. In view of the short time before the opening of the 2nd War Loan of course it is imperative that the radio stations send in their suggestions immediately.

RADIO ONE OF WORLD'S FINEST WEAPONS

America now possesses the world's finest weapons and among these must be classed radio.

The radio industry can lead the way in the Second War Loan, by telling the people how necessary it is to the successful prosecution of this war . . . that they lend every possible dollar to the Government by buying War Bonds and other Government securities.

/S/ ELMER DAVIS
Director of Office
of War Information

Following are some suggestions with which radio stations achieved great success in past Bond-selling campaigns and which are applicable for use in launching the 2nd War Loan on April 12, and throughout the campaign.

State-wide or city-wide inaugural broadcasts by Governor or Mayor.

Local or state broadcast by president of Federal Reserve Bank and/or War Savings Staff State Administrator.

Local broadcasts by bank presidents and other leading businessmen.

Broadcasts of local civic club luncheons and meetings, such as Chamber of Commerce, Kiwanis, Rotary Club, American Legion, etc., with special 2nd War Loan speakers.

One or more local news cut-ins from Federal Reserve Bank, or other appropriate points, for announcement of last-minute sales figures of 2nd War Loan securities.

Local hero or heroes day program, with program's emphasis on using every possible dollar for buying 2nd War Loan securities, on April 12, in honor of that hero or those heroes.

Women's rallies, with WAAC, WAVE, SPAR, WIRE, MARINES, as speakers.

Labor-management rallies, with prominent labor and management leaders as speakers.

YOU WILL NOT FAIL

Once again, as so many times before, you are called upon to be of service to our people. We the Government are embarking on April 12, on a Second War Loan to raise thirteen billion dollars. The success of this Second War Loan will depend, to a great extent, on the intimate contact between the radio industry and the people of America. I know you will not fail to do your utmost.

/S/ CLARENCE F. LEA
Chairman, Committee on Interstate
and Foreign Commerce.

Programs featuring Americans born in foreign lands and/or of foreign descent.

Swing-shift pickups from war plants.

Programs featuring appearances by visiting celebrities . . . or local radio or theater personalities . . . would solicit sales at retail stores, public gatherings and points of interest throughout the community.

Program during which station's leading announcer or personality would "build" a piece of military equipment, such as a bomber, warship, etc., through phone orders to or direct sales at the station. The sales figures would be announced regularly as the piece of military aquipment progresses toward completion.

Special program or programs from the stage of the local theater or theaters, following or preceding the theater's regular show. During the special program, the performers and/or artists would do a special bond-selling stunt which would be broadcast.

Direct sales program from a local night club or hotel dine-and-dance room, leading up to total sales, during program, at program's point of origin.

Bond rally during athletic event in local Armory, Coliseum or school gymnasium.

Broadcast(s) from local hospital(s) with convalescing service men—this copy to be prepared in advance and cleared as required with Army and/or Navy.

Broadcast(s) featuring members of children's groups, such as 4-H, Girl Scouts, Boy Scouts, to report the part children are playing in the 2nd War Loan.

Of course, as in the offices of local radio stations, plans are brewing right now in the offices of all four networks—Blue Network, Columbia Broadcasting System, Mutual Broadcasting System and National Broadcasting Company—for all-day promotion and sale of Government Bonds on April 12. More than one of the networks is planning tentatively on using a topnotch star —or stars—in a round-the-clock stunt in behalf of the sale of these Government securities. Such a performance would be modelled on Kate Smith's all-day effort on CBS and Charles Laughton's all-day effort on NBC. As is known, during this all-day effort, Kate Smith raised $2,013,000.00 in War Bonds and Charles Laughton raised over $300,000.00 in War Bonds, and the Blue Network in "Bond Night on the Blue," in a seven hour drive, amassed the total of over $11,000,000.00 in War Bonds. In this connection it should be emphasized that War Bonds are 2nd War Loan Bonds.

The slogan of the 2nd War Loan is "They Give Their Lives, You Lend Your Money." The theme of the 2nd War Loan boils down to one sentence: Back up the men in the armed forces.

Expanded, the theme of "Back up the men in the armed forces" amounts to the following:

The 2nd War Loan to raise thirteen billion dollars through the sale of Government Bonds (War Bonds and other Government securities) is one of the most important battles in which we of the home front are engaged. The success of this 2nd War Loan will have a great bearing on the success of our armies in the field. Remember, our armies are made up of our sons and brothers and husbands and friends. We cannot let them down!

The way to go over the top in the battle of the 2nd War Loan is to put every penny not needed for the essentials of living into the Government securities of the 2nd War Loan. There are Bonds to fit every need and every purse.

This is an all-out drive to help finance total war—involving self-denial and sacrifice. Our enemies will not stop at anything. We must go all-out with our dollars (from our paychecks *and* from our pockets) as well as with everything else in order to beat them . . . to preserve our liberties, our individual freedom, our lives! Hammer home the thought—this is not a 10%, not a 15%, not even a 20% war. This is a total war!

RADIO'S GREATEST RESPONSIBILITY

You are now called upon to shoulder one of the greatest responsibilities of your history—that of aiding the United States Treasury Department in raising $13,000,000,000 between April 12 and May 1.

/S/ James Lawrence Fly, Chairman,
Federal Communications Commission

One method of emphasizing how necessary it is for every person to invest more . . . no matter how much he or she is investing in War Bonds . . . is to compare the costs of war preparation, fighting on the defensive, to the higher costs of a war of the offensive which we must undertake in order to win complete victory. And we are moving toward the offensive on the battlefront!

Americans on the homefront must match the sacrifices of Americans on the battlefront. Put this in terms of fighting the enemy at home as well as abroad. War is not cheap. The President has asked for one hundred and nine billion dollars this year to fight the war. Every man, woman and child must pay a share of this war cost. Dollars are the least we can do. Should we be more tender with our dollars than with the lives of our sons . . . our brothers . . . our husbands?

Stress that the 2nd War Loan is a voluntary effort . . . a symbol of American democracy. Its success or failure will reflect on the efficiency of the American people, their faith in their Government, their value of Freedom!

Last Minute Flash!

322 STATIONS REPLIED "YES" TO SECRETARY MORGENTHAU'S WIRE WITHIN 24 HOURS

TREASURY COUNTS ON RADIO!

American broadcasters have proved they can do an outstanding job, and the United States Treasury now asks that the radio industry help lead the way in a total effort toward making a success of the Second War Loan.

/S/ HENRY MORGENTHAU, JR.
Secretary of the Treasury.

RADIO'S FINANCIAL MOBILIZATION

Radio has helped to weld the people of America into one great united force. Each and every radio station can add to this distinction, now, by helping to mobilize America's financial resources. These resources are urgently needed by our Government to fight and win the war.

/S/ NEVILLE MILLER, President
National Association of Broadcasters.

AND IN CONCLUSION!

Radio Day

I. *REASON*—To launch 2nd War Loan.

II. *2ND WAR LOAN GOAL*—$13,000,000,000 in approximately 3 weeks beginning April 12.

III. *TIME*—Around the clock full broadcasting day April 12.

IV. *QUOTAS*—There are *no* quotas, no reports. Radio Day is a cooperative not a competitive effort.

V. *WHAT YOU CAN DO*—

- a. Work out promotion plans with other station managers of your city or state.
- b. *Commercial cooperation* — Ask local sponsors to participate in Radio Day, and work out special promotions with promotion departments.
- c. *Special events*—Tie-ups with War Industries, Army Camps, theatres, etc.
- d. *Talent*—Cut into programs throughout the day either for direct sales or general promotion of the 2nd War Loan. Staff and guest talent.
- e. *Existing programs*—Use existing sustaining programs for sales and promotion.

VI. *SUGGESTIONS FOR VOLUNTEER ASSISTANCE*—

- a. AWVS
- b. American Legion
- c. Civic Clubs
- d. Boy Scouts
- e. Girl Scouts

VII. *HOW TO HANDLE SALES*—

- a. Directly, if you are an issuing agent.
- b. Through a tie-up with a local bank, using remote broadcast through the day from the bank.
- c. Through a tie-up with a local department store which is an issuing agent originating broadcast from this point.
- d. Through tie-ups with local theatres, that are issuing agents, originating broadcast directly from the theatre through the day.
- e. Through tie-ups with hotels and other points on remote broadcasts such as dance bands.

VIII. *WAYS FOR LISTENERS TO BUY BONDS*—

- a. If possible by going direct to the radio station or other points designated by the station to buy bonds in person.
- b. Telephone orders (try to arrange sufficient lines and instruments to handle telephone calls. Kate Smith at WJSV in Washington used 25 instruments and 25 incoming lines each of which was connected with one telephone number and manned by AWVS).
- c. By mail, stipulating that orders should be post-marked before midnight of April 12.